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REGULATORY AND LEGAL FRAMEWORK FOR PERSONNEL MANAGEMENT IN THE SECURITY SERVICE OF UKRAINE

Abstract. Purpose. The purpose of the article is to characterise the regulatory and legal framework for personnel management in the bodies and units of the Security Service of Ukraine. **Results.** Relying on the analysis of scientific views of scholars and provisions of current legislation, the article focuses on the issue that the regulatory framework for personnel management in the bodies and units of the Security Service of Ukraine consists of an extensive system of official legal regulations, such as the Constitution, legislative sources and by-laws. It is stated that certain problematic issues in the context of the topic presented in this paper are regulated rather superficially, in particular, the following issues are concerned: implementation of certain personnel procedures, such as the procedure for selection for service in the Security Service of Ukraine; forms and methods of activities of specially authorised entities in the field under study; training of future employees in higher education institutions. It is emphasised that the Law of Ukraine 'On Civil Service' defines the principles, legal and organisational framework for ensuring public, professional, politically impartial, efficient, citizen-oriented civil service which functions in the interests of the State and society, as well as the procedure for exercising by Ukrainian citizens the right of equal access to civil service based on their personal qualities and achievements. **Conclusions.** It is concluded that the regulatory framework for personnel management in the bodies and units of the Security Service of Ukraine consists of an extensive system of official legal regulations, such as the Constitution, legislative sources and by-laws. To date, their structure largely meets all the needs of regulatory framework for each of the three groups of Security Service of Ukraine's personnel: employees under employment contract, civil servants and military personnel. However, certain problematic issues in the context of the topic presented in this paper are regulated rather superficially, in particular, the following issues are concerned: implementation of certain personnel procedures, such as the procedure for selection for service in the Security Service of Ukraine; forms and methods of activities of specially authorised entities in the field under study; training of future employees in higher education institutions.

Key words: personnel, staff, officials, employees, Security Service of Ukraine, regulatory and legal framework.

1. Introduction

The activities of any public authorities, especially law enforcement bodies, are carried out exclusively on the basis of officially established regulatory and legal framework. Therefore, the regulatory framework for personnel management in the Security Service of Ukraine is a set of legal regulations that define the procedure, specifics, principles, participants, directions, structure, as well as other functional and legal issues of personnel management in the system of SSU bodies and units. As for the composition of such framework, it is quite special and atypical, as it does not relate directly to the activities related to the performance of the SSU's tasks and functions, but to

a rather narrow type of internal organisational activity, in particular, personnel management.

Certain problematic aspects of the activities of the Security Service of Ukraine have been considered in scientific works by: O.M. Bandurka, O.P. Vasylenko, N.T. Honcharuk, M.I. Diachenko, L.S. Zemlianaya, O.P. Kovalenko, O.M. Kryvoruchko, O.S. Moroz, O.M. Muzychuk, V.V. Sokurenko, etc. However, despite the significant theoretical contribution, a number of issues remain unresolved in the scientific literature, including those related to the description of the regulatory and legal framework for personnel management in the bodies and units of the Security Service of Ukraine.

That is why, the purpose of the article is to characterise the regulatory and legal framework for personnel management in the bodies and units of the Security Service of Ukraine.

2. The essence and content of the regulatory and legal framework for personnel management in the bodies and units of the Security Service of Ukraine

To begin the research, it should be noted that it is expedient to reveal the essence and content of the regulatory framework for personnel management in the bodies and units of the Security Service of Ukraine through the analysis of legal regulations of different legal force. According to the Law of Ukraine 'On Lawmaking', a legal regulation is an official document adopted (issued) by a lawmaker in accordance with the procedure established by the Constitution of Ukraine and/or law in writing, which contains a provision(s) of law and is intended for repeated implementation. The legislation of Ukraine is an interconnected and organized system of regulatory legal acts of Ukraine and applicable international treaties. It is structured from instruments of higher legal force to instruments of lower legal force. The legislation of Ukraine includes: 1) the Constitution of Ukraine - the Basic Law of Ukraine; 2) laws; 3) by-laws: a) resolutions of the Verkhovna Rada of Ukraine containing legal provisions; b) decrees of the President of Ukraine containing legal provisions; c) resolutions of the Cabinet of Ministers of Ukraine containing legal provisions; d) orders of ministries containing legal provisions (hereinafter referred to as 'ministerial orders'); d) regulations of other state bodies containing legal provisions; e) resolutions of the Verkhovna Rada of the Autonomous Republic of Crimea, resolutions of the Council of Ministers of the Autonomous Republic of Crimea, orders of the ministries of the Autonomous Republic of Crimea containing legal provisions; f) orders of heads of local state administrations, orders of heads of structural units of local state administrations containing legal provisions; g) regulations of local self-government bodies containing legal provisions. International treaties in force, ratified by the Verkhovna Rada of Ukraine, are part of the legislation of Ukraine (Law of Ukraine On lawmaking, 2023). Therefore, according to the above-mentioned Law, each instrument has its own legal force - an attribute of legal regulations and the provisions of law established by them, which is the basis for determining the ratio of their mutual hierarchical subordination in the system of legal regulations, determined by a set of features arising from: 1) principles of the constitutional order in Ukraine; 2) competence and territorial jurisdiction of the lawmaker as defined by the Constitution

of Ukraine and (or) the law; 3) other features defined by the Constitution of Ukraine and (or) the law (Law of Ukraine On lawmaking, 2023).

Obviously, not the entire range of legal regulations listed in the Law is included in the system of legal frameworks for personnel management in the SSU, but it is in view of the hierarchy presented in the document that the latter are most appropriately studied. In the context of our study, the first and central legal source is the Constitution of Ukraine, which is the main legal source of the national legal system in terms of and within which all social relations are regulated. As a legal basis for personnel management in the bodies and units of the Security Service of Ukraine, the Basic Law is distinguished by several points. First of all, it enshrines key, integral human and civil rights, which are freely exercised by SSU employees, and which cannot be restricted or violated, even taking into account the special purpose and status of the Service (Constitution of Ukraine, 1996).

The second point is that the Constitution defines the scope of direct activities of the SSU in Article 17 as follows: "Protecting the sovereignty and territorial integrity of Ukraine, ensuring its economic and information security, shall be the most important function of the State and a matter of concern for all the Ukrainian people. The defence of Ukraine and protection of its sovereignty, territorial integrity and inviolability shall be entrusted to the Armed Forces of Ukraine. Ensuring the security of the State and protecting the State borders of Ukraine shall be entrusted to respective military formations and law enforcement bodies of the State, whose organisation and operational procedure shall be determined by law. The Armed Forces of Ukraine and other military formations shall not be used by anyone to restrict the rights and freedoms of citizens or with the intent to overthrow the constitutional order, subvert the public authorities or obstruct their activity. The State shall ensure social protection of citizens of Ukraine who serve in the Armed Forces of Ukraine and in other military formations as well as members of their families. Establishment and operation of any armed formations not envisaged by law are prohibited in the territory of Ukraine. The location of foreign military bases in the territory of Ukraine shall not be permitted" (Constitution of Ukraine, 1996).

In addition, the Constitution regulates certain organisational and managerial aspects of the SSU's functioning related to the implementation of personnel management. In particular, the main legal document of the state establishes the powers of the Verkhovna Rada of Ukraine and the Parliament, which include:

to appoint and dismiss the Head of the Security Service of Ukraine upon the proposal of the President of Ukraine; to approve the general structure, number, and functions of the Security Service of Ukraine, the Armed Forces of Ukraine, other military formations established in accordance with the laws of Ukraine, and the Ministry of Internal Affairs of Ukraine (Constitution of Ukraine, 1996).

3. Legislative level of the regulatory framework for personnel management in the Security Service of Ukraine

Considering the legislative level of the regulatory framework for personnel management in the Security Service of Ukraine, it should be noted that the Labour Code regulates labour relations of all employees, contributing to the growth of labour productivity, improvement of the quality of work, increase in the efficiency of social production and, on this basis, the improvement of the material and cultural standard of living of employees, strengthening of labour discipline and gradual transformation of work for the benefit of society into the first vital need of every able-bodied person. The Code enshrines the rights and duties of employees under an employment contract and of the SSU as an employer; guarantees of working conditions; the basics of labour discipline; principles of building labour relations, etc. (Labour Code of Ukraine, 1971).

The Law of Ukraine 'On Civil Service' defines the principles, legal and organisational framework for ensuring public, professional, politically impartial, efficient, citizen-oriented civil service that functions in the interests of the state and society, as well as the procedure for exercising the right of equal access to civil service by Ukrainian citizens based on their personal qualities and achievements. The provisions of the Law define the legal regularities of the civil service in the activities of all government bodies, including the Security Service of Ukraine, and therefore the staffing of service processes in the SSU bodies and units is based on this legal instrument (Law of Ukraine On Civil Service, 2015).

The key legal regulation of the SSU is the Law of Ukraine 'On the Security Service of Ukraine'. The document regulates the general framework of the SSU, the system and organisation of its activities, the legal status of the SSU personnel, the rights, duties and powers of the agency, aspects of social protection of employees, control over the activities of the agency, etc. (Law of Ukraine On the Security Service of Ukraine, 1992). The main legal regulation is supplemented by the Law of Ukraine 'On the general structure and number of the Security Service of Ukraine', which clarifies the organisational and mana-

gerial model of the SSU (Law of Ukraine On the general structure and number of the Security Service of Ukraine, 2005).

Most SSU employees are military personnel, and therefore they are subject to legislation on military service and its management, namely the Law of Ukraine 'On military duty and military service' and the 'Disciplinary Statute of the Armed Forces of Ukraine'. The former document regulates the relations between the state and citizens of Ukraine in connection with their constitutional duty to protect the Motherland, independence and territorial integrity of Ukraine, and defines the general principles of military service in Ukraine (Law of Ukraine On military duty and military service, 1992). For its part, the Disciplinary Statute regulates the essence of military discipline, the duties of servicemen and servicewomen, as well as persons liable for military service and reservists during training (checking) and special meetings on its observance, the types of rewards and disciplinary sanctions, the rights of commanders to apply them, as well as the procedure for submitting and considering applications, proposals and complaints (Law of Ukraine On the Disciplinary Statute of the Armed Forces of Ukraine, 1999).

In addition to military regulations, SSU employees are subject to anti-corruption legislation, so personnel management shall be subject to the restrictions provided for. For example, the Law of Ukraine 'On Prevention of Corruption' defines the legal and organisational framework for the functioning of the corruption prevention system in Ukraine, the content and procedure for applying preventive anti-corruption mechanisms, and the rules for eliminating the consequences of corruption offences (Law of Ukraine On Prevention of Corruption, 2014).

The system of legal and regulatory frameworks for personnel management in the SSU bodies and units includes the Law of Ukraine 'On social and legal protection of servicemen and members of their families', which establishes the basic principles of public policy on social protection of servicemen and members of their families, establishes a unified system of their social and legal protection, guarantees favourable conditions for servicemen and members of their families in the economic, social and political sectors for the realisation of their constitutional duty to defend the Motherland and regulates relations in this field (Law of Ukraine On Social and Legal Protection of Military Personnel and Members of Their Families, 1991).

The next group of regulatory frameworks for personnel management in the SSU

bodies and units is made up of by-laws, that is, regulations adopted (issued) by the lawmaker on the basis of and in pursuance of the Constitution of Ukraine, the law, and international treaties in force and aimed at their implementation (Law of Ukraine On lawmaking, 2023).

The system of by-laws governing the SSU's activities has its own specifics, manifested in the fact that most issues, including personnel issues, are regulated by departmental documents of the Service, which have limited access, up to and including the classification of secrecy. As a result, there are problems with their scientific analysis. However, in this case, a rather narrow range of working issues arising in the context of the Service's current activities are regulated. Global issues of staffing are regulated by open bylaws of both the SSU and other authorities, such as Presidential Decree 'Issues of the Security Service of Ukraine' No. 1860/2005 of 27 December 2005, which clarified the organisational structure of the SSU and outlined its key components, SSU Order 'On approval of the Instruction on organisation of special training of Ukrainian citizens for admission to military service under contract in the Security Service of Ukraine' No. 603 of 30 November 2010, which defines the organisational and legal framework and methodology for special training of a certain category of candidates for service in the SSU, etc. (Decree of the President of Ukraine On the Issues of the Security Service of Ukraine, 2005; Order of the Security Service of Ukraine On approval of the Instructions on the organization of special training of citizens of Ukraine for admission to military service under a contract in the Security Service of Ukraine, 2010).

4. Conclusions

Therefore, the regulatory framework for personnel management in the bodies and units of the Security Service of Ukraine consists of an extensive system of official legal regulations, such as the Constitution, legislative sources and by-laws. To date, their structure largely meets all the needs of regulatory framework for each of the three groups of SSU personnel: employees under employment contract, civil servants and military personnel. However, certain problematic issues in the context of the topic presented in this paper are regulated rather superficially, in particular, the following issues are concerned: implementation of certain personnel procedures, such as the procedure for selection for service in the SSU; forms and methods of activities of specially authorised entities in the field under study; training of future employees in higher education institutions.

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НОРМАТИВНО-ПРАВОВІ ЗАСАДИ КАДРОВОЇ РОБОТИ В ОРГАНАХ І ПІДРОЗДІЛАХ СЛУЖБИ БЕЗПЕКИ УКРАЇНИ

Анотація. Мета статті полягає у тому, щоб надати характеристику нормативно-правовим засадам кадрової роботи в органах і підрозділах Служби безпеки України. **Результати.** У статті, спираючись на аналіз наукових поглядів вчених та норм чинного законодавства, акцентовано увагу на тому, що нормативно-правові засади кадрової роботи в органах та підрозділах Служби безпеки України складаються із розгалуженої системи офіційних нормативно-правових актів, які включають в себе Конституцію, законодавчі та підзаконні джерела. Відзначено, що окремі проблемні питання в розрізі представленої роботи проблематики врегульовані досить поверхнево, зокрема це стосується питань: реалізації окремих кадрових процедур, а саме, порядку відбору на службу до Служби безпеки України; форм та методів діяльності спеціально уповноважених суб'єктів у досліджуваній сфері; підготовки майбутніх службовців у закладах вищої освіти. Наголошено, що Закон України «Про державну службу» визначає принципи, правові та організаційні засади забезпечення публічної, професійної, політично неупередженої, ефективної, орієнтованої на громадян державної служби, яка функціонує в інтересах держави і суспільства, а також порядок реалізації громадянами України права рівного доступу до державної служби, що базується на їхніх особистих якостях та досягненнях. **Висновки.** Зроблено висновок, що нормативно-правові засади кадрової роботи в органах та підрозділах Служби безпеки України складаються із розгалуженої системи офіційних державних актів, які включають в себе Конституцію, законодавчі та підзаконні нормативно-правові акти. Їх структура на сьогоднішній день, переважно, задовольняє всі потреби правового регулювання кожної із трьох груп кадрового складу Служби безпеки України: працівників за трудовим договором, державних службовців та військовослужбовців. Разом із тим, окремі проблемні питання в розрізі представленої роботи проблематики врегульовані досить поверхнево, зокрема це стосується питань: реалізації окремих кадрових процедур, зокрема порядку відбору на службу до Служби безпеки України; форм та методів діяльності спеціально уповноважених суб'єктів у досліджуваній сфері; підготовки майбутніх службовців у закладах вищої освіти.

Ключові слова: кадри, кадровий склад, службовці, працівники, Служба безпеки України, нормативно-правові засади.

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