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## **General theoretical construction of the mechanism for implementing the defence function of the state: Methodological characteristics**

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■ **Abstract.** The relevance of the subject under study is conditioned upon the scientific originality and practical significance of the implementation of the defence function of the state in the context of drastic changes in the forms and methods of conducting combat operations in modern wars. At the general theoretical level, the structure of the mechanism for implementing the defence function of the state was analysed and methodological aspects of the correlation of its main elements were highlighted. The purpose of this study was to highlight the methodological characteristics of the concept, essence, and content of the mechanism for implementing the defence function of the state, to determine its place and role in protecting state sovereignty, territorial integrity, and other national interests during the full-scale aggression of the Russian Federation against Ukraine. The methodological toolkit of this study includes a set of research approaches, philosophical, general scientific, and concrete scientific methods that provided substantiated study results regarding the mechanism of implementing the defence function of the state. The theoretical design of this mechanism was analysed, as well as certain aspects of interaction and complementarity of its structural elements were considered. It was found that the model of this mechanism comprises legal (regulatory), institutional (organizational), and functional components. The regulatory element of the mechanism for implementing the defence function of the state covers the principles and norms that ensure the regulation of legal relations in the field of preparation for armed defence and protection in the event of an armed conflict (aggression). It was established that special subjects serve as the basis of the institutional (organizational) element of this mechanism, which, within the limits of their powers, carry out defence activities aimed at preparing for armed defence and protection in the event of an armed conflict (aggression). It was noted that defence activity is a functional component of the mechanism for implementing the defence function, which is implemented by authorized entities in appropriate forms, methods, and makes provision for preparation for armed defence in the event of armed aggression (conflict). The practical value of this study lies in that based on a methodological analysis of the legal literature and regulations of Ukraine on certain aspects of the implementation of the defence function of the state, proposals were formulated to create a realistic strategy for countering the aggressor state, aimed at improving the current legislation in the fields of national security and defence.

■ **Keywords:** aggressor state; national security; defence; self-defence; sovereignty; territorial integrity

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## ■ Introduction

In the modern world, new challenges arise in the environmental, energy, information, food, raw materials, financial and other security spheres of the population's life. The danger from the uncontrolled spread of nuclear weapons, cyber threats, interstate armed conflicts, international terrorism, illegal migration, piracy, transnational organized crime can lead to the death of a considerable number of people, cause unjustified damage to their lives and health, damage the state functioning of economic and social systems, as well as worsen the state of the natural environment. The 21<sup>st</sup> century is characterized by a negative tendency to change the territorial borders of the state in violation of the principles and norms of modern international law, as well as the impossibility of resolving international legal conflicts through diplomatic instruments. In the current conditions, the safety of the population, as well as its effective defence, is a priority task for the activities of state institutions (armed forces and law enforcement agencies), which must adequately respond to the challenges that exist at the regional and interstate levels.

These theses are confirmed by the present-day events of the military, economic, energy, and political confrontation that have been transpiring in Ukraine in recent years with the participation of the Russian Federation. The full-scale invasion of the Russian army on February 24, 2022 began the next stage of the Russian-Ukrainian armed conflict, which has been going on since 2014. In this struggle, Ukraine defends its civilizational choice, pertinence to European civilization, and the priority of human rights and freedoms, which are the basis of the civilized world.

Considering the challenges and threats that exist in the world, there is a need to form a new (effective) system of national security of Ukraine and create favourable conditions for its effective defence. Methodological analysis of the legal literature suggests that most publications on implementation of the defence function of the state are interdisciplinary and are investigated by specialists in military affairs, security studies, political science, etc.

Therewith, in the context of the establishment and development of Ukraine as an independent and sovereign subject of international law, there is a need for a theoretical legal analysis of the mechanism of implementing the defence function of the state in the realities of modern challenges (Evenko, 2013).

Having systematized and summarized certain aspects of the state's defence function, it is worth stating that the term "state defence" must be interpreted as a complex of military, ecological, economic, political, social, and legal measures for the implementation of activities aimed at ensuring the independence and territorial integrity of Ukraine (Harashchuk, 2006). According to V.B. Aver'yanov, the term "de-

fence of Ukraine" should be understood as the integrity of the relations formed during the state's activities regarding the guarantee of its security with the use of the Armed Forces to protect its interests (Aver'yanov, 2005). V.V. Sokurenko (2017) believes that defence occupies a special place in the system of ensuring the sovereignty of the state and covers a wide scope of economic, scientific, technical, organizational, legal, and social measures. V.P. Shkidchenko and V.D. Kokhno (2000) define defence as a component of military security aimed at countering external aggression through the use of military forces. O.I. Pohibko (2015) holds another opinion, believing that the sphere of national security and defence is a single whole, and is aimed at ensuring permanent peace and tranquillity in the state.

Summarizing doctrinal opinions, it can be argued that these studies are intersectoral and are united around the defence function of the state, which is the sphere of activity of state bodies. However, there is a question about supplementing the content of term "state defence" with a unified system of special entities endowed with certain powers, as well as the specifics of the forms, means, and methods of implementing defence activities in modern conditions.

The purpose of this study was to perform a methodological characterization of the structural elements of the mechanism of the defence function of the state in the conditions of its protection from real challenges and potential threats in the conditions of Ukraine's confrontation with the Russian Federation.

## ■ Materials and Methods

The methodological toolkit of this study includes a set of research (methodological) approaches, general philosophical, general scientific, and concrete scientific methods, the use of which made it possible to obtain reliable and substantiated results of studying the mechanism of implementing the defence function of the state.

Research (methodological) approaches are a component (level) of the methodology of researching the theoretical legal foundations of the defence function and are considered as a system of interdependent scientific methods that mutually complement each other. The research (methodological) approach consists of methods, among which one or more are the main ones, while others perform a secondary (auxiliary) role.

A prominent place in the study of the mechanism of defence function is played by the activity approach, which has a universal nature and allows using the structure of activity for methodological analysis of social phenomena related to human behaviour as a subject of legal relations. This approach allows considering an activity as a theoretical model comprising structural elements: subjects and objects; forms and methods; purpose and result; means and methods; legal basis, etc. All these elements are embodied

in the theoretical construction of the mechanism for implementing the defence function of the state, where the basis is defence activity in interaction with other legal phenomena. It is also worth highlighting a systematic approach that created conditions for a comprehensive study of the mechanism of the defence function of the state as a set of elements that constantly interact and complement each other.

The next component of the methodology of working out the mechanism of implementation of the defence function of the state is the methods of investigating the subject of scientific research.

– general methods of cognition – analysis, modelling, comparison, synthesis, generalization, etc.; the methods of analysis and synthesis allowed analysing the main properties of the defence function of the state. The modelling method helped outline prospects for improving the legislation of Ukraine in the field of implementing the defence function of the state. The comparison method was used to identify general and special properties of the defence function of the state, the object and subject of defence activity, to compare different opinions of scientists regarding the interpretation of the essence and purpose of the functions of the modern state. The method of generalization was used to identify social legal phenomena that were investigated in connection with understanding the implementation of the defence function of the state;

– philosophical methods (axiological, anthropological, hermeneutical, dialectical). The axiological method helped identify certain aspects of public utility and the necessity of the defence function during the full-scale invasion of the Russian Federation troops on the territory of Ukraine. The anthropological method was aimed at considering the defence function to ensure fundamental human needs and interests, as well as determining the relationship of national policy in the context of the implementation of civil rights and freedoms. The hermeneutical method allowed interpreting the current regulations considering economic, ideological, historical, psychological, and sociological circumstances regarding their implementation and application in national security and defence. The dialectical method contributed to the consideration of the defence function as a corresponding activity, the basis of which is the interaction, interdependence, and mutual influence of its structural elements;

– general scientific methods (synergetic, structural). The synergetic method was aimed at determining the organizational nature of the defence function of the state, the structural method was aimed at identifying the components of the mechanism for implementing the defence function of the state and establishing connections between them;

– specifically scientific methods. Psychological methods were used to investigate the psychological characteristics of subjects of defence activities, statistical methods were used to analyse the real state of war crimes committed in Ukraine, etc.

## ■ Results and Discussion

Investigating the features of the defence function as a sphere of state activity, it is necessary to refer to the regulatory definition of this term. Article 1 of the Law of Ukraine “On the Defence of Ukraine”<sup>1</sup> states that the defence of Ukraine is a set of certain legal, economic, and military measures of the state regarding its readiness for armed defence.

Using the activity approach as a methodological basis for the model of state activity, the authors of this study believe that the interpretation of the term “state defence” should be expanded and supplemented, considering the organizational structure of the state mechanism (state authorities, state enterprises, and state institutions). This would expand not only the subject component, but also determine the main tasks of the defence function as a state activity, compare it with other related phenomena of legal reality. To implement the defence function as a vital area of state activity, special entities have been created that must interact with each other on an ongoing basis to ensure reliable protection of the country’s sovereignty and territorial integrity from potential threats.

An effective result in the context of the implementation of state functions depends on many factors and conditions, the main ones being the ability to determine the relevant goals, as well as the means and methods that need to be implemented in the field of national policy, sufficiency, and availability of material (financial) resources and a set of managerial powers of the relevant subjects (officials) of the state (Mashkov, 2015).

To determine the effectiveness of the defence function of the state, it is necessary to refer to the category of the mechanism for implementing the defence function of the state, which allows conducting a structural and comparative characterization of its elements, determining aspects of their interaction and correlation. Thus, the term “legal mechanism” should be interpreted as a set of certain factors and elements that create the necessary conditions for ensuring human rights and freedoms in modern conditions, consisting of interdependent elements that mutually complement each other (Orzykh, 2001). O.V. Nehodchenko (2005) identifies the structure of this mechanism as a set of certain elements (legal means, measures, forms, methods, etc.), which in a certain interaction should create appropriate conditions for the implementation of human rights and

<sup>1</sup>Law of Ukraine No. 1932-XII “On the Defence of Ukraine”. (1991, December). Retrieved from <https://zakon.rada.gov.ua/laws/show/1932-12#Text>.

freedoms in the context of the development of civil society and the rule of law.

Thus, the mechanism of implementation of the defence function should be understood as the unity of authorized entities (state bodies), whose activities are governed by the current legislation, as well as the existence of certain conditions and legal grounds aimed at preparing for armed defence and protecting the state in the event of armed aggression (conflict). This definition creates prerequisites for a full understanding of the purpose of the mechanism for implementing the defence function of the state as a structural and functional system aimed at implementing security policy.

The theoretical design of the defence function implementation mechanism consists of legal (regulatory), institutional (organizational), and functional components. The system of regulations governs public relations and outlines the scope of powers of defence entities, and therefore, when determining the elements in the structure of the relevant mechanism, special attention should be paid to the regulatory component.

The regulatory element of the mechanism for implementing the defence function of the state comprises principles and norms that ensure the regulation of legal relations in the field of preparation for armed defence and protection in the event of an armed conflict (aggression).

The current legislation of Ukraine in the defence sector is divided into groups according to certain criteria. The first group includes regulations that establish and define the legal foundations for the implementation of defence activities (the Constitution of Ukraine<sup>1</sup>, Laws of Ukraine: “On the State Border of Ukraine”<sup>2</sup>, “On State Secrets”<sup>3</sup>, “On Counterintelligence Activities”<sup>4</sup>, “On Mobilization Training and Mobilization”<sup>5</sup>, “On the Defence of Ukraine”<sup>6</sup>, “On the Organization of Defence Planning”<sup>7</sup>, “On the Foundations of National Resistance”<sup>8</sup>, “On the National Security of Ukraine”<sup>9</sup>, “On the Legal Regime of Martial Law”<sup>10</sup>, etc.).

The second group includes regulations that establish a system of state bodies that consolidate their legal position (status) when performing a defence function: (laws of Ukraine: “On Alternative (Non-Military) Service”<sup>11</sup>, “On the State Border Service of Ukraine”<sup>12</sup>, “On the Armed Forces of Ukraine”<sup>13</sup>, “On General Military Duty and Military Service”<sup>14</sup>, “On the National Guard of Ukraine”<sup>15</sup>, “On the Security Service of Ukraine”<sup>16</sup>, “On Social Legal Protection of Servicemen and their Family Members”<sup>17</sup>, “On the Status of War Veterans, Guarantees of their Social Protection”<sup>18</sup>, “On the Status of Military Service Veterans, Veterans of Internal Affairs Bodies, Veterans of the National Police and Some Other Persons and their Social Protection”<sup>19</sup>, etc.).

<sup>1</sup>Constitution of Ukraine: Law of Ukraine No. 254k/96-BP. (1996, June). Retrieved from <http://zakon5.rada.gov.ua/laws/show/254k/96-bp>.

<sup>2</sup>Law of Ukraine No. 1777-XII “On the State Border of Ukraine”. (1991, October). Retrieved from <https://zakon.rada.gov.ua/laws/show/1777-12#Text>.

<sup>3</sup>Law of Ukraine No. 3855-XII “On State Secrets”. (1994, January). Retrieved from <https://zakon.rada.gov.ua/laws/show/3855-12#Text>.

<sup>4</sup>Law of Ukraine No. 374-IV “On Counterintelligence Activities”. (2022, December). Retrieved from <https://zakon.rada.gov.ua/laws/show/374-15#Text>.

<sup>5</sup>Law of Ukraine No. 3543-XII “On Mobilization Training and Mobilization”. (1993, October). Retrieved from <https://zakon.rada.gov.ua/laws/show/3543-12#Text>.

<sup>6</sup>Law of Ukraine No. 1932-XII “On the Defence of Ukraine”. (1991, December). Retrieved from <https://zakon.rada.gov.ua/laws/show/1932-12#Text>.

<sup>7</sup>Law of Ukraine No. 2198-IV “On the Organization of Defence Planning”. (2004, October). Retrieved from <https://zakon.rada.gov.ua/laws/show/2198-15#Text>.

<sup>8</sup>Law of Ukraine No. 1702-IX “On the Foundations of National Resistance”. (2021, July). Retrieved from <https://zakon.rada.gov.ua/laws/show/1702-20#Text>.

<sup>9</sup>Law of Ukraine No. 2469-VIII “On the National Security of Ukraine”. (2018, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/2469-19#Text>.

<sup>10</sup>Law of Ukraine No. 389-VIII “On the Legal Regime of Martial Law”. (2015, May). Retrieved from <https://zakon.rada.gov.ua/laws/show/389-19#Text>.

<sup>11</sup>Law of Ukraine No. 1975-XII “On Alternative (Non-Military) Service”. (1991, December). Retrieved from <https://zakon.rada.gov.ua/laws/show/1975-12#Text>.

<sup>12</sup>Law of Ukraine No. 661-IV “On the State Border Service of Ukraine”. (2003, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/661-15#Text>.

<sup>13</sup>Law of Ukraine No. 1934-XII “On the Armed Forces of Ukraine”. (1991, December). Retrieved from <https://zakon.rada.gov.ua/laws/show/1934-12#Text>.

<sup>14</sup>Law of Ukraine No. 2232-XI “On General Military Duty and Military Service”. (1992, March). Retrieved from <https://zakon.rada.gov.ua/laws/show/2232-12#Text>.

<sup>15</sup>Law of Ukraine No. 876-VII “On the National Guard of Ukraine”. (2014, March). Retrieved from <https://zakon.rada.gov.ua/laws/show/876-18#Text>.

<sup>16</sup>Law of Ukraine No. 2229-XII “On the Security Service of Ukraine”. (1992, March). Retrieved from <https://zakon.rada.gov.ua/laws/show/2229-12#Text>.

<sup>17</sup>Law of Ukraine No. 2011-XII “On Social Legal Protection of Military Personnel and their Family Members”. (1991, December). Retrieved from <https://zakon.rada.gov.ua/laws/show/2011-12#Text>.

<sup>18</sup>Law of Ukraine No. 3551-XII “On the Status of War Veterans, Guarantees of their Social Protection”. (1993, October). Retrieved from <https://zakon.rada.gov.ua/laws/show/3551-12#Text>.

<sup>19</sup>Law of Ukraine No. 203/98-VR “On the Status of Military Service Veterans, Veterans of Internal Affairs Bodies, Veterans of the National Police and Some Other Persons and their Social Protection”. (1998, March). Retrieved from <https://zakon.rada.gov.ua/laws/show/203/98-%D0%B2%D1%80#Text>.

The institutional (organizational) element of the mechanism for implementing the defence function of the state includes special entities (the Armed Forces of Ukraine, the Security Service of Ukraine, the National Guard of Ukraine, the State Border Service of Ukraine, law enforcement and intelligence agencies) that are authorized to implement defence activities aimed at preparing for armed defence and protection in the event of an armed conflict (aggression). To unify all subjects of defence activities, the term “security and defence sector” was introduced. Thus, Item 16 of Article 1 of the Law of Ukraine “On the National Security of Ukraine”<sup>21</sup> states that the security and defence sector is a system of state authorities, the Armed Forces of Ukraine, law enforcement and intelligence agencies, state bodies of special purpose with law enforcement functions, which must provide reliable protection against potential dangers and real threats to the territorial integrity of the state.

The structure of the security and defence sector includes components that are distributed according to functional powers and legal status, namely: 1) security and defence forces; 2) defence-industrial complex; 3) public associations that take part on a voluntary basis in ensuring national security and order. According to the structural and functional criterion of activity, the security and defence sector can be attributed both to the system of state bodies and to civil society institutions (Aleksandrov, 2020). Thus, the principal place in the structure of the institutional (organizational) element of the mechanism for implementing the defence function of the state belongs to the security and defence sector.

Special entities (state bodies) authorized to implement the defence function according to the legislation are endowed with specific powers in this area. Thus, the Security Service of Ukraine (SSU) as a state body of special purpose with law enforcement functions, is entrusted with the task of reliable and effective protection of state sovereignty, constitutional order, and territorial integrity of Ukraine<sup>2</sup>.

The National Guard of Ukraine (NGU) is a military formation with a special status and is assigned to perform tasks related to the security and protection of human and civil rights and freedoms, as well as in cooperation with the Armed Forces of Ukraine, it carries out joint measures for the defence of the state border<sup>3</sup>.

Within the framework of the implementation of the defence function, a special place belongs to the State Border Service of Ukraine (SBSU), which,

according to Article 1 of the Law of Ukraine “On the State Border Service of Ukraine”<sup>24</sup> carries out the task of ensuring the inviolability of the state border and protection of the sovereign rights of Ukraine in its adjacent zone and exclusive (maritime) economic zone. In addition, the SBSU performs the tasks of anticipating and preventing manifestations of illegal border crossing by neighbouring states (Sakovski, 2021).

Notably, the citizens of Ukraine and their associations, which form the basis of the security and defence sector, actively take part in the implementation of the defence function. Thus, Item 8 of Article 1 of the Law of Ukraine “On the Fundamentals of National Resistance”<sup>25</sup> consolidates the term “national resistance”, which should be understood as the activity of citizens within the legal field, aimed at countering armed aggression against the Ukrainian people.

Thus, as an institutional element of the mechanism for implementing the defence function, the security and defence sector of Ukraine is aimed at ensuring national security in the state. The key tasks of ensuring the implementation of the defence function of the state belong to the Armed Forces of Ukraine, the SSU, the NGU, and the SBSU, which are subordinate to various ministries and authorities. Such a distribution may adversely affect the aspects of interaction between these institutions when performing tasks related to the state’s defence capability. The authors of this study believe that to resolve such a situation, it is necessary to develop and adopt a unified regulation that should clearly consolidate the powers of military institutions and law enforcement agencies when performing tasks for the armed protection of the territorial integrity of Ukraine in the face of real threats.

A functional element of the mechanism for implementing the defence function of the state is defence activities carried out by specially authorized entities to prepare for armed defence and defence in case of armed aggression (conflict). Defence activity consists of elements (means, purpose, motive, object, result, method, subject, form, etc.), which allows them to be used as criteria in the study of the effectiveness of the implementation of the defence function of the state, which is determined by its structure (Bilozorov, 2021).

Thus, the structure of the mechanism for implementing the defence function of the state is covered through a set of interrelated elements that create potential and real opportunities for effective protection of the state in case of armed aggression (conflict).

<sup>1</sup>Law of Ukraine No. 2469-VIII “On the National Security of Ukraine”. (2018, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/2469-19#Text>.

<sup>2</sup>Law of Ukraine No. 2229-XII “On the Security Service of Ukraine”. (1992, March). Retrieved from <https://zakon.rada.gov.ua/laws/show/2229-12#Text>.

<sup>3</sup>Law of Ukraine No. 876-VII “On the National Guard of Ukraine”. (2014, March). Retrieved from <https://zakon.rada.gov.ua/laws/show/876-18#Text>.

<sup>4</sup>Law of Ukraine No. 661-IV “On the State Border Service of Ukraine”. (2003, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/661-15#Text>.

<sup>5</sup>Law of Ukraine No. 1702-IX “On the Foundations of National Resistance”. (2021, July). Retrieved from <https://zakon.rada.gov.ua/laws/show/1702-20#Text>.

In the mechanism of implementing the defence function of the state, it is necessary to distinguish two levels – internal (state) and external (international). The internal (state) level includes the activities of the state, which are carried out in the spheres of national security and defence and are aimed at protecting the rights and freedoms of people and citizens; preservation of social democratic values; creation of appropriate conditions for the protection of the state territory, guarantee of sovereignty and constitutional order<sup>1</sup>.

At the external (international) level, defence activity is embodied in a certain form of its implementation – self-defence of the state, which is aimed at ensuring effective protection of the territory of the state and preserving its integrity and independence from armed aggression. The Charter of the United Nations (the UN Charter) defines two types of state self-defence – individual and collective. Article 51 of the Charter of the United Nations (Charter of the United..., 1945) states that in the event of an armed attack (aggression) against a member of the United Nations, the state has an inalienable right to individual or collective self-defence with the possibility of using the armed forces as special subjects for the implementation of the state's defence function (Bondarchuk, Chupira, 2021).

The strategic concept of defence and security of the members of the North Atlantic Treaty Organization, adopted by the heads of states and governments in Lisbon on November 19, 2010<sup>2</sup>, established an analogous provision regarding the state's ability to exercise self-defence as a means of countering armed aggression. The modern security environment of the NATO member countries is aimed at performing the following tasks: ensuring collective security and implementing crisis management. The document also establishes the responsibility of the alliance in the context of collective protection and defence of the territory of NATO member countries and their population from armed conflict (aggression).

Considering the legal guarantees of international security and modern threats and challenges, the irreversibility and irrevocability of the state's strategic course to acquire full membership in the European Union and the North Atlantic Treaty Organization was determined in Ukraine, which was consolidated in the Law of Ukraine "On Amendments to the Constitution of Ukraine (regarding the strategic course of the state to acquire full membership of Ukraine in the European Union and in the North Atlantic Treaty

Organization)"<sup>3</sup>. Full membership in the North Atlantic Treaty Organization will help Ukraine obtain international security guarantees aimed at exercising the right to self-defence (individual or collective) in the event of an armed attack, as well as allow it to carry out such actions as is considered necessary, including the use of armed force to restore and preserve peace and world order.

The theoretical and practical significance of investigating the defence function of the state in the context of modern challenges and threats requires its methodological understanding. Defence as a phenomenon of modern reality is the subject of research of various sciences – military, natural, social, and humanitarian, technical, etc., which distinguish its individual properties and methodological approaches, terminology, theoretical and philosophical foundations that are inherent in a particular field of scientific knowledge. Therefore, the multifaceted approaches to defence as a phenomenon of reality in the conditions of modern challenges and threats give rise to the pluralism of its scientific interpretations, among which there are common, special, and original ones.

The scientific literature presents several methodological systematizations of the interpretation of the term "defence" in various areas of scientific research. Thus, S. Yaniuk (2018) considers defence as a real state of protection of the interests of society and the state, which contributes to the preservation and successful functioning of critical infrastructure objects in the presence of potential threats, and also singles it out as a specific activity aimed at identifying and neutralizing threats.

Of interest is the position of V.M. Telelym, V.I. Yefimenko and P.A. Minieiev (2021) regarding the interpretation of the term "defence", which is the result of the application of an anthropological approach, since the defence function of the state is associated with a certain practice of ensuring normal conditions for human life and is interpreted as the absence of dangers; a certain activity to ensure or prevent any dangers, threats associated with the relevant historical stage of society's development.

O.O. Surkov (2021) offered his solution to this issue. Surkov argued for a pluralistic interpretation of the term "defence" and singled out the principal methodological approaches to its interpretation: defence – protection of the subject's interests from threats and potential dangers; defence – preservation of the integrity, fortitude, stability, and normal

<sup>1</sup>Law of Ukraine No. 2469-VIII "On the National Security of Ukraine". (2018, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/2469-19#Text>.

<sup>2</sup>Law of Ukraine No. 9 "On Strategic Concept of Defence and Security of the Members of the North Atlantic Treaty Organization". (2010, November). Retrieved from <https://zakon.rada.gov.ua/laws/show/1932-12#Text>.

<sup>3</sup>Law of Ukraine No. 2680-VIII "On Amendments to the Constitution of Ukraine". (2019, February). Retrieved from <https://zakon.rada.gov.ua/laws/show/2680-19#Text>.

functioning of the social system in the event of destructive actions on it; defence – protection of material and spiritual values of the subject (country, state, society, individual, etc.) from potential dangers.

To ensure an increase in the level of the state's defence capability and the application of a systemic approach, R.I. Tymoshenko, A.K. Pavlikovskiy and M.M. Lobko (2021) propose their model of the defence system of Ukraine with the corresponding structural elements. Researchers claim that the effectiveness of the defence system depends on the effective protection of the state in the event of armed aggression (armed conflict) and active interaction between its structural elements during the performance of tasks and functions assigned to it.

One of the most common methodological areas of understanding the defence function of the state is the axiological approach, which is aimed not only at understanding defence as a value, but also at determining certain aspects of its implementation in the context of real threats and dangers to society and the country. According to T.A. Podkovenko (2021), defence includes certain measures aimed at protecting people, society, and the state, their benefits, and the natural environment from threats and potential dangers.

Thus, the given methodological approaches to the systematization of scientific interpretations of defence do not exhaust all the options presented in the scientific literature, but they allow stating the existence of various interpretations regarding the definition of this term, which are difficult to classify according to a certain criterion, but each of them allows investigating certain inherent features of defence activity, which in their totality make up a comprehensive understanding of the term “defence function of the state”.

## ■ Conclusions

In the conditions of a long war organized by Russia against Ukraine, aimed at destroying statehood and destroying it as a sovereign, independent state, there are all the necessary grounds for creating a realistic strategy to counter the aggressor state. It should

reflect not only ways to build effective defence, but also the concept of symmetrical responses to the enemy, which should make provision for the creation of its own military potential to obtain the necessary effect on deterring the aggressor.

According to the authors, a separate role in the formation of such a concept should belong to the mechanism of the implementation of the defence function of the state as a set of authorized subjects (state bodies), whose activities are regulated by the current legislation, as well as the presence of certain conditions and legal grounds aimed at preparing for armed defence and defence of the state in case of armed aggression (conflict).

The theoretical design of this mechanism consists of legal (regulatory), institutional (organizational), and functional components. The regulatory element of the mechanism for implementing the defence function of the state comprises principles and norms that ensure the regulation of legal relations in the field of preparation for armed defence and protection in the event of an armed conflict (aggression). Special entities (the Armed Forces of Ukraine, the Security Service of Ukraine, the National Guard of Ukraine, the State Border Service of Ukraine, law enforcement and intelligence agencies) form the basis of the institutional (organizational) element of this mechanism, which, within the limits of their powers, carry out defence activities aimed at preparing for armed defence and defence in case of armed conflict (aggression). Defence activity is a functional component of the mechanism for exercising the defence function, which is implemented by authorized entities in appropriate forms and methods and is aimed at preparing for armed defence and defence in the event of armed aggression (conflict).

The investigation and application of such a model of the defence function mechanism helps identify promising areas of research on the means, forms, and methods of defence activity of Ukrainian society in the context of resistance to the enemy on the territory of Ukraine.

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## Загальнотеоретична конструкція механізму здійснення оборонної функції держави: методологічна характеристика

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■ **Анотація.** Актуальність теми дослідження зумовлена науковою новизною та практичною значущістю реалізації оборонної функції держави в умовах кардинальних змін форм і методів ведення бойових дій у сучасних війнах. На загальнотеоретичному рівні проаналізовано структуру механізму здійснення оборонної функції держави та виокремлено методологічні аспекти співвідношення його основних елементів. Мета статті – висвітлити методологічну характеристику поняття, сутності та змісту механізму здійснення оборонної функції держави, визначити його місце й роль щодо захисту державного суверенітету, територіальної цілісності та інших національних інтересів під час повномасштабної агресії РФ проти України. Методологічний інструментарій наукової праці охоплює сукупність дослідницьких підходів, філософських, загальнонаукових і конкретно-наукових методів, які забезпечили отримання обґрунтованих результатів дослідження щодо механізму здійснення оборонної функції держави. Проаналізовано теоретичну конструкцію цього механізму, а також розглянуто окремі аспекти взаємодії та взаємодоповнення його структурних елементів. Визначено, що модель вказаного механізму складається з правової (нормативної), інституційної (організаційної) та функціональної складових. Нормативно-правовий елемент механізму здійснення оборонної функції держави охоплює принципи й норми, що забезпечують регулювання правових відносин у сфері підготовки до збройного захисту та захисту в разі збройного конфлікту (агресії). Встановлено, що спеціальні суб'єкти слугують основою інституційного (організаційного) елемента цього механізму, які в межах повноважень здійснюють оборонну діяльність, спрямовану на підготовку до збройного захисту та захисту в разі збройного конфлікту (агресії). Зауважено, що оборонна діяльність є функціональною складовою механізму здійснення оборонної функції, яка реалізовується уповноваженими суб'єктами у відповідних формах, методах та передбачає підготовку до збройного захисту й захисту в разі збройної агресії (конфлікту). Практична цінність дослідження полягає в тому, що на основі методологічного аналізу юридичної літератури та нормативно-правових актів України щодо окремих аспектів здійснення оборонної функції держави сформульовано пропозиції стосовно створення реалістичної стратегії протидії державі-агресору, спрямовані на вдосконалення чинного законодавства у сферах національної безпеки й оборони

■ **Ключові слова:** держава-агресор; національна безпека; оборона; самооборона; суверенітет; територіальна цілісність