

## **THE AIMS AND DIRECTIONS OF THE INTERNATIONAL COOPERATION OF UKRAINE'S SERVICE OF SECURITY**

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*The article deals with the investigation of the matter of the international cooperation of Ukraine's security service. The matters of legal nature of international and national normative and legal documents in the sphere of the international cooperation of Ukraine's security service legal relations arising in the process of protecting state sovereignty, constitutional system territorial integrity are examined here.*

***International principles, international normative and legal acts, Ukraine's security service, rights, duties and tasks of Ukraine's security service.***

Today the significance of the problem of the national security in the sphere of law science and political activity is constantly growing. The existence and development of a man, a society and a state depends on the level of national security and effectiveness of human rights protection. The processes of the national variety in the chosen sphere have resulted in changing the character of threats and dangers for the mankind, certain nations and states; it needs new approaches to global international security. New threats and new priorities for providing national security influence the cardinal changes in the systems of national, regional, global levels and demand the determination of the extend of this influence on the national security of Ukraine.

Significant contribution in the development of the theory of the legal regulation Ukraine's security service (SSU) has been made by such lawyers as S.S. Alekseev, V.B. Averjanov, O.F. Andriyko, D.N. Bakhrakh, O.M. Bandrka, O.F. Belov, M.V. Vitruk, I.O. Kozenjuk, Y.F. Kravchenko, L.B. Nevzlin, V.M. Manopkhin, V.V. Mlkov, V.A. Moiseeva., R.S. Pavlovky, V.G. Pilipchuk, g.G. Pocheptsova, M.P. Strelbitsy, O.N. Yarich etc. At the same time the question of the legal bases of functioning Ukraine's security service is not enough examined.

This article is aimed to analyze the SSU international cooperation due to the position of social legal relations arisen in the process of protecting state sovereignty, constitutional system and the complex of other important matters.

To achieve this aim it is necessary to fulfill the following tasks:

- to analyze the current studies and the state of acting legislation in the context of the analyzing subject;
- to formulate the proposals to the acting legislation of the subject;

Examining the chosen subject it is necessary to pay attention to understanding the notion "national security". In different dictionaries there is the definition of "national security" as the system of state measures directed to the protection and guarantees of the security of a person, a society, a state from external and internal threats in all the spheres of vital activity. In Ukraine the national security is understood as the protection of vitally important interests of a man and a citizen, a society and a state, which provides stable development, timely display, prevention and neutralization of real and potential threats of national interests.

According to the Constitution the national security of Ukraine is the protection of vitally important interests of a man and a citizen, a society and a state from external and internal threats and the necessary condition of providing and multiplying spiritual and material values. Due to the opinion of V/Y/ Bogdanovich it is better to speak about the level of protection as it is

defined in the Conception (Bases of the state policy) of Ukraine's national security.

At the same time the creation of the effective system of providing national security of Ukraine according to the demands of the time is the integrative part of state making processes in Ukraine. All this causes topical character of the problems of the national security of Ukraine and the effective functioning of SSU bodies. The system of legal regulation of the organization and the functioning of SSU bodies' activity includes constitutional regulation of legal relations, law-making regulation, regulation of the subordinate legislation, international law acts, permitted by Verchovna Rada, and normative legal acts of units and officials of SSU bodies.

Ukraine's Constitution defines only the directions of this regulation. The Basic law has made the legal field for developing democratic principles in the system of protecting rights and freedoms of a man and a citizen by the SSU bodies. At the same time the creation of the legal field does not solve all the problems in the life of this constitutional legal institute especially in the period of its creation. When examining the system of legal regulation in the sphere of SSU activity it should be mentioned the influence of the Constitution to the forming of certain legal relations, its constitutional character because these subjects have had quite different powers before its adoption.

The existence, self-preserving and progressive development of Ukraine as a sovereign state depend on exercising purposeful policy towards the protection of its national interests. The bases of this policy is defined by the Conception of the national security of Ukraine, where the general principles are mentioned: priority of human rights, rule of law, priority of peaceful measures in solving the conflicts, adequateness of measures to protect national interests towards real and potential threats, democratic civil control of military sphere as well as of other structures in

the system of providing national security, keeping the balance of a person's, society's and state's interests, their mutual responsibility, strict separation of powers of state bodies.

As V.A. Lipkan states, the adoption of the Constitution has set up basic demands to the institute of national security that may be deemed as the implementation of demands of international standards towards acting legislation. The interest of SSU bodies towards the international standards is explained by the following factors:

- to study, to assimilate and to introduce the standards of setting up, developing and functioning of the system itself of the national security and protection of citizens' rights,
- to exchange of the experience in introducing the matters of security and defense and managing of local regional processes of exercising the questions of a state which recognizes these international standards,
- to set up and to develop various forms of cooperation of SSU bodies, public associations, business structures, inhabitants of definite administrative and territorial units with foreign partners.

Taking into account the fact that Ukraine is a member European Union it must fulfill the responsibilities vested to the members of the agreement. About 60 normative and legal acts regulate legal relations in the sphere of human rights protection. Due to Article 9 of Ukraine's Constitution acting international treaties which obligation has been presented by Verkhovna Rada, are a part of the national legislation.

The order of the Chief of the Republic Service of Security "On organizational measures on creating Republic Service of Security" (№ 4 0.12.1991), preceded the adoption of the mentioned laws, this order has set up the structure of the service, worked out the legal bases of the activity of security service bodies and other organizational and legal measures.

The statement of Verkhovna Rada of Ukraine "About the adoption by Ukraine of cooperation between the Independent States Commonwealth" (№ 20003-XII 20.12.1991) should be taken into account; where Ukraine denies the transformation of CIS into state formation with its organs of power and management. Besides Ukraine would form its own Military Forces basing on the territorial forces of the former Soviet Union (Ch. 7). The creation of SSU would be created on the basis of the previous bodies.

It has been defined the influence of the Order "On the control of internal services of security of the states-members № 550 26.04.1991 on the development of SSU units.

Having ratified European normative and legal acts, Ukraine confirmed its liability to follow them in acting Ukrainian legislation, in the bases of the national security too. Ukraine's national security is being reached by the way to waste rational state policy according to the adopted doctrines, strategies and programmers in such spheres as political, economic, scientific, technological, military, ecological, informational etc.

Solving the basic questions of functioning bodies of special tasks on the constitutional level has become the beginning of the creation of legal ground for setting up the SSU institute. It is quite clear that the adoption of the fundamental law could not solve all the tasks connected with the creation of legal basis of this institute, only the general features are determined and the following development and the strengthening of this institute too. Such laws as "On security service of Ukraine", "On operative and search activity", "On state guard of organs of state power of Ukraine and officials" are the adopted laws. The current normative and legal acts have strengthen legal ground of state security, defined the ways of forming material and financial stability of SSU functioning.

Within the legal relations if the sphere of state security defense there are those which are not still regulated on the legal level. The subordinate

level of regulating the SSU bodies' activity is presented by the acts adopted by the bodies of this institute and with the other subjects.

Concrete measures and ways of proving the national security of Ukraine are caused by the priority of national interests, necessity of modern using the measures adequate to the character and extend of threats for these interests and based on the principles of legal democratic state. Under the conditions of the globalization of the modern world the Ukrainian society has to move to the direction of broadening the zone of its responsibility outside the own social state area.

Cooperative security, the search of approaches with other European and transnational structures actively delivered by EU and NATO must become for Ukraine the guarantee of its own security

It is quite clear that the process of reforming EU must be considered not only as broadening of the common market boundaries, but as a factor of creating new European architecture of security, which has complex and mutually linked character and various measuring the basic of which are economic, political and military ones

EU on the international arena is the independent subject of International Law and has very branching net of agencies in more than 100 states. In the doctrine of the International Law EU is considered as the international unit of a special type, as the confederation with the tendency of removing to a state of a new formation.

The SSU activity in the sphere of the international cooperation is directed to providing the realization of the basic tasks of SSU by means of activity counteracted the threat national and international security: terrorism, international organized crime, spreading the weapon of mass destruction, combating the corruption, smuggling, illegal migration etc. The effectiveness of counteracting these threats depends on the level of cooperation on the bilateral level and within the international organizations.

The acting legislation in the sphere of SSU functioning is added with the international legal acts and harmonized due to the European standards.

It is necessary to underline that the following development of the international cooperation of Ukraine makes it harmonize the national legislation with the International Law. The general aims are the following:

- proving the guarantees of security and reducing the risk of the war against Ukraine,
- strengthening of the territorial integrity of Ukraine, combating the separate tendencies and the grounds of their realization,
- liquidating of the power pressure of Russia,
- economic flourishing and investment growth,
- benefit of military industrial complex of Ukraine,
- giving Ukraine possibilities to strengthen its position in the comfortable geopolitical conditions.

Speaking about the bringing Ukraine with NATO the experts of the ational institute of Euro-pacific cooperation underline the necessity to control the force structures. . At the same time they explain Kiev that it is necessary to control its own special services because the secret character of Ukrainian intelligence services (for the Parliament and the society) contradicts NATO principles. It is appropriately to mention of the “clearness” of US intelligence services and their approaches to search activity and the control over the most democratic and objective structures in the world to understand the real standards.

There are several approaches to solve the question of Ukraine integration into NATO. In his works “Topical problems of European and Euro-pacific integration of Ukraine”, “On basic principles of the state policy in the sphere of Euro-pacific integration of Ukraine” and “On the state program of Euro-pacific integration of Ukraine” L.L. Prokopenko discovers the strategy (the subject and measures of its realization) and the

organizational system of Ukraine's introducing into NATO and legal confirming of the aim of Ukraine in cooperation with Euro-pacific structures

The plan of the doctrine of the informational security of Ukraine contains three general directions of providing national informational sovereignty:

- legal determination of strategic ways of developing and protecting national markets of informational and telecommunicative services basing on the state policy;
- forming the norms, principles and limits of the activity of foreign and international subjects in the domestic informational area,
- determining and defending national interests in the world informational area and international informational relations.

In general the implementation of norms of international documents on the problems of Ukraine's security service functioning into the Ukrainian legislation has not yet completed. It must be prolonged within the state limits and on the local level too.

At the same time the amount of normative and of legal acts does not allow to avoid legal collisions and other undesirable legal phenomena. That's why we consider the publication of the united normative and legal act (code, law, statute) to be the most topical.

Summarizing the above mentioned it is possible to state that national security may be provided either by the great potential of restraining or by the participation of the powerful organizations. State strengthening, providing the constant growth of all the integral features of power of a state political, economic, military, and possessing maximum guarantees of external security are possible under the condition of integration into euro-pacific commonwealth.