

DOI <https://doi.org/10.30525/2592-8813-2026-2-4>

ACTIVITIES OF THE SECURITY SERVICE OF UKRAINE IN THE ADMINISTRATIVE AND POLITICAL SPHERE

Larisa Kovalenko,

Doctor of Law, Professor,

Associate Professor at the Department of Administrative Law and Administrative Activity,

Yaroslav the Wise National Law University (Kharkiv, Ukraine)

ORCID ID: 0000-0001-8788-4002

Artem Popravko,

Higher Education Student, Yaroslav the Wise National Law University

(Kharkiv, Ukraine)

ORCID ID: 0009-0005-5235-6804

Maxim Kolesnikov,

Higher Education Student, Yaroslav the Wise National Law University

(Kharkiv, Ukraine)

ORCID ID: 0009-0007-3772-735X

Abstract. It has been established that the Security Service of Ukraine (hereinafter referred to as the SBU) is one of the key institutions of the state administration system, designed to ensure national security, protect the constitutional order, sovereignty and territorial integrity of the state. It is substantiated that in the conditions of the full-scale armed invasion of the Russian Federation, which began on February 24, 2022, the role of the SBU in the administrative and political sphere has acquired special, extremely important significance. It has been found that the administrative and political sphere includes several subsystems: the sphere of state security, the sphere of public order protection, the sphere of defense, the sphere of foreign affairs and the sphere of justice. The SBU functions primarily in the subsystem of state security, although its activities also affect other subsystems, which is due to the complex nature of threats to national security, which cannot be neutralized without the coordinated efforts of all law enforcement and security structures.

It is proven that the SBU performs tasks to counter intelligence and subversive activities of foreign special services, fights terrorism, ensures information security and protects state interests, directly determines the effectiveness of the entire system of public administration in crisis conditions. Emphasis is placed on the fact that the issues of the administrative and legal status of the SBU and its role in the system of public administration were studied by such scientists as S.M. Berezhnoy, M.M. Karpenko, O.P. Ugrovetsky and others. It is concluded that, at the same time, in conditions of martial law, fundamentally new challenges arise for the functioning of the SBU in the administrative and political sphere, which necessitates the need for an up-to-date scientific analysis.

Key words: law enforcement agency, martial law, protection of sovereignty, Ukraine.

Introduction. The legal basis of the administrative and political sphere in Ukraine is the Constitution of Ukraine, the Law of Ukraine “On the Security Service of Ukraine”, the Law of Ukraine “On Combating Terrorism”, the Law of Ukraine “On Media” and other legislative acts. The Law of Ukraine “On Media” of 2022 is an example of expanding legal regulation in the administrative and political sphere in accordance with the new realities of information confrontation.

The further development of the administrative and political sphere of public administration in Ukraine is directly related to the transformation of the nature of threats to national security, which have become complex, hybrid and transnational. In modern conditions, the issues of information security, cyber protection, countering disinformation and ensuring the resilience of state institutions

to external influence are of particular importance. In this regard, the administrative and political sphere increasingly integrates new areas of public administration, which were previously considered auxiliary or derivative. This necessitates the revision of traditional approaches to the division of powers between state authorities and the improvement of mechanisms for coordinating their activities.

An important aspect of the functioning of the administrative and political sphere is the institutional structure of bodies that ensure the implementation of the relevant functions. Such bodies include, in particular, the Security Service of Ukraine, the National Police of Ukraine, the Armed Forces of Ukraine, prosecutor's offices, courts, the State Border Service of Ukraine, as well as other entities vested with special powers in the field of security and law and order. Each of these bodies performs specific tasks, but their activities must be coordinated, which is ensured through a system of inter-agency cooperation and centralized management. A special role in this is played by strategic-level bodies that determine the main directions of state policy in the field of national security and exercise general management of the relevant processes.

Research material and methods. The purpose of this work is a comprehensive analysis of the role and significance of the Security Service of Ukraine in the administrative-political sphere of state administration, identifying problems and prospects for improving its activities in wartime conditions.

Achieving the set goal involves solving the following tasks:

- to investigate the concept and legal nature of the administrative-political sphere of state administration;
- to characterize the administrative-legal status of the SBU and its place in the system of state administration entities;
- to analyze the main functions of the SBU in the administrative-political sphere;
- to reveal the forms and methods of the SBU's activities in the administrative-political sphere;
- to investigate the interaction of the SBU with other state authorities;
- to identify problems and prospects for improving the SBU's activities in martial law conditions.

The methodological basis of the work is a system of general scientific and special-legal methods. The dialectical method was used to examine the activities of the SBU in development and their relationship with other phenomena. The system-structural method made it possible to investigate the place of the SBU in the system of state authorities. The formal-legal method was used in the analysis of regulatory acts regulating the activities of the SBU.

Results and their discussion. One of the key characteristics of the administrative-political sphere is the use of power-managerial methods of regulation. Unlike the economic or social spheres, where dispositive mechanisms play a significant role, in the sphere of state security and law and order is dominated by an imperative approach. This is manifested in the possibility of applying administrative coercion measures, restricting the rights and freedoms of citizens in cases specified by law, as well as in the establishment of special regimes, such as a state of emergency or martial law. At the same time, the application of such measures should be carried out exclusively within the framework of the law and in compliance with the principle of proportionality, which is a necessary condition for ensuring a balance between public interests and human rights.

An essential element of the administrative and political sphere is the regulatory and legal support for the activities of its subjects. Legislation in this area is characterized by a high level of detail and specialization, which is due to the complexity and diversity of relevant social relations. At the same time, an important trend is the harmonization of national legislation with international standards, in particular in the field of human rights, the fight against terrorism, cybersecurity and information protection. Ukraine, as a state integrating into the European legal space, is actively implementing the provisions of international treaties and recommendations, which contributes to increasing the efficiency of the functioning of the administrative and political sphere.

At the same time, the effectiveness of the administrative and political sphere largely depends on the level of interaction between state bodies and society. Modern approaches to public administration involve the active involvement of civil society in the processes of forming and implementing state policy, including in the security sector. This is manifested in the development of mechanisms of public control, transparency of the activities of government bodies, as well as in increasing the level of public trust in state institutions. In this context, the mass media and new media play an important role, acting not only as channels of information, but also as tools for influencing public opinion.

Thus, the administrative and political sphere of public administration in Ukraine is a complex, multi-level system that covers a wide range of social relations related to ensuring state security, law and order and protecting national interests. Its effective functioning requires a combination of strict power mechanisms with compliance with the principles of the rule of law, human rights and freedoms, as well as constant improvement of the institutional and legal foundations of the activities of the relevant state authorities.

The Security Service of Ukraine is a special-purpose state body with law enforcement functions that ensures state security. In accordance with the Law of Ukraine "On the Security Service of Ukraine", the SSU is subordinate to the President of Ukraine and is a central entity in the system of ensuring national security.

The administrative and legal status of the SSU is determined by a set of legal norms that establish its place in the system of state authorities, tasks, functions, powers and organizational structure. The key elements of the administrative and legal status are: the legal basis of activity, competence, organizational structure, procedure for formation and responsibility. According to O.P. Ugrovetsky, it is precisely the clear regulatory consolidation of the status of security agencies that is the key to their effectiveness and legality of their activities.

The SBU system consists of the Central Directorate, regional bodies subordinate to it, military counterintelligence bodies, military formations, as well as educational, scientific and research and other institutions. To organize anti-terrorist operations, the SBU operates the Anti-Terrorist Center, the regulations on which are approved by the President of Ukraine.

The legal basis for the SBU's activities is the Constitution of Ukraine, the Law on the SBU and other legislative acts and relevant international legal instruments acts recognized by Ukraine. The Constitution of Ukraine guarantees the inviolability of the constitutional order and is the basis of the entire system of ensuring state security.

The leading role among subordinate acts is played by decrees of the President of Ukraine, which is due to his constitutional status as the Supreme Commander-in-Chief of the Armed Forces of Ukraine and the Chairman of the National Security and Defense Council of Ukraine. Decrees of the President of Ukraine have a decisive influence on the formation of the administrative and legal status of the SBU, since they approve the Regulations on the Security Service of Ukraine, its organizational structure, number, procedure for appointment and dismissal of management, as well as the basic principles of service and disciplinary liability (Postanova Velykoyi Palaty Verkhovnoho Sudu, 2018; Postanova Verkhovnoho Sudu, 2022).

Article 7 of the Code of Administrative Procedure of Ukraine specifically emphasizes that the court applies international treaties, the consent to which is binding has been granted by the Verkhovna Rada of Ukraine, along with the Constitution and laws. If an international treaty, the binding consent of which has been granted by the Verkhovna Rada of Ukraine, establishes rules other than those established by law, then the rules of the international treaty apply (Kodeks administratyvnoho sudochynstva Ukraini, 2017).

An important feature of the administrative and legal status of the SBU is the principle of non-partisanship: the use of the Service in party, group or personal interests is not allowed, and the activities of parties and movements with political goals in the SBU are expressly prohibited. The activities

of the SBU are based on the principles of legality, respect for the rights and dignity of the individual and responsibility to the people of Ukraine.

S.M. Berezchnoy notes that a feature of the administrative and legal status of the SBU is the combination of intelligence, counterintelligence and law enforcement functions in one body, which distinguishes it from similar services of most states, where these functions are delimited between different departments.

Of particular importance in the activities of the SBU is the counterintelligence function, which is aimed at detecting, preventing and stopping intelligence and subversive activities against Ukraine. In modern conditions, this function is taking on new forms and content, in particular due to the spread of hybrid threats that combine military, information, economic and cyber influences. Accordingly, the SBU is forced to adapt its methods of activity, using modern technologies, analytical tools and inter-agency interaction. In this case, an important condition is compliance with the law and prevention of excessive interference in the private lives of citizens, which is ensured by the establishment of clear procedural guarantees and control over the activities of the Service.

An equally important component is anti-terrorist activities, which are carried out by the SBU through the Anti-Terrorism Center. This body coordinates the activities of other entities fighting terrorism, ensures the planning and conduct of anti-terrorist operations, and also analyzes and forecasts terrorist threats. In the context of armed aggression against Ukraine, the role of the Anti-Terrorism Center has significantly increased, since terrorist methods are used as a tool for waging hybrid warfare. This requires the SBU not only to respond promptly to specific threats, but also to form a comprehensive system for preventing terrorism.

The counterintelligence activities of the Security Service of Ukraine are systemic and multi-level in nature, since they are aimed not only at directly detecting and stopping the activities of foreign special services, but also at preventing potential threats at the early stages of their formation. In modern conditions, this function includes countering not only classical forms of espionage, but also information and psychological operations, cyber intelligence, economic and technological influence. Of particular importance is counterintelligence support of critical infrastructure, energy facilities, transport, communications, as well as enterprises of the defense-industrial complex, since these areas are priority targets for foreign influence. In addition, counterintelligence measures are actively used in the field of international relations, in particular to protect the activities of diplomatic missions of Ukraine abroad and neutralize attempts of external interference in the internal affairs of the state.

The anti-terrorist function of the Security Service of Ukraine is characterized by its complexity and coordination, since the SBU not only directly carries out measures to counter terrorism, but also ensures coordination of the activities of other entities in this area. In accordance with the Law of Ukraine "On Combating Terrorism", the Service is entrusted with a key role in planning and conducting anti-terrorist operations, as well as in determining the main directions of state policy in this area. In modern conditions, anti-terrorist activities are closely intertwined with issues of national defense, since terrorist methods are actively used within the framework of hybrid threats. This necessitates the continuous improvement of the mechanisms of interaction between the SBU, the Armed Forces of Ukraine, the National Police and other security and defense sector bodies. An important component of this activity is also the prevention of terrorist threats, which includes the identification of radicalized individuals, prevention of terrorist financing and information counteraction to extremist propaganda.

The implementation of pre-trial investigation of criminal offenses in the field of state security is one of the key law enforcement functions of the Security Service of Ukraine. It is implemented through the activities of investigative units authorized to investigate crimes against the foundations of national security, terrorist crimes, as well as other offenses classified as under the jurisdiction of the SBU. Criminal Procedure Code of Ukraine establishes the procedural framework for such activities, ensuring guarantees of observance of human rights and freedoms. At the same time, the specificity

of this function lies in the close combination of operational-search and procedural measures, which allows for the effective detection and documentation of criminal activity. In practical terms, this includes conducting covert investigative (search) actions, collecting evidence, interacting with prosecutors and courts, as well as participating in international cooperation on criminal prosecution issues.

The information and analytical activities of the Security Service of Ukraine are an important tool for ensuring the effectiveness of state administration in the field of national security. It consists in collecting, processing, analyzing and summarizing information that is important for making managerial decisions by state authorities. The results of such activities are used to form state policy, forecast the development of the security situation and determine priorities in the field of defense and security. The public report of the SBU for 2022 indicates a significant amount of analytical work carried out in conditions of armed aggression, in particular, on assessing the risks associated with the activities of enemy structures and developing countermeasures. In the modern world, where information plays a key role, it is the analytical component that becomes one of the determining factors in the effectiveness of the activities of security agencies.

Thus, the functional workload of the Security Service of Ukraine covers a wide range of areas, each of which has independent significance, but at the same time is closely interconnected with others. Counterintelligence, the fight against terrorism, the protection of state secrets, pre-trial investigation, the protection of sovereignty and analytical support form a single system of activities aimed at ensuring national security. It is this multi-vector nature that allows the SBU to effectively respond to In wartime, the interaction of the SBU with the Armed Forces of Ukraine has become extremely important. The military counterintelligence bodies of the SBU provide counterintelligence support to the Armed Forces and other military formations, detect enemy agents and record attempts by foreign special services to influence combat management. This is, in particular, the joint work of the SBU and the Armed Forces of Ukraine during the identification of enemy artillery fire adjusters.

Thus, the system of interaction of the SBU with other state authorities is complex and multi-level. The effectiveness of such interaction directly determines the state's ability to respond to threats to national security and ensure the stable functioning of all public administration institutions.

The introduction of martial law in Ukraine significantly affected the conditions for the functioning of the SBU, posing fundamentally new challenges to the Service and at the same time granting it additional powers. Decree of the President of Ukraine dated 02/24/2022 No. 64/2022 placed on law enforcement and security agencies, including the SBU, a special responsibility for protecting the state in conditions of armed conflict. Under such conditions, the activities of the Service have acquired a maximum mobilization nature, which is manifested in the transition to a regime of increased readiness, concentration of resources in priority areas, and increased coordination with other bodies of the security and defense sector. At the same time, the need for rapid adoption of management decisions has increased, which leads to increased requirements for the effectiveness of the organizational and legal mechanisms of the SBU's activities. The extremely high intensity of threats faced by the Service leads to a significant increase in the load on all its units. The number of criminal proceedings investigated by the SBU has increased sharply: in the first two years of active hostilities alone, the SBU detained more than two thousand traitors and about five thousand collaborators. Such a volume of operational and service work requires not only a quantitative expansion of the staff, but also an increase in the level of professional training of employees, their specialization and ability to operate in conditions of increased risk. In addition, a significant load on investigative and operational units requires improving internal management procedures, optimizing resource allocation and introducing modern information systems that allow for the effective processing of large volumes of data.

A significant challenge is the aggravation of cyber threats, which have become systemic and have become one of the key tools for conducting hybrid warfare. The enemy is actively using cyber attacks on Ukraine's critical infrastructure, in particular, making attempts to penetrate the electronic systems

for planning operations of the Armed Forces, and the management systems of energy, transport and communications facilities. In these conditions, the SBU is forced not only to respond to cyber attacks that have already been committed, but also to take preventive measures aimed at preventing them. This involves constant updating of the technical base, the introduction of modern cyber defense tools, as well as the involvement of highly qualified specialists in the field of information technologies. At the same time, there is a need to develop international cooperation in the field of cybersecurity, since a significant part of the threats are of a cross-border nature.

The changing nature of threats also necessitates the expansion of the legal tools of the SBU. In 2022, the Service was granted powers in the field of preventing and stopping crimes of technological and chemical terrorism. This trend indicates the flexibility of the legislator in responding to new challenges, but at the same time raises the question of ensuring a balance between expanding powers and respecting human rights. The effective functioning of the SBU in conditions of martial law requires not only the provision of additional tools, but also a clear regulatory definition of the limits of their application, which allows prevent possible abuses and ensure the legitimacy of the Service's activities.

No less important is the issue of building the institutional capacity of the SBU, which includes both organizational and logistical aspects. Official materials of the Service indicate comprehensive work in this area, in particular by attracting foreign assistance, modernizing technical means, improving the personnel training system and introducing the latest technologies. In modern conditions, the institutional capacity of the SBU is determined not only by the number of resources, but also by the ability to use them effectively, quickly adapt to changes and ensure a high level of coordination between units. An important area is also the development of the analytical component of activity, which allows for timely identification of potential threats and the formation of strategic approaches to their neutralization.

A positive trend is the growth of the level of public trust in the Security Service of Ukraine. According to sociological research, the level of trust in the SBU increased by 34% during 2022, which indicates a high assessment of the effectiveness of its activities by citizens. Such trust is an important resource for the Service, as it contributes to increasing the effectiveness of its work, in particular through active interaction with the population, obtaining information about potential threats and supporting state security policy. At the same time, maintaining and further strengthening this trust requires adherence to the principles of openness, accountability and legality in the activities of the SBU.

The prospects for improving the activities of the Security Service of Ukraine under martial law are directly related to the continuation of institutional reforms aimed at increasing efficiency and compliance with Euro-Atlantic standards. One of the key areas is the further separation of the functions of the SBU and other law enforcement agencies, which will allow the Service to focus on its main purpose - ensuring state security. It is also important to increase technological potential, in particular in the field of cybersecurity and intelligence, which will ensure more effective counteraction to modern threats. Expanding international cooperation with NATO and EU member states will facilitate the exchange of experience, receipt of technical assistance and integration of Ukraine into the international security system.

In general, the activities of the Security Service of Ukraine in martial law are characterized by a high level of adaptability and the ability to effectively respond to new challenges. Despite the significant workload and complexity of tasks, the SBU demonstrates the ability to perform the functions assigned to it, ensuring the protection of state interests and the safety of citizens. Further development of the Service should be in the direction of strengthening its institutional capacity, improving legal regulation, introducing modern technologies and deepening international cooperation, which will allow increasing the effectiveness of its activities in the administrative and political sphere.

Based on the results of the study of the role and significance of the Security Service of Ukraine in the administrative and political sphere, the following general **conclusions** can be formulated.

1. The administrative and political sphere is a special segment of public and legal relations, covering issues of state security, constitutional order, protection of sovereignty and territorial integrity. The SBU functions primarily in the subsystem of state security, although its activities also affect related areas of public administration. The legal basis of this sphere is constantly developing in accordance with new challenges arising in conditions of armed conflict.

2. The SBU is a special-purpose state body with law enforcement functions, subordinate to the President of Ukraine. Its administrative-legal status is characterized by broad competence in matters of protecting state sovereignty, combating terrorism, counterintelligence and protecting state secrets. The principle of non-partisanship and legality are the key principles of the Service's activities.

3. The functions of the SBU in the administrative-political sphere are diverse and include counterintelligence, anti-terrorist, law enforcement, information-analytical and preventive activities. The list of functions and powers of the SBU is constantly evolving in accordance with new threats to national security.

4. The forms and methods of the SBU's activities in the administrative-political sphere include rule-making, operational-service, criminal-procedural and preventive activities. The Service applies methods of persuasion and administrative coercion exclusively within the limits specified by law. Operational-search and counterintelligence activities are specific tools that distinguish the SBU from other executive authorities.

5. The interaction of the SBU with other state authorities is a complex and multi-level system. The Service closely cooperates with the President, the Cabinet of Ministers, the National Security and Defense Council, law enforcement agencies, the Armed Forces and local authorities. At the international level, the SBU actively cooperates with foreign special services and security services of partner states.

6. The conditions of martial law have posed fundamentally new challenges for the SBU: a sharp increase in the number of criminal proceedings, increased cyber threats, the need for reform and adaptation to new conditions. At the same time, the Service demonstrates the ability to effectively perform its tasks in crisis conditions, which is confirmed by the growth of public trust in it. Prospects for improving the SBU's activities are associated with further institutional reforms, technological renewal and deepening international cooperation.

References:

1. Kodeks administratyvnoho sudochynstva Ukraini vid 03.10. 2017 [Code of administrative proceedings Ukraine]. Retrieved from: <https://zakon.rada.gov.ua/laws/show/2747-15#Text>. [in Ukrainian]
2. Postanova Verkhovnoho Sudu vid 14.03.2023r. u spravi № 140/13065/21. [Resolution of the Supreme Court dated March 14, 2023. in case No. 140/13065/21.] Retrieved from: <https://opendatabot.ua/court/109601419-73d66ef7bae23889e3b732a4303f303f>. [in Ukrainian]
3. Postanova Velykoyi Palaty Verkhovnoho Sudu vid 27 lystopada 2018 roku u spravi № 905/2260/17. [Resolution of the Great Chamber of the Supreme Court of November 27, 2018 in case No. 905/2260/17]. Retrieved from: <https://zakononline.com.ua/court-decisions/show/78376916>. [in Ukrainian]
4. Postanova Verkhovnoho Sudu vid 03 serpnia 2022 roku u spravi 757/50149/19-ts [Resolution of the Supreme Court dated August 3, 2022 in case 757/50149/19-ts]. Retrieved from: <http://iplex.com.ua/doc.php?regnum=105637075&red=10000393bf8bb311f83c08a0ba3ce155fdf-b79&d=5> [in Ukrainian]