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**INSTITUTIONAL SECURITY OF THE STATE: PROBLEMS OF
INSTITUTIONAL STABILITY AND WAYS TO SOLVE THEM**

The article analyzes the scientific developments of domestic scientists and the provisions of the current legal framework of Ukraine on the subject of determining the legal and political limits of guaranteeing the institutional security of the state. It was revealed that there is no single universally recognized concept of "institutional capacity of the state" and "institutional security of the state" on the national territory. Considering this, it is recommended that the institutional capacity of Ukraine should be understood as the ability of its state apparatus to withstand external and internal risks and threats,

which is possible under the condition of the development of political subsystems and legal institutions. In addition, it insists on distinguishing the legal and organizational subsystems of public administration, which are designed to guarantee and maintain the institutional security of the state. Taking into account the legal differentiation in the definition of the security system of Ukraine, it is proposed to legislate the concept of "institutional security of the state" by amending the Law of Ukraine "On National Security of Ukraine". We believe that this type of security involves the effective activity of public institutions in the direction of ensuring the state of security of Ukraine's national interests.

Keywords: *public administration, the state, institutional security of the state, institutional capacity of the state, institutions of the political system, legal subsystems and institutions, state authorities, local self-government bodies, civil society.*

Problem setting. The increase in threats to the national security of Ukraine, which has occurred since the beginning of the full-scale armed aggression against our state, has actualized, among other things, the problems of the institutional stability of its political system and institutional capacity of its individual institutes. In the works of specialists in public administration, the main attention is paid mainly for the implementation of institutional/institutional capacity in the system of public authorities. However, it is justified that it is necessary to expand the framework analyze and integrate existing approaches to the conceptualization of institutional/institutional capacity in science from the standpoint of the formation of institutional security of the state.

Recent research and publications analysis. Research of institutional and institutional capabilities (as noted by N. Kolisnichenko, M. Voynovsky and O. Ros) of individual political institutes and other structures have been carried out by domestic scientists for quite a long time, and are a component of various fields of science, but state administration prevails among them and the economy. In the scientific works of specialists in the state management, the main attention is paid mainly to the implementation of institutional/institutional capacity in the system of state authorities and

local self-government, as in the works already mentioned N. Kolisnichenko and M. Voynovskyi and O. Ros, as well as V. Melnychuk, S. Romanyuk, O. Vasylieva, I. Grynchysyn, I. Polozheshnaya, and others. [1–4].

Paper objective. Therefore, the purpose of the article is to study the peculiarities of the formation of institutional security of Ukraine from the standpoint of defining the problems of institutional stability and the ways of their solution.

Paper main body. Analysis of the provisions of the theory of institutionalism [1; 2; 4] regarding the distinction between institutes and institutions gives grounds for asserting that different approaches to the conceptual characterization of these notions of "institutional/institutional capacity of the state" have been formed, taking into account the categories "institute" and "institution". Moreover, the complexity is compounded by the fact that the definition of "institutional security of the state" is ambiguous. Considering the fact that institutional (from "institution", English institution) - officially approved; is connected with such an organization of social relations, which is based on certain norms and rules of life and behavior of people [4, p. 299–300], it is appropriate to appeal to the meaningful filling of the phenomenon of "institutionality" and its nominalization within the framework of the formation of a holistic concept of the state security system. The institutional capacity of the state corresponds to the English term "institutional capacity", therefore institutional capacity concerns primarily institutions (authorities). Therefore, when determining the institutional security of the state, one should emphasize the importance of the characteristics of such security from the standpoint of the functioning of political institutions and subsystems, as well as legal institutions.

In this context, it is important to determine the institutional security of the state in view of the existing system of public administration, one of the main tasks of which is, first, to guarantee national security (Fig. 1). And secondly, the formation and improvement of the domestic legal framework, within which the emergence and development of all social relations takes place.

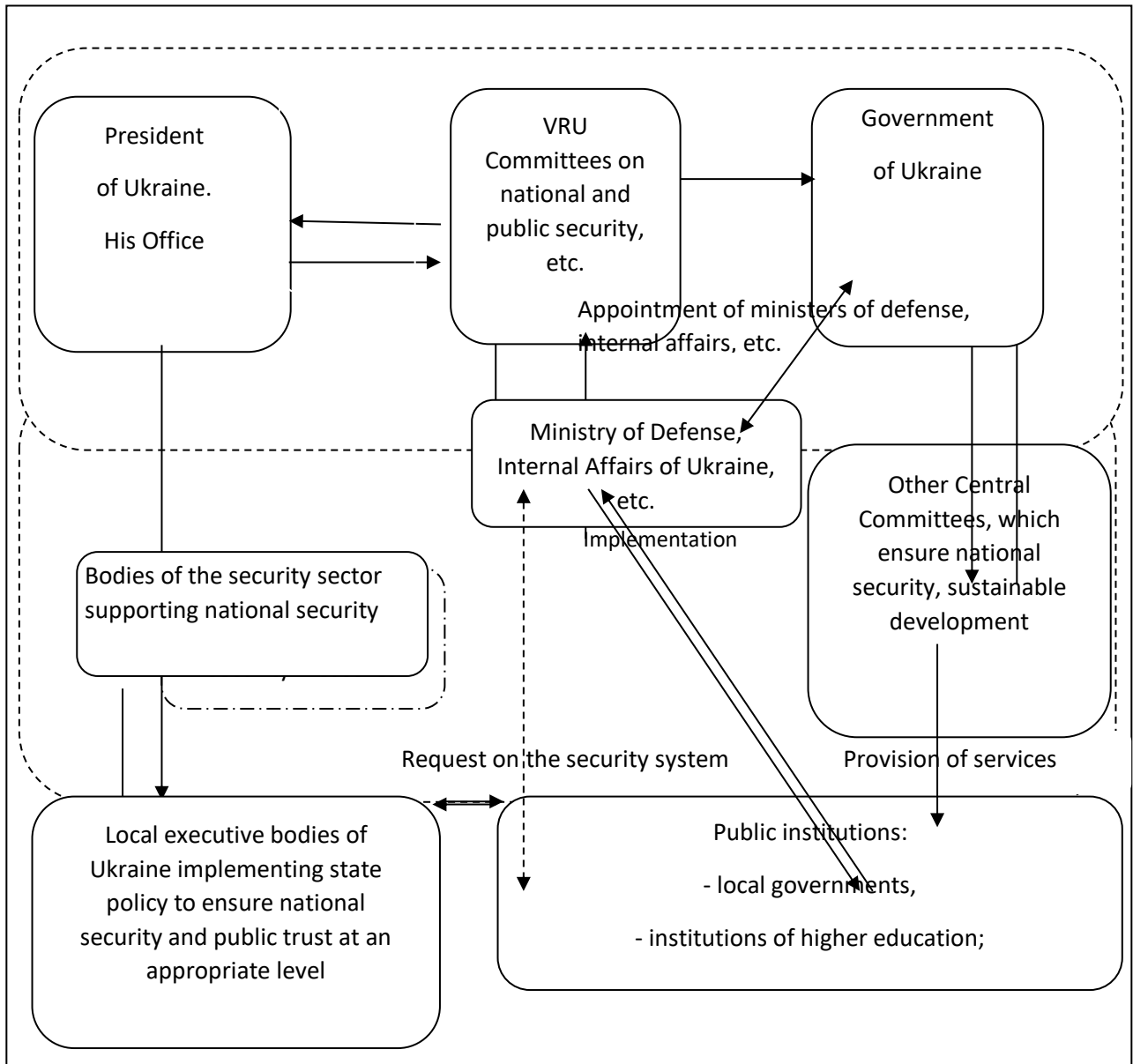


Fig. 1. Mechanism of formation of institutional security of Ukraine

Source: author's suggestions

The institutional security system of Ukraine in general and the regions in particular is characterized, first of all, by the fact that its main subject is the state. It is designed to perform functions in the field of security through relevant state and non-state institutions. The first - state - represented by the legislative, executive and judicial branches of government. The second institutions are represented by a large group of subjects who can also participate in ensuring social security in general and regions in particular, namely: citizens, organizations and associations of citizens.

On this basis, we can claim that individuals, state, public and other socio-political organizations can join the subjects of institutional security. They support institutional security at the level of individual social structures, as well as in various social communities, which are the ascending institutions of the social structure.

It is also worth noting that the state subjects of strengthening institutional security are responsible for this process not abstractly, but personified. Actually, we should talk about the need to pay attention to the responsibility of managers and officials who perform various functions in the specified area. The "viability" of the object of state influence - the subsystem that is protected, - the institutional security of the state.

The above-mentioned subjects of state administration are called to implement a system of measures to strengthen the institutional security of the state, which (the system) includes, on the one hand, general measures (in particular, organizational, legal, economic, informational, etc.), and on the other, special measures (socially oriented). Taking into account the multi-vector nature and significance of these measures in the field of institutional security of the state, we can note that the state distributes the implementation of these measures among a number of state bodies. In this context, we can offer a ranking of state institutions in the field of institutional security of the state, taking into account whether its provision is the main (priority) function of these institutions or, on the contrary, non-main (transient), but belongs to the competence of one or another governing body.

It is worth stating that the institutional basis for strengthening the security of the state consists of special forces and means, which are characterized by methods of influence to guarantee this type of security. These methods make it possible to protect the fundamental values and interests of the state and society in the specified sphere from illegal encroachments on them. It should be emphasized that the system of ensuring institutional security is not reduced only to the use of special measures and means to counter threats to the institutional security of the state, because in this case this system is ineffective. Therefore, it should be based on organizational, socio-political, economic, legal, informational, preventive and other measures carried out in relation to the entire

state, but in the interests of ensuring not only the general security system, but also the institutional one. Updating the foreign and domestic political situation and the security policy of the state, creating conditions that enable institutional security, and therefore its negative risks and threats. Note that this is not an exhaustive list of the specified measures in the field of strengthening the institutional security of the state.

Thus, the fundamental functions of the institutional system of strengthening state security should be recognized as follows:

1) timely detection and forecasting of internal and external threats to this type of security, to the vital interests of subjects related to this type of security;

2) implementation of a complex of operational and strategic measures to prevent and neutralize threats to the institutional security of the state;

3) complementary creation and effective functioning of institutional forces and means of ensuring state security, supporting them at the appropriate level with material, technical, financial and other resources;

4) internal and external management of institutional forces and means to ensure this type of security, which includes the systematic implementation of the function of supervision (control) both in normal conditions and in crisis situations;

5) implementation of measures to restore the optimal functioning of security facilities in regions that have had a certain negative impact;

6) international cooperation in support of the security system (in accordance with concluded international treaties ratified at the national level).

It should be noted that this set of measures to ensure the institutional security of the state corresponds to a certain set of functions that systematize a significant range of measures. In view of the concept of science, public management functions in the specified area should include:

1) planning as a direction of activity of security policy bodies, which must take into account different modes of functioning of the management subsystem (institutional security of the state);

2) ensuring interaction between various state and non-state institutions;

3) coordination of the actions of state bodies regarding the implementation of measures in the field of ensuring the institutional security of the state;

4) joint efforts at all levels of management (central and regional) to maintain such security at the required level, etc.

On the basis of the above, we can note that various branches of government, represented by both public authorities and state authorities – legislative, executive and judicial – take part in strengthening the institutional security of the regions [8]. At the same time, the implementation of measures in the specified area is determined by the vital need for the institutional security of the state, its wide range and complex nature. The competence of the subjects of strengthening the institutional security of the state is not the same (taking into account the performed management functions, the scope of powers and resources, as well as the methods (methods) of activity). At the same time, the distribution of competence should take place as follows:

1) the loss of each segment of the sphere of institutional security of the state should be made impossible;

2) duplication of functions of institutions participating in the public administration process of strengthening the institutional security of the state should be eliminated. All this requires a separate detailed analysis.

It should be noted that the institutional security of the state is achieved through the implementation of a balanced state security policy. It involves a set of coordinated activities united by a common goal. Such measures are marked by socio-political, organizational, legal, economic, etc. in nature and aimed at timely identification and response to challenges and threats to the interests of the individual, society and the state. State security policy is implemented by state authorities, local self-governments, and, of course, is controlled by civil society institutions. This is possible due to the adoption of the appropriate regulatory and legal framework, in particular regarding the involvement of the population in the formation and implementation of the state security policy (which should be characterized by social orientation, strategicness, etc.), as well as regarding the guarantee and support of the state security system. The latter occurs within the framework

of the adopted strategy and other conceptual and doctrinal documents.

Therefore, the leading role in strengthening the institutional security of the state is to be performed by its apparatus, through the performance of functions by the bodies of legislative, executive and judicial power. At the same time, the institutional security of the state requires purposeful, large-scale and multi-vector institutional activity to guarantee and support it.

The analysis of scientific developments in the field of science of public administration allows us to state the following: strengthening the institutional security of the state should be understood as the purposeful institutional activity of state and non-state (public) institutions regarding the timely and prompt detection, prevention of risks and threats to this type of security, which includes the security of the individual, society and states, as well as activities to counter such risks and threats. This activity is determined by the state security policy, which outlines the limits of maintaining the institutional security of the state at an appropriate level. Strengthening the institutional security of the state is the activity of public institutions regarding the formation and development of legal and political institutions, as well as the activity of the entire society and each individual citizen in ensuring the formation of the country's institutional capacity.

It should be noted that among scientists there is no single approach to the definition of institutional security. Scientist O. Marchenko defined the concept of institutional security of the enterprise and revealed its relationship with the legal security of the enterprise. The author substantiated that in wartime conditions, the goal of the institutional security of the enterprise is its preservation as a complete economic system and institutional form of entrepreneurship [5]. On this basis, we believe that the institutional security of the state involves the preservation of a complete system and a social institution, which will later be determined in the form of its state system, organization of territorial power, etc.

The implementation of the function of strengthening the institutional security of the state is a reaction to the need for it from the society, which determines the creation of

a corresponding coherent organized institutional system of public administration. It should provide for the unification of the efforts of public administration subjects, which should be preceded by, firstly, the organization of their functions, and secondly, the determination of directions and forms of relations with the aim of purposeful use of available opportunities in conditions of uncertainty and instability, which change under the influence of challenges and threats to the institutional security of the state.

Note that in order to maintain the necessary level of protection of objects of institutional security of the state, a system of legal institutions must be developed, including a number of legal norms designed to regulate relations in the sphere of such security. These legal institutes outline the main directions of institutional activity, i.e. bodies of state power and public administration in this area, which ensure the institutional security of the state through the use of control mechanisms (supervision, monitoring, evaluation, expertise, etc.). Let us emphasize that the adoption of state management decisions in the form of laws and regulations is a necessary condition, but not sufficient, for strengthening the institutional security of the state. Making these decisions does not solve all the problems related to the specified type of security. We agree with E. Glukhachev, N. Myrna, and others. [3] that law- and rule-making activity should complement the activity of a specific actor-manager (the state, its central and regional authorities, public associations and organizations, special structures, etc.) in ensuring the achievement of a specified goal.

The significant number of institutional structures involved in solving the tasks of strengthening the state security system allows us to insist that it is urgent to characterize these structures in the general hierarchy of the public administration system, which guarantee and support this security.

There are shortcomings in domestic legislation in determining ways to strengthen the security system in general and institutional security in particular. Yes, in clauses 4, 9, 10 par. 1 Art. 1 of the Law of Ukraine "On National Security of Ukraine" (2018) [6] defines the concepts of state and national security, but not the institutional security of the state. National security implies a state of protection of vital national interests from real

and potential threats. At the same time, the analyzed law [ibid.] does not outline what these vital interests are, in which sphere of social activity they arise (social, economic, environmental, etc.). Legislation only determines that national interests are formed in states, societies and individuals [6; 8].

Therefore, there is no clear demarcation of the functions of the institutions of the national security sector. It was established that this sector is represented by the system of state authorities of military, defense, law enforcement and other directions. However, national security in general and institutional security of the state in particular relate to a wide range of spheres of public life, therefore the activities of institutions that provide these types of security are diverse. Therefore, it is important to establish the concept of "institutional security of the state" in the national special legislation. Moreover, the State Administration Reform Strategy of Ukraine for 2022–2025 indicates the importance of solving problems in the field of state strategic planning by strengthening the institutional capacity of central executive bodies [7].

Conclusions. Based on the analysis of the scientific developments of domestic scientists and the current legal framework of Ukraine, we can draw the following conclusions: there is no single universally recognized concept of "institutional capacity of the state" and "institutional security of the state" on the national territory. Considering this, it is recommended that the institutional capacity of the state should be understood as the ability of its state apparatus to resist external and internal risks and threats, which is possible under the condition of the development of political subsystems and legal institutions. In addition, it insists on distinguishing the legal and organizational subsystems of public administration, which are designed to guarantee and maintain the institutional security of the state. Taking into account the legal differentiation in the definition of the security system of Ukraine, it is proposed to legislate the concept of "institutional security of the state" by amending the Law of Ukraine "On National Security of Ukraine" [6]. We believe that this type of security involves the effective activity of public institutions in the direction of ensuring the state of security of Ukraine's national interests. The prospect of further research into the features of strengthening the

institutional security of the state is evidenced by the fact that security sector bodies are entrusted with the responsibility of supporting the security system. On this basis, we believe that further scientific research should be devoted to determining the mechanisms of strengthening the institutional security of Ukraine by the security sector bodies.

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