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National Security: Theoretical- Legal Research

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Abstract

The study is relevant as the category of «national security» is multilevel. The work reveals the characteristics and components of this system. The concept of national security exists all over the world. It is one of the most important types of security and is studied by academics from different countries. Furthermore, the concept of national security means a set of scientific and theoretical ideas, opinions and views that dominate in each society and is a subjective reflection of objective ties and national security relations in the public consciousness. From a documentary methodology the article aims to study the legal nature and essence of national security. It is concluded that the genesis of this concept tracks the dialectical interaction of objective and subjective factors. The legal regulation of national security is a comprehensive and multifaceted process based on a complex system of legal rules and regulations. The most significant ones are analyzed in this study. However, academics have not considered all the legal components of national security.

Keywords: economic security; information security; State and constitution; human rights; legal investigation.

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Seguridad Nacional: Investigación teórico-legal

Resumen

El estudio es relevante ya que la categoría de «seguridad nacional» es multinivel. El trabajo revela las características y componentes de este sistema. El concepto de seguridad nacional existe en todo el mundo. Es uno de los tipos de seguridad más importantes y es estudiado por académicos de diferentes países. Además, el concepto de seguridad nacional significa un conjunto de ideas, opiniones y puntos de vista científicos y teóricos que dominan en una sociedad determinada y es un reflejo subjetivo de los vínculos objetivos y las relaciones de seguridad nacional en la conciencia pública. Desde una metodología documental el artículo tiene como objetivo estudiar la naturaleza jurídica y la esencia de la seguridad nacional. Se concluye que la génesis de este concepto rastrea la interacción dialéctica de factores objetivos y subjetivos. La regulación legal de la seguridad nacional es un proceso integral y multifacético basado en un complejo sistema de normas y regulaciones legales. Los más significativos se analizan en este estudio. Sin embargo, los académicos no han considerado todos los componentes legales de la seguridad nacional.

Palabras clave: seguridad económica; seguridad de información; estado y constitución; derechos humanos; investigación legal.

Introduction

The analysis of the current Russian legislation (Federal Laws of the Russian Federation “On Security”, “On the Government of the Russian Federation”, “On the Federal Security Service”, “On Operational Search Activities”, etc.) demonstrates that the following concepts are used in the field security: “state security”, “security of the Russian Federation”, “personal security”, “military security”, “national security”, “public safety”, and “economic security” (Gutsenko and Kovalev, 2002). The concepts of “state security”, “security of the Russian Federation”, and “public safety” are not given a full and comprehensive interpretation in the above-mentioned legal acts (Gutsenko and Kovalev, 2002). The genesis of this concept traces the dialectical interaction of objective and subjective factors.

1. Subjective factors are represented by the following ideological foundations: elements of political and military ideology, religious consciousness, philosophical and political concepts, ethical ideas typical of a given society, as well as its national-historical and cultural traditions.

2. Objective factors are geopolitical conditions of the environment and a set of basic potentials that ensure the national power of any state: economic, social, political, scientific, and military.

Economic potential includes the power and quality of the industry, transport, and agriculture, the efficiency of an economic mechanism and its regulatory impact on the economy, and the modernization of the economy with due regard to scientific and technological innovations.

The social potential is the state and level of development of social structures, the nature of relations between social groups and ethnic communities, the quality of life of most citizens, their working conditions, and the ability of the state to protect society from destructive actions in these social conditions.

The political potential is the nature and state of a particular political system, as well as all its components (socio-political, institutional, constitutional-legal, communicative, functional and theoretical-psychological), and their ability to mobilize the power of all potentials to secure an individual, society, and state from any encroachment on their interests.

The scientific potential is the development of all branches of science, their ability to solve the current and future problems faced by a certain country, including ensuring its security.

The military potential is a complex of state material and spiritual capabilities to maintain and improve armed forces, increase their combat effectiveness, and ensure the effective use of national security in the process of military defense.

1. Methods

V.I. Dahl's Explanatory Dictionary of the Russian Language defines security as "the absence of danger, safety and reliability" (Dahl, 1996: 78). The Constitution of the Russian Federation of 1993 (as amended on July 1, 2020) uses the term "security" in a broad sense. Such terms as "state security", "national security", "public safety" and "security of citizens" are also applied. When the Constitution of the Russian Federation uses the concept of "security" in a broad sense, it should be borne in mind that this very concept is the source and basis for state security. It is necessary to dwell on the influence of "homeostasis" on the system of national security. The philosophical definition of homeostasis is as follows: homeostasis (from Greek *homoios* (similar) and *stasis* (state)) is the desire and ability of a system to maintain an equilibrium state that characterizes the stability, reliability, and conservatism of such a system. Since national security is a system, it is also characterized by stability.

The formation of the "national security" term in scientific literature is associated with the policy pursued by the United States of America. In

the first half of the 20th century, American scholars and political analysts filled it with meaningful content, i.e. they emphasized the main tasks of national security to which all political, economic, and social processes and phenomena should be oriented.

The category of “national security” was officially and widely used in the USA. Later the American concept of national security was introduced and developed into the doctrine of state security. The consideration of national security as a systemic object of legal research is of theoretical and practical relevance.

2. Results

The category of “national security” is multilevel. This article reveals the features and components of this system. The concept of national security exists all over the world since it is one of the most important types of security.

The beginning of the 21st century is characterized by much attention of public authorities and state structures to the issues of national security (Kudinov, 2010). The national economy has also entered a new stage of its development. Modern economy forms in a close connection with the development of national security. Under the current conditions, economic reforms are conditioned by the interests of national security. These changes occur in the context of globalization and in connection with the active involvement of Russia in international political and economic processes.

3. Discussion

In Russia, the issue of “science – national security” became especially relevant after the collapse of the USSR, when the once-great state with a powerful military and scientific potential suddenly reduced itself to the level of developing countries. To a large extent, these are the consequences of ill-considered and hasty reforms in political, economic, and social spheres that were implemented in the early 1990s. Due to these reforms, the active liberalization and denationalization of the economy, the latter was seriously deformed, re-oriented towards the export of raw materials and the curtailment of manufacturing industries. Under these conditions, science and high technology became practically useless and entered the state of a crisis.

However, the laws of social development show that all its components are closely interconnected and interdependent. This also applies to such spheres as science, economy, and defense. Strong science and technologies

developed on its basis ensure a high level of economic and national security, including defense. The needs of the national economy and security encourage the development of science. Regarding such tasks, we have not considered some scientific works that are of much importance for the full perception of national security in Russian legal science. Their authors are as follows: E.I. Balykova (2007), N.A. Boskhamdzhieva (2008), L.G. Gobedzhishvili (2005), V.V. Zhilinskii (2007), N.I. Zinchenko (2006), R.F. Idrisov (2002), V.A. Kalamanov (1999), I.B. Kardashova (2006), V.A. Kolokoltsev (2005), A.P. Kuznetsov (2007), A.A. Kukar (2004), A.O. Linde (2008), O.M. Kulakov (2007), A.V. Nazarenko (2008), and E.S. Palukhina (2006).

According to the concept of global insecurity, national legislation should fulfill its international obligations to maintain international security and strengthen cooperation with other states, indicating specific tools and aspects of its manifestation. This concept of unified national security was first formulated by E. Gareth in "Cooperation for Peace". He highlighted "a broader definition of national security in both internal and external aspects, where the policy of decision-making is encouraged rather than deterrence" (Gareth, 1993: 55).

Conclusion

The legal regulation of national security is a comprehensive and multifaceted process based on a complex system of legal norms and regulations. The most significant of them are analyzed in this study. However, scholars have not considered all the legal components of national security.

Due to regulatory uncertainty, it is difficult to properly understand and apply the law governing competences in the field of combating corruption. We have concluded that it should be legislatively indicated which type of security is in question and to which sphere of social relations it belongs since it is of vital importance for an individual, society, and state. Otherwise, there is not only competition of legal norms but also confusion of competences common to law enforcement subjects, including in the field of fighting against corruption. Within the framework of scientific studies, scholars and practitioners consider the existing approaches to ensuring national security. Then scientifically grounded methods are developed for their implementation in practice. In this regard, the current Federal Law "On Combating Corruption" does not mention that corruption poses a threat to the security of the Russian Federation.

The fundamental documents in the field of state security classify threats of corruption into internal and external. The main external threats are as follows:

- a) The activities of foreign intelligence services and related foreign organizations aimed at finding, establishing, and using corrupt ties for subversive purposes.
- b) The activities of transnational criminal communities that use corrupt officials to realize their criminal aspirations.

A serious internal threat to the security of the Russian Federation in the sphere of state power (legislative and executive) and state administration is the criminal activity of corrupt officials working in state bodies, especially at the federal level.

In this article, national security is defined as a system or set of elements that ensure the protection of an individual, society, and state. We consider the homeostasis of national security. This article also reveals the essence and features of national security and its subsystems. Being a systemic object of legal scientific research, national security comprises such concepts as a set of elements and features common to this system; the balance and influence of the environment on national security and its subsystems; types of national security. In our opinion, the urgent problem of modern time is the relationship between science and national security. For the first time, this issue is analyzed, on the one hand, as the impact of science on ensuring national security and, on the other hand, as the security of science itself, its protection from various threats and dangers. As a rule, the priority tasks of the state in the field of improving the protection of various objects from negative activities are the preservation of integral territory, the provision of necessary resources to different sectors of the national economy, the development of the ability of control structures to predict and prevent crises, overcome their consequences, etc. The implementation of these provisions should strengthen the security system (Olshevskii, 2010).

Recommendations

The homeostasis of national security has critical parameters in political, economic, and social spheres. The political sphere includes territorial integrity, sovereignty, and political independence. The economic sphere comprises foreign economic independence and stability of the domestic market. The social sphere represents the unity of society, guarantees of civil rights, and the continuity of power.

The disruption of homeostasis influences the system of national security in the following manner. If equilibrium (homeostasis) is violated, the environment has such a strong effect on a system that it weakens and worsens the critical parameters of national security.

The existing stability of the Russian economy and its independence from fluctuations in foreign markets is high. However, the low level of resource efficiency and the weak competitiveness of the Russian economy greatly weaken the economic security of Russia. To sum up, we need to emphasize the importance of homeostasis as the stability of national security because its violation undermines national security and hinders the development of the country in different areas.

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