

# NATIONAL SECURITY AND DEFENSE COUNCIL OF UKRAINE: PROBLEMATIC ASPECTS OF THE CONSTITUTIONAL AND LEGAL STATUS

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## ABSTRACT

The scientific article examines the functional nature of the National Security and Defense Council of Ukraine and the nature of its powers, its importance as a body with special competence in the field of national security and defense, the role of the National Security and Defense Council in the mechanism of implementing the functions and powers of the President in the field of security and defense of Ukraine. The problematic aspects of the constitutional and legal status of the National Security and Defense Council of Ukraine are analyzed and the author's understanding of its possible correction is offered.

The Constitution of Ukraine calls the National Security and Defense Council of Ukraine “the coordinating body for national security and defense under the President of Ukraine”, which “coordinates and controls the activities of executive bodies in the field of national security and defense”. However, the functions and powers of the National Security and Defense Council of Ukraine enshrined in the Law of Ukraine “On the National Security and Defense Council of Ukraine” of March 5, 1998 go beyond coordination and control over the activities of executive bodies in the field of national security and defense of Ukraine. The National Security and Defense Council of Ukraine not only coordinates and monitors the activities of executive bodies in the field of national security and defense of Ukraine, but also develops and expresses important political decisions, which it makes in the form of proposals to the President of Ukraine concerning realization of principles of domestic and foreign policy in the field of national security and defense of Ukraine. In fact, the main principles on which the competence of the National Security and Defense Council of Ukraine is based are coordination, control, planning and forecasting.

The real role of the National Security and

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Defense Council of Ukraine in ensuring the national security and defense capabilities of Ukraine and the content of the tasks assigned to the National Security and Defense Council of Ukraine by Ukrainian legislation require giving it the status of one of the highest state bodies.

**Key words:** constitutional and legal status, functions, powers, coordination, control, National Security and Defense Council of Ukraine, President of Ukraine, executive bodies, field of national security and defense of Ukraine.

## INTRODUCTION

A feature of many constitutions is the consolidation of the status of a special body – committee, council, etc., endowed with special powers in the field of national security and defense. Usually, such a body is authorized to develop and make decisions on the most important issues of national security and defense of the state and to coordinate the activities of other public authorities in the relevant field. If a special body on national security and defense of the state has the status of a subsidiary advisory body under the head of state, its composition is the result of the will of the latter. In this case, the special body for national security and defense of the state does not have its own powers and the decisions made by it take the form of acts of the head of state. An example of such a body is, in particular, the National Security Bureau in Poland. According to Art. 135 of the Constitution of Poland of 1997, the Bureau of National Security is “an advisory body of the President of the Republic in the field of internal and external security of the state” (Konstytuciya Pespubliky Pol’sha). Accordingly, the President of Poland appoints and dismisses members of the National Security Bureau (Paragraph 26 of Art. 144 of the Polish Constitution).

Otherwise, the special body for national security and defense has the status of an independent subject of power and has its own competence, but remains closely functionally connected with the activities of the head of state in the field of national security and defense. In countries with a republican form of government, the head of the special body for national security and defense is the president. The president heads a special body for national security and state defense, even when that body is not part of the presidential apparatus. In Italy, for example, the Supreme Defense Council is one of the constitutionally established bodies of state power headed by the President (Part 9 of Art. 87 of the Italian Constitution) (Constitution of the Italian Republic). However, the Supreme Defense Council is not a subsidiary body in the structure of the President’s staff and within its competence adopts its own acts – directives. The status of the special body for national security and defense as an independent body of state power headed by the President is defined, in particular, in the Constitution of Georgia of 1995. The status of the National Defense Council as an advisory body created during the period of martial law, is regulated in Georgian Constitution in a separate Chapter eight under the name “Defense and Security of the State” (Art. 73) (Konstytuciya Gruzii). A separate chapter defines the status of the Supreme Defense Council in the 1991 Constitution of Romania (Art. 118) (Konstytuciya Rumunii). At the same time, the President of Romania “performs the function of the Chairman of the Supreme Defense Council of the country” (Part 1 of Art. 92 of the Romanian Constitution) (Konstytuciya Rumunii). The status of the State Defense Council is similarly enshrined in the 1992 Constitution of Lithuania (Art. 140) (Konstytuciya Litovskoj Respubliki).

The status of the National Defense and Security Council in France,

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headed by the President, is special. The National Defense and Security Council is, in essence, a form of the French Council of Ministers. According to Art. 9 of the Constitution of France of 1958, the Council of Ministers is a meeting of the Government chaired by the President (Constitution of October 4, 1958). The peculiarity of ordinances and decrees adopted by the Council of Ministers is that they need to be signed by the President (Art. 13 of the French Constitution) (Constitution of October 4, 1958). These acts do not enter into force at the discretion of the President or the Government. The Council of Ministers gives to the President the opportunity to direct government activities in certain areas, despite having the post of Prime Minister. Thus, in France, the National Defense and Security Council is an institutionalized form of cooperation between the President and the Government in the field of national security and defense, designed to ensure the unity of public policy pursued by two independent entities – the President and the Government.

In the status of the head (chairman) of the special body for national security and defense of the state, the president may be endowed with the authority to form his personnel; he carries out the general management of the work of the special body on national security and defense of the state, in particular, chairs its sittings and determines the range of issues to be considered at these sittings; he may give effect to decisions adopted by a special body on national security and defense of the state, etc. Given the collegial nature of this body, the main organizational form of its activities is a meeting (Tarasenko, 2009, p. 614). In Ukraine, a special body on national security and defense is the National Security and Defense Council of Ukraine.

## **FUNCTIONAL NATURE OF THE NATIONAL SECURITY AND DEFENSE COUNCIL OF UKRAINE AND ITS CONSTITUTIONAL AND LEGAL STATUS**

According to Art. 17 of the Constitution of Ukraine, “protection of the sovereignty and territorial integrity of Ukraine, ensuring its economic and information security are the most important functions of the state, the work of the entire Ukrainian people” (Konstytutsiia Ukrainy). These functions are performed by a whole system of public authorities within its competence. However, the complex and multifaceted task of ensuring the national security and defense capabilities of the state requires coordination of the actions of relevant bodies within a single state policy. The coordination of the activities of public authorities called upon to ensure the national security and defense capability of the state is carried out by the President of Ukraine as the Supreme Commander-in-Chief of the Armed Forces of Ukraine, the guarantor of state sovereignty and territorial integrity of Ukraine.

In the field of national security and defense, the President of Ukraine exercises political leadership over the bodies that ensure Ukraine’s national security and defense capabilities. Among these bodies, a special place is occupied by the National Security and Defense Council of Ukraine, the legal status of which is defined directly in the Constitution of Ukraine. The legal status of the National Security and Defense Council of Ukraine is enshrined in Art. 107 of the Constitution of Ukraine. The constitutional consolidation of the status of the National Security and Defense Council of Ukraine reflects its fundamental importance in the state mechanism and ensures a certain stability of the existence and functional purpose of this body. The special role of the National Security and Defense Council of Ukraine in the state mechanism is reflected in the fact that its constitutional status is clarified and detailed in the special Law of Ukraine “On the National Security and Defense Council of Ukraine” of March 5, 1998 and a number of other regulations and legal acts: the Law of Ukraine “On National Security of Ukraine” of June 21, 2018, the Law of Ukraine “On the Legal Regime of State of Emergency” of March 16, 2000, the Law of Ukraine “On the Legal Regime of Martial Law” of May 12, 2015 and etc. It is through the National Security and Defense Council of Ukraine that the President of Ukraine exercises a significant part of his security and defense powers.

President of Ukraine as a guarantor of state sovereignty and territorial integrity of Ukraine, observance of the Constitution of Ukraine, human and civil rights and freedoms (Part 2 of Art. 102 of the Constitution of Ukraine), which ensures independence and national security (Paragraph 1 of Art. 106 of the Constitution of Ukraine), heads the National Security and Defense Council of Ukraine *ex officio*. According to Art. 107 of the Constitution of Ukraine, the National Security and Defense Council of Ukraine is a coordinating body on national security and defense, which was established under the President of Ukraine and is directly subordinate to him. The constitutional status of this body, its competence derive from the functions and powers of the Head of State in the field of national security and defense of Ukraine. Decisions of the National Security and Defense Council of Ukraine shall be implemented by decrees of the President of Ukraine. The National Security and Defense Council of Ukraine, like the President of Ukraine, does not belong to any branch of state power. Functions of the National

Security and Defense Council of Ukraine, according to Art. 107 of the Constitution of Ukraine, consist in coordination and control over the activities of executive bodies in the field of national security and defense of Ukraine.

The National Security and Defense Council of Ukraine is an integrative body by nature that ensures the unity of state power. It is through representation in the National Security and Defense Council of Ukraine that the highest political bodies of state power of Ukraine can coordinate their positions and unite efforts in resolving the most important issues of national security and defense capabilities of the state. Therefore, the President of Ukraine may not use the National Security and Defense Council of Ukraine to apply checks and balances to executive bodies controlled by the Council (Rozumnyi, pp. 30-33). The integrative nature of the National Security and Defense Council of Ukraine is also evidenced by its composition and decision-making procedure. The National Security and Defense Council of Ukraine consists of the Prime Minister of Ukraine, the Minister of Defense of Ukraine, the Minister of Internal Affairs of Ukraine, the Minister of Foreign Affairs of Ukraine, and the Head of the Security Service of Ukraine. Accordingly, the presence of these officials at the sittings of the National Security and Defense Council of Ukraine is their duty. The Chairman of the Verkhovna Rada of Ukraine may take part in the sittings of the National Security and Defense Council of Ukraine. The National Security and Defense Council of Ukraine makes decisions collectively, with at least two-thirds of the votes of its members. The Chairman of the Verkhovna Rada of Ukraine may express an opinion on the decisions adopted by the Rada. This opinion should be enshrined in the minutes of the meeting of the National Security and Defense Council of Ukraine.

Although the President of Ukraine can purposefully influence the activities of various higher state bodies in the field of national security and defense of Ukraine through the National Security and Defense Council of Ukraine in general and through its individual members, it is obvious that the existence of the National Security and Defense Council bodies play a fundamental role in combining the functions of the Head of State primarily with the executive branch. The President of Ukraine directs governmental activities in the field of national security and defense of Ukraine through the National Security and Defense Council of Ukraine. That is why in Art. 107 of the Constitution of Ukraine it is stated that “the National Security and Defense Council of Ukraine coordinates and controls the activities of executive bodies in the field of national security and defense” (Konstytutsiia Ukrainy). In essence, the National Security and Defense Council of Ukraine ensures the implementation of the relevant functions and powers of the President of Ukraine through the system of executive bodies. The official position of the President of Ukraine, expressed in the form of decisions of the National Security and Defense Council of Ukraine on specific issues of the Government, is imperative for the latter. In accordance with Part 4 of Art. 10 of the Law of Ukraine “On the National Security and Defense Council of Ukraine” of March 5, 1998, decisions of the National Security and Defense Council of Ukraine, enacted by decrees of the President of Ukraine, are binding on executive bodies (Pro Radu natsionalnoi bezpeky i oborony Ukrainy).

An important feature of the constitutional and legal status of the National Security and Defense Council of Ukraine is the inclusion of the Prime Minister of Ukraine, the Minister of Defense of Ukraine, the Minister of Internal Affairs of Ukraine, and the Minister of Foreign Affairs of Ukraine. Although according to the Constitution of Ukraine, direct subordination of these members of the Cabinet of Ministers to the President of Ukraine without the participation of the Government is impossible (Averianov et al., p. 42), their inclusion in the National Security and Defense Council of Ukraine certifies the direct influence on them by the President of Ukraine.

In Art. 107 of the Constitution of Ukraine, which summarizes the legal status of the National Security and Defense Council of Ukraine, it is called the “coordinating body for national security and defense under the President of Ukraine”. The National Security and Defense Council of Ukraine has an exceptional competence in the field of national security and defense of the state. Only the National Security and Defense Council of Ukraine is constitutionally authorized to coordinate and control the activities of executive bodies in the field of national security and defense of Ukraine. Thus, the National Security and Defense Council of Ukraine is not a purely advisory or consultative body under the President of Ukraine. Such subsidiary consultative and advisory bodies the President of Ukraine “creates... for the exercise of his powers”, referred to in Paragraph 28 of Part 1 of Art. 106 of the Constitution of Ukraine. The National Security and Defense Council of Ukraine is a body that “coordinates and controls the activities of executive bodies in the field of national security and defense” (Part 2 of Art. 107 of the Constitution of Ukraine) and its competence goes beyond advising and making recommendations to the President of Ukraine. The constitutional competence of the National Security and Defense Council of Ukraine indicates that its activities are not only advisory or consultative.

The functions of the National Security and Defense Council of Ukraine enshrined in the Law of Ukraine “On the National Security and Defense Council of Ukraine” of March 5, 1998 are not limited to coordination and

control over the activities of executive bodies in the field of national security and defense of Ukraine. According to the Law, the National Security and Defense Council of Ukraine is the developer and exponent of important political decisions, which it makes in the form of relevant proposals to the President of Ukraine on the implementation of domestic and foreign policy in the field of national security and defense. Considering the possibility of submitting relevant proposals to the President of Ukraine, Part 1 of Art. 4 of the Law of Ukraine “On the National Security and Defense Council of Ukraine” of March 5, 1998 establishes a number of powers of the National Security and Defense Council of Ukraine. In particular, the National Security and Defense Council of Ukraine is called to identify and assess threats to Ukraine’s national security and to prepare draft decisions of the President of Ukraine on the prevention or elimination of these threats through collegial discussion (Bodrova, p. 98). In essence, the National Security and Defense Council of Ukraine is a subsidiary body under the President of Ukraine with broad competence in the field of national security and defense of Ukraine. The multifaceted competence of the National Security and Defense Council of Ukraine is designed to ensure the effectiveness of the President of Ukraine in the field of national security and defense of Ukraine. Thus, the legally established competence of the National Security and Defense Council of Ukraine testifies to the incorrectness of the constitutional definition of the National Security and Defense Council of Ukraine as a “coordinating body”.

According to Art. 3 of the Law of Ukraine “On the National Security and Defense Council of Ukraine”, the functions of the National Security and Defense Council of Ukraine are to make proposals to the President of Ukraine on the implementation of domestic and foreign policy in the field of national security and defense; coordination and control over the activities of executive bodies in the field of national security and defense in peacetime; coordination and control over the activities of executive bodies in the field of national security and defense in conditions of martial law or state of emergency and in the event of crisis situations that threaten the national security of Ukraine (Pro Radu natsionalnoi bezpeky i oborony Ukrainy). The conclusion on the complex functional nature of the National Security and Defense Council of Ukraine is confirmed by the content of its powers enshrined in Art. 4 of the Law of Ukraine “On the National Security and Defense Council of Ukraine”. According to the content of these powers, it is possible to establish a real range of functions performed by the National Security and Defense Council of Ukraine. Such functions are, in particular, program, normative, organizational and legal, coordination, control, research, information and analytical, personnel, financial support and logistical functions, as well as the function of strategic planning in the field of national security and defense (Fedorenko, p. 36).

According to the mentioned functions, it is possible to differentiate into groups the system of powers of the National Security and Defense Council of Ukraine. A separate group of powers of the National Security and Defense Council of Ukraine consists of powers to determine the strategic national interests of Ukraine, conceptual approaches and directions of national security and defense of Ukraine in political, economic, social, military, scientific and technological, environmental, informational and other spheres.

The National Security and Defense Council of Ukraine provides rule-making activities of the President of Ukraine in the field of national security and defense of Ukraine, namely: decides on draft state programs, doctrines, laws of Ukraine, decrees of the President of Ukraine, directives of the Supreme Commander of Ukraine, international treaties, other acts and documents on national security and defense of Ukraine, the draft Law of Ukraine on the State Budget of Ukraine and proposals to the Budget Declaration on articles related to national security and defense of Ukraine, declaration of war, general or partial mobilization, martial or state of emergency in Ukraine or its separate localities, declaration in case of need of separate localities of Ukraine of zones of an emergency ecological situation; initiates the development of regulations and documents on national security and defense of Ukraine.

Another group of powers of the National Security and Defense Council of Ukraine is the organizational and legal powers in the field of national security and defense of Ukraine. The National Security and Defense Council of Ukraine decides to improve the system of national security and organization of defense of Ukraine, the formation, reorganization and liquidation of executive bodies in this area; decides on measures of political, economic, social, military, scientific and technological, environmental, informational and other nature in accordance with the scale of potential and real threats to the national interests of Ukraine.

The National Security and Defense Council of Ukraine coordinates and controls the activities of executive bodies in the field of national security and defense of Ukraine. The National Security and Defense Council of Ukraine coordinates the implementation of its decisions enacted by decrees of the President of Ukraine and exercises current control over the activities of executive bodies in the field of national security and defense of Ukraine.

The National Security and Defense Council of Ukraine has the authority to coordinate mobilization work in the field of national security and defense of Ukraine. In particular, it coordinates and controls the transfer of

central and local executive bodies, as well as the country's economy to work in a state of war or emergency; coordinates and controls the activities of local self-government bodies within the limits of the powers granted during the imposition of martial law or state of emergency; coordinates and controls the activities of executive bodies to repel armed aggression, organization of protection of the population and ensuring its livelihood, protection of life, health, constitutional rights, freedoms and legitimate interests of citizens, maintenance of public order in martial law or state of emergency and crisis situations that threaten the national security of Ukraine.

The National Security and Defense Council of Ukraine coordinates and monitors the activities of executive bodies in combating corruption, ensuring public safety and combating crime on issues of national security and defense of Ukraine.

In order to exercise its control powers in the field of national security and defense, the National Security and Defense Council of Ukraine engages control, inspection and supervisory bodies operating in the executive branch to control the timelines and quality of implementation of decisions adopted by the National Security and Defense Council and enacted by decrees of the President of Ukraine.

The National Security and Defense Council of Ukraine exercises the powers related to the organization of scientific research in the field of national security and defense of the state, involving the executive authorities and scientific institutions of Ukraine; summarizes the practice of application and results of inspections of compliance with regulations and documents on national security and defense of Ukraine; involves officials and specialists of executive bodies, government agencies, research institutions, enterprises and organizations of all forms of ownership in the analysis of information.

The National Security and Defense Council of Ukraine exercises powers related to the provision and control over the receipt and processing of necessary information, its preservation; ensuring confidentiality and use in the interests of national security of Ukraine, analyzing on its basis the state and trends of events taking place in Ukraine and in the world, identifying potential and real threats to the national interests of Ukraine.

The National Security and Defense Council of Ukraine exercises powers related to material, financial, personnel, organizational and other support for the implementation of measures on national security and defense of Ukraine (Pro Radu natsionalnoi bezpeky i oborony Ukrainy).

Thus, the content of the powers of the National Security and Defense Council of Ukraine, established by the Law of Ukraine "On the National Security and Defense Council of Ukraine", indicates that the real functions of the National Security and Defense Council of Ukraine are wide and not limited to coordination and control authorities in the field of national security and defense of Ukraine. In fact, the main principles on which the competence of the National Security and Defense Council of Ukraine is based are coordination, control, planning and forecasting. In accordance with these principles, the National Security and Defense Council of Ukraine coordinates, monitors and consolidates the activities of all actors in the security and defense sector, exactly public authorities and civil society institutions in the field of national security and defense of Ukraine. Among these entities, the executive authorities play a key role in ensuring Ukraine's national security and defense capabilities. Hence the focus is set on the coordination and control functions of the National Security and Defense Council of Ukraine, primarily on the system of executive bodies. At the same time, the National Security and Defense Council of Ukraine carries out strategic planning and forecasting on all key issues of national security and defense of Ukraine (Tarasenko, 2012, p. 684). The National Security and Defense Council of Ukraine plays a fundamentally important role in the development and implementation of the most important state decisions in the field of national security and defense of Ukraine. The range of real functions and powers of the National Security and Defense Council of Ukraine determines its internal structure (Tsolkan, p. 90).

Although the National Security and Defense Council of Ukraine cannot be considered as a purely advisory or consultative body under the President of Ukraine, the National Security and Defense Council of Ukraine is not authorized to adopt its own acts. The very competence of the National Security and Defense Council of Ukraine, according to Art. 4 of the Law of Ukraine "On the National Security and Defense Council of Ukraine" of March 5, 1998, aimed at ensuring the implementation of the President of Ukraine of his functions and powers in the field of national security and defense of Ukraine (Pro Radu natsionalnoi bezpeky i oborony Ukrainy).

The problematic nature of the constitutional and legal status of the National Security and Defense Council of Ukraine is evidenced by Part 4 of Art. 107 of the Constitution of Ukraine, providing the right of the President of Ukraine to form the personnel of the National Security and Defense Council of Ukraine. In Art. 107 of the Constitution of Ukraine also defines the range of persons who are members of the National Security and Defense Council of Ukraine *ex officio* (i.e. those of its members who are not appointed by the President of Ukraine). These

are the Prime Minister of Ukraine, the Minister of Defense of Ukraine, the Minister of Internal Affairs of Ukraine, the Minister of Foreign Affairs of Ukraine, the Head of the Security Service of Ukraine. The Chairman of the Verkhovna Rada of Ukraine may take part in the sittings of the National Security and Defense Council of Ukraine. The remaining members of the National Security and Defense Council of Ukraine are appointed by the President of Ukraine. Therefore, the composition of the National Security and Defense Council of Ukraine is not stable and may be significantly influenced by subjective factors.

Another problematic aspect of the constitutional and legal status of the National Security and Defense Council of Ukraine is the provision of Part 3 of Art. 6 of the Law of Ukraine “On the National Security and Defense Council of Ukraine” of March 5, 1998 that “members of the National Security and Defense Council of Ukraine may be heads of other central executive bodies” (Pro Radu natsionalnoi bezpeky i oborony Ukrainy). In accordance with Part 4 of Art. 107 of the Constitution of Ukraine, “the personal composition of the National Security and Defense Council of Ukraine is formed by the President of Ukraine” (Konstytutsiia Ukrainy). This constitutional provision does not impose any restrictions on the discretion of the President of Ukraine to form the personnel of the National Security and Defense Council of Ukraine. Thus, the mentioned legislative restriction of the right of the President of Ukraine to form the personnel of the National Security and Defense Council of Ukraine does not comply with the Constitution of Ukraine. Provisions of Part 3 of Art. 6 of the Law of Ukraine “On the National Security and Defense Council of Ukraine” that “members of the National Security and Defense Council of Ukraine may be heads of other central executive bodies” is objectionable in terms of the integrative nature of the National Security and Defense Council of Ukraine.

Provisions of Art. 107 of the Constitution of Ukraine that the National Security and Defense Council of Ukraine is a body established “under the President of Ukraine”, certifies that members of the National Security and Defense Council of Ukraine are responsible to a single entity – the President of Ukraine. In this context, it is possible to raise the issue of the mechanism of accountability to the President of such members of the National Security and Defense Council of Ukraine as the Prime Minister of Ukraine, Minister of Defense of Ukraine, Minister of Internal Affairs of Ukraine, Minister of Foreign Affairs of Ukraine. The mechanism of accountability of these members of the National Security and Defense Council of Ukraine to the President of Ukraine is beyond constitutional and legal certainty.

The constitutional and legal status of such a member of the National Security and Defense Council of Ukraine as the Head of the Security Service of Ukraine needs special attention. According to Paragraph 12<sup>1</sup> of Art. 85 of the Constitution of Ukraine, “appointment and dismissal on the proposal of the President of Ukraine of the Head of the Security Service of Ukraine” belongs to the competence of the Verkhovna Rada of Ukraine (Konstytutsiia Ukrainy). At the same time, in accordance with Art. 13 of the Law of Ukraine “On the Security Service of Ukraine” of March 25, 1992, “The Chairman of the Security Service of Ukraine is appointed and dismissed by the President of Ukraine” (Pro Sluzhbu bezpeky Ukrainy).

Provisions of Paragraph 12<sup>1</sup> of Art. 85 of the Constitution of Ukraine that the appointment and dismissal of the Chairman of the Security Service of Ukraine is carried out by the Verkhovna Rada of Ukraine, obviously dissonant with the status of President of Ukraine as a governing body in the system of bodies ensuring national security and defense of Ukraine. The President of Ukraine, in accordance with Paragraph 1 of Art. 106 of the Constitution of Ukraine, ensures state independence and national security. At the same time, the tasks of the Security Service of Ukraine, defined by the Law of Ukraine “On the Security Service of Ukraine” of March 25, 1992 (Pro Sluzhbu bezpeky Ukrainy), show that this body significantly mediates the activities of the President of Ukraine aimed at national security of Ukraine. Therefore, the President of Ukraine must be subordinated to the Security Service of Ukraine and it is he who must appoint the Head of the Security Service of Ukraine (with the consent of the Verkhovna Rada of Ukraine) and dismiss him. Thus, the procedure established by the Constitution of Ukraine for the appointment and dismissal of the Head of the Security Service of Ukraine weakens the status of the President of Ukraine as a guarantor of national security.

According to Art. 112 of the Constitution of Ukraine and Art. 5 of the Law of Ukraine “On the National Security and Defense Council of Ukraine” of March 5, 1998, in the case of early termination of powers of the President of Ukraine the fulfillment of its powers in the field of national security and defense of Ukraine, in particular the presidency of the National Security and Defense Council of Ukraine for the period before the election and admission to the post of new President of Ukraine, is entrusted to the Chairman of the Verkhovna Rada of Ukraine (Pro Radu natsionalnoi bezpeky i oborony Ukrainy). At the same time, it is the Prime Minister of Ukraine who heads the Cabinet of Ministers of Ukraine (Part 5 of Art. 114 of the Constitution of Ukraine), “the highest

body in the system of executive bodies” (Part 1 of Art. 113 of the Constitution of Ukraine). The Cabinet of Ministers headed by the Prime Minister “provides state sovereignty and economic independence of Ukraine, implementation of domestic and foreign policy of the state”, “takes measures to ensure the defense capability and national security of Ukraine” (Parts 1, 7 of Art. 116 of the Constitution of Ukraine). The Prime Minister of Ukraine, not the Chairman of the Verkhovna Rada of Ukraine, “directs, coordinates and controls the activities” of the Minister of Defense of Ukraine, the Minister of Internal Affairs of Ukraine, the Minister of Foreign Affairs of Ukraine” (Paragraph 2 of Part 1 of Art. 42 of the Law of Ukraine “On the Cabinet of Ministers of Ukraine” of February 27, 2014) (Pro Kabinet Ministriv Ukrainy). The presidency of the Prime Minister of Ukraine in the National Security and Defense Council of Ukraine for the period before the election and assumption of the new President of Ukraine would be in line with the key role played by the Cabinet of Ministers in ensuring national security and defense. The right of the Chairman of the Verkhovna Rada of Ukraine to chair the National Security and Defense Council of Ukraine during the term of office of the President of Ukraine also dissonant with the fact that the Chairman of the Verkhovna Rada of Ukraine is not a member of the National Security and Defense Council of Ukraine ex officio and, according to Part 3 of Art. 9 of the Law of Ukraine “On the National Security and Defense Council of Ukraine” of March 5, 1998, may participate in its sittings with the right of advisory vote (Pro Radu natsionalnoi bezpeky i oborony Ukrainy).

## **PRINCIPLES OF POSSIBLE CORRECTION OF THE CONSTITUTIONAL STATUS OF THE NATIONAL SECURITY AND DEFENSE COUNCIL OF UKRAINE**

We believe that the constitutional status of the National Security and Defense Council of Ukraine should be adjusted in several key points. The National Security and Defense Council of Ukraine should be removed from the system of subsidiary bodies under the President of Ukraine and acquire the status of one of the highest state authorities, along with the President of Ukraine, the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, the Constitutional Court of Ukraine. At the same time, it is necessary to preserve the status of the President of Ukraine as the head of the National Security and Defense Council of Ukraine and the main functional purpose of the Council. The National Security and Defense Council of Ukraine must maintain its functional focus on ensuring the status of the President of Ukraine as a leading entity of the security and defense sector, guarantor of state sovereignty, territorial integrity of Ukraine, observance of the Constitution of Ukraine, human and civil rights and freedoms, implementation of the strategic course of the state towards its full membership in the European Union and the North Atlantic Treaty Organization. The acquisition by the National Security and Defense Council of Ukraine of the status of an independent body of state power should not lead to the loss by the President of Ukraine of the necessary means of influencing the organization and activities of the Council. In particular, it is necessary to keep the provisions of Paragraph 18 of Part 1 of Art. 106 of the Constitution of Ukraine, according to which the President of Ukraine “heads the National Security and Defense Council of Ukraine” and the provisions of Part 3 of Art. 107 of the Constitution of Ukraine that “The President of Ukraine is the Chairman of the National Security and Defense Council of Ukraine” (Konstytutsiia Ukrainy). These constitutional provisions stipulate that sittings of the National Security and Defense Council of Ukraine are chaired by the President of Ukraine. The National Security and Defense Council of Ukraine shall hold its sittings under the chairmanship of the President of Ukraine as its leader, except in the event of early termination of the powers of the President of Ukraine and the exercise of his powers in the field of national security and defense of Ukraine, in particular his presidency in the National Security and Defense Council, by the relevant constitutionally authorized person. The President of Ukraine must have the prerogative to convene sittings of the National Security and Defense Council of Ukraine and determine their agenda.

The National Security and Defense Council of Ukraine should be given the right to adopt its own acts, which are binding on the entities to which these acts will be addressed. This nature of the acts of the National Security and Defense Council of Ukraine implies that they should be subject to constitutional control, along with acts of other political bodies – the President of Ukraine, the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine. The signing by the President of Ukraine of the acts adopted by the National Security and Defense Council of Ukraine should be a condition for their entry into force.

These instruments in the hands of the President of Ukraine (the right to convene sittings of the National Security and Defense Council of Ukraine, the right to chair sittings of the National Security and Defense Council of Ukraine and the right to determine their agenda, the right to countersign acts of the National Security and De-



fense Council of Ukraine) will ensure the proper level of influence of the President of Ukraine on the organization and activities of the National Security and Defense Council of Ukraine.

The constitutional competence of the National Security and Defense Council of Ukraine needs to be expanded. In accordance with Part 2 of Art. 107 of the Constitution of Ukraine, “The National Security and Defense Council of Ukraine coordinates and controls the activities of executive bodies in the field of national security and defense” (Konstytutsiia Ukrainy). Ensuring the national security and defense capabilities of the state applies to the activities of all public authorities and civil society institutions. Despite the key role of the executive branch in ensuring Ukraine’s national security and defense capabilities, it is clear that Ukraine’s national security and defense capability mechanism covers not only relevant public authorities but also many civil society institutions aimed at identifying, preventing and eliminating possible threats to Ukraine’s national security. It is worth noting the approach to determining the scope of coordination of the special body on national security and defense, which has been applied, in particular, in the Law of the Republic of Lithuania “On the State Defense Council” of April 30, 1997. According to Part 1 of Art. 2 of that act, “The State Defense Council... is a state institution that considers and coordinates the most important issues of state defense, including the activities of state institutions on the most pressing issues of ensuring and protecting state security” (Konstitucija Litovskoj Respubliki).

In any form of government, the president is functionally integrated with the executive branch. The functional connection of the President with the executive branch presupposes, in particular, his purposeful coordination and control over the activities of the relevant executive bodies in the field of national security and defense of the state. At the same time, the president is a functionally “neutral” body and a significant part of his functions is related to the activities of the state in general, all segments of its mechanism. This feature of the functional nature of the president makes him most suitable for coordinating the activities of any actors in the security and defense sector. The President of Ukraine should coordinate the activities of the security and defense sector not directly, but through the National Security and Defense Council of Ukraine. The National Security and Defense Council of Ukraine should play the role of a focal point that ensures coherence and common focus of all entities of the security and defense sector mentioned in the Law of Ukraine “On National Security of Ukraine” of June 21, 2018. The National Security and Defense Council of Ukraine should be defined as a body that coordinates and supervises the activities of the security and defense sector. This defines the competence of a special body on national security and defense, in particular, the Constitution of Romania in 1991. According to Art. 118 of the Romanian Constitution, “The Supreme Defense Council uniformly organizes and coordinates those activities related to national defense and national security” (Konstituciya Rumynii).

Acquisition of the status of an independent body of state power by the National Security and Defense Council of Ukraine requires a clear delineation and at the same time harmonization of functions and powers of the National Security and Defense Council of Ukraine with the respective functions and powers of the President of Ukraine. The system of functions and powers of the National Security and Defense Council of Ukraine should be focused on the functions and powers of the President of Ukraine in the field of national security and defense of Ukraine, be their regulatory guarantees.

The importance of the National Security and Defense Council of Ukraine in the state mechanism requires directly at the constitutional level to determine its personnel by establishing the circle of persons who are members of the National Security and Defense Council of Ukraine *ex officio*. The National Security and Defense Council of Ukraine should also have the right to decide on the participation in its sittings with the right of an advisory vote of experts on issues considered by the Council. This approach to determining the personnel of the special body for national security and defense of the state, and the number of persons who may participate in its sittings, is used in the legislation of some countries. For example, in accordance with Art. 118 of the Constitution of Turkey of 1982, the National Security Council meets under the chairmanship of the President. In addition to the President, its staff consists of the Vice President, the Minister of Justice, the Minister of National Defense, the Minister of the Interior, the Minister of Foreign Affairs, the Chief of the General Staff, the Commander of the Land Forces, the Commander of the Navy and the Commander of the Air Force. At the same time, an important caveat is made in the mentioned article: depending on the nature of the agenda, relevant ministers and persons whose opinion is important to be heard may be invited to participate in the sittings of the National Security Council (Türkiye Cumhuriyeti Anayasası). According to Art. 140 of the 1992 Constitution of Lithuania, the State Defense Council consists of the President of the Republic as its head, the Prime Minister, the Speaker of Parliament, the Minister of Defense of the Land and the Commander of the troops (Konstitucija Litovskoj Respubliki). At the same time, in accordance with Art. 11 of the Law of the Republic of Lithuania “On the State Defense Council” of April 30,

1997, the State Defense Council may decide to invite experts to its meeting to evaluate the proposals, recommendations and information submitted to the Council (O Gosudarstvennom sovete oborony).

The constitutional composition of the National Security and Defense Council of Ukraine must comply with the principle of proper representation in its composition of heads of public authorities as the most important actors in the security and defense sector and guarantee the legitimacy of decisions of the National Security and Defense Council of Ukraine. It is obvious that the personnel of the National Security and Defense Council of Ukraine should not depend on the subjective preferences of the President of Ukraine. The exhaustive enshrinement in the Constitution of Ukraine of the personnel of the National Security and Defense Council of Ukraine means that the President of Ukraine must lose the opportunity to appoint some members of the National Security and Defense Council of Ukraine at his own discretion.

In accordance with Part 6 of Art. 107 of the Constitution of Ukraine, “the Chairman of the Verkhovna Rada of Ukraine may take part in the sittings of the National Security and Defense Council of Ukraine” (Konstytutsiia Ukrainy). We believe that the Chairman of the Verkhovna Rada of Ukraine should acquire the status of a member of the National Security and Defense Council of Ukraine *ex officio*. This would, among other things, be in line with the integrative nature of the National Security and Defense Council of Ukraine, its multifaceted competence and the objectives of parliamentary control.

In Art. 106 of the Constitution of Ukraine, which enshrines most of the powers of the President of Ukraine, the obligation of the Head of State to submit an annual report to the Verkhovna Rada of Ukraine on the state of national security and defense of Ukraine should be established. The meaning and significance of this report is that it may cause important changes in the legislation on national security and defense of Ukraine.

The principle of the rule of law does not allow the irresponsible exercise of power (The European Commission). The status of the National Security and Defense Council of Ukraine as a subject of power raises the issue of constitutional and legal responsibility of its members. We believe that unconstitutional actions or inaction of members of the National Security and Defense Council of Ukraine should be constitutionally defined as grounds for early termination of their powers. It is obvious that the Constitutional Court of Ukraine should be the entity authorized to state the unconstitutionality of the actions or inaction of the members of the National Security and Defense Council of Ukraine. The mechanism of constitutional and legal responsibility of members of the National Security and Defense Council of Ukraine must be defined constitutionally.

The status of the National Security and Defense Council of Ukraine as the highest body of the state should be regulated in a separate Paragraph of the Constitution of Ukraine. It is necessary to clearly define the constitutional functions of the National Security and Defense Council of Ukraine, in accordance with which the legislative regulation of its powers should take place. The Constitution of Ukraine should enshrine the provisions on the mandatory implementation of acts of the National Security and Defense Council of Ukraine. It is necessary to give to the National Security and Defense Council of Ukraine the right of legislative initiative with the possibility to determine the bills submitted by it to the Verkhovna Rada of Ukraine as urgent, i.e. those that should be considered by the Verkhovna Rada of Ukraine. The National Security and Defense Council of Ukraine should also be subject to the right to appeal to the Constitutional Court of Ukraine. The Constitutional Court of Ukraine provides official interpretation of the Constitution of Ukraine, in particular, its basic provisions concerning national security and defense of Ukraine, as well as verifies the constitutionality of laws and other regulations governing legal relations in the field of national security and defense of Ukraine. It is important that the National Security and Defense Council of Ukraine, as the developer of relevant acts on national security and defense of Ukraine and a public authority designed to prevent threats to national security, have the right to appeal to the Constitutional Court of Ukraine on constitutionality of acts (drafts) regulating legal relations in the field of national security and defense of Ukraine.

## CONCLUSIONS

In the Constitution of Ukraine, the National Security and Defense Council of Ukraine is called the “coordinating body for national security and defense under the President of Ukraine”. The status of this body is regulated in Chapter V “President of Ukraine”. In accordance with the approach adopted by the Constitution of Ukraine to determine the status of the National Security and Defense Council of Ukraine, the Council is a special subsidiary body in the Office of the President of Ukraine. Therefore, the President of Ukraine is the Chairman of the National Security and Defense Council of Ukraine *ex officio*, and the competence of this body derives from the

functions and powers of the President of Ukraine in the field of national security and defense of Ukraine.

Although the President of Ukraine can purposefully influence the activities of various higher state bodies in the field of national security and defense of Ukraine through the National Security and Defense Council of Ukraine in general and through its individual members, it is obvious that the existence of the National Security and Defense Council bodies plays a fundamental role in combining the functions of the Head of State primarily with the executive branch. The President of Ukraine directs governmental activities in the field of national security and defense of Ukraine through the National Security and Defense Council of Ukraine. In this way, the National Security and Defense Council of Ukraine ensures the implementation of the relevant functions and powers of the President of Ukraine through the system of executive bodies.

In accordance with Part 2 of Art. 107 of the Constitution of Ukraine, the functions of the National Security and Defense Council of Ukraine are coordination and control over the activities of executive bodies in the field of national security and defense of Ukraine. This alone shows that the National Security and Defense Council of Ukraine is not a purely advisory or consultative body under the President of Ukraine. At the same time, the functions of the National Security and Defense Council of Ukraine enshrined in the Law of Ukraine "On the National Security and Defense Council of Ukraine" of March 5, 1998 are not limited to coordination and control over the activities of executive bodies in the field of national security and defense. The National Security and Defense Council of Ukraine not only coordinates and monitors the activities of executive bodies in the field of national security and defense of Ukraine, but also develops and expresses important political decisions, which it makes in the form of proposals to the President of Ukraine concerning realization of principles of domestic and foreign policy in the field of national security and defense of Ukraine. The multifaceted nature of the functions of the National Security and Defense Council of Ukraine is confirmed by the nature of the powers of the Council enshrined in the Law of Ukraine "On the National Security and Defense Council of Ukraine". This is an obvious ambiguity in the constitutional and legal definition of the status of the National Security and Defense Council of Ukraine.

Another problematic aspect of the constitutional and legal status of the National Security and Defense Council of Ukraine is that although the National Security and Defense Council of Ukraine cannot be considered a purely subsidiary advisory body under the President of Ukraine, it is not an independent supreme body. This is evidenced, first of all, by the fact that the National Security and Defense Council of Ukraine is deprived of the right to adopt its own acts, and the decisions approved by the Council take the form of decrees of the President of Ukraine.

During the war between Ukraine and the Russian Federation, the role of the National Security and Defense Council of Ukraine in ensuring the national security and defense capabilities of the Ukrainian state has grown rapidly. This necessitates a change in the constitutional status of the National Security and Defense Council of Ukraine. Instead of a special subsidiary body under the President of Ukraine, the National Security and Defense Council of Ukraine must become an independent supreme body of state power with its own competence and the right to adopt its own acts. Such a change of status will ensure more effective implementation by the National Security and Defense Council of Ukraine of its functions in the field of national security and defense of Ukraine.

An important aspect of changing the constitutional status of the National Security and Defense Council of Ukraine should be to expand the scope of its coordination and control functions. As the National Security and Defense Council of Ukraine is the only body endowed with exclusive competence in the field of national security and defense to coordinate and control the activities of other actors in the security and defense sector, its coordination and control functions cannot be constitutionally limited to coordination and control over the activities of executive bodies in the field of national security and defense of Ukraine.

Acquisition of the status of an independent body of state power by the National Security and Defense Council of Ukraine requires clear delimitation and at the same time coordination of functions and powers of the National Security and Defense Council of Ukraine with functions and powers of the President of Ukraine in the field of national security and defense. It is necessary to maintain the functional orientation of the National Security and Defense Council of Ukraine to implement the competence of the President of Ukraine in the field of national security and defense.

The principle of proper representation of heads of higher state bodies as key actors in the security and defense sector in the National Security and Defense Council of Ukraine necessitates a clear constitutional definition of its personnel. At the same time, in order to ensure the high quality of decisions of the National Security and Defense Council of Ukraine, it is also necessary to establish in the Constitution the possibility of participation, by decision of the National Security and Defense Council of Ukraine, in its sittings of relevant experts with advisory votes.

Acquisition by the National Security and Defense Council of Ukraine of the status of one of the highest bodies of the state requires giving the National Security and Defense Council of Ukraine the right of legislative initiative and the right to appeal to a body of constitutional jurisdiction.

## REFERENCES

- Averianov V., Derets V., Pukhtetska A. (2009). Orhanizatsiia vykonavchoi vlady potrebuie reformuvannia [Organization of executive power needs reform]. *Pravo Ukrainy*. № 12, 39-46.
- Bodrova I. (2012). Systema dopomizhnykh orhaniv pry Prezydentovi Ukrainy [System of subsidiary bodies under the President of Ukraine]. *Derzhavne budivnytstvo ta mistseve samovriaduvannia*. Issue 23, 94-105.
- Constitution of October 4, 1958. URL : [https://www.conseil-constitutionnel.fr/sites/default/files/as/root/bank\\_mm/anglais/constiution\\_anglais\\_oct2009.pdf](https://www.conseil-constitutionnel.fr/sites/default/files/as/root/bank_mm/anglais/constiution_anglais_oct2009.pdf) (accessed 07.02.2022).
- Constitution of the Italian Republic. URL : [https://www.senato.it/documenti/repository/istituzione/costituzione\\_inglese.pdf](https://www.senato.it/documenti/repository/istituzione/costituzione_inglese.pdf) (accessed 07.02.2022).
- Fedorenko V. (2010). Konstytutsiino-pravovyi status Rady natsionalnoi bezpeky i oborony Ukrainy [Constitutional and legal status of the National Security and Defense Council of Ukraine]. *Biuleten Ministerstva yustytzii Ukrainy*. № 12, 32-39.
- Konstituciya Gruzii ot 24 avgusta 1995 g. [Constitution of Georgia of August 24, 1995]. URL : <https://matsne.gov.ge/ru/document/view/30346?publication=36> (accessed 07.02.2022).
- Konstituciya Litovskoj Respubliki ot 25 oktyabrya 1992 g. [Constitution of the Republic of Lithuania of October 25, 1992]. URL : [https://www.lrs.lt/home/Konstitucija/Konstitucija\\_RU.htm](https://www.lrs.lt/home/Konstitucija/Konstitucija_RU.htm) (accessed 07.02.2022).
- Konstituciya Pespbuliki Pol'sha ot 2 aprelya 1997 g. [Constitution of the Republic of Poland of April 2, 1997]. URL : <https://legalns.com/download/books/cons/poland.pdf> (accessed 07.02.2022).
- Konstituciya Rumynii ot 21 noyabrya 1991 g. [Romanian Constitution of November 21, 1991]. URL : <https://legalns.com/download/books/cons/romania.pdf> (accessed 07.02.2022).
- Konstytutsiia Ukrainy [Constitution of Ukraine] : Zakon Ukrainy vid 28 chervnia 1996 r. № 254/96-vr. *Vidomosti Verkhovnoi Rady Ukrainy*. 1996. № 30. Art. 141.
- O Gosudarstvennom sovete oborony [About the State Defense Council] : Zakon Litovskoj Respubliki ot 30 aprelya 1997 g. URL : <https://e-seimas.lrs.lt/portal/legalActPrint/lt?jfwid=11dyhelu55&documentId=TAIS.43944&category=TAD> (accessed 07.02.2022).
- Pro Kabinet Ministriv Ukrainy [On the Cabinet of Ministers of Ukraine] : Zakon Ukrainy vid 27 liutoho 2014 r. № 794-VII. *Vidomosti Verkhovnoi Rady Ukrainy*. 2014. № 13. Art. 222.
- Pro Radu natsionalnoi bezpeky i oborony Ukrainy [On the National Security and Defense Council of Ukraine] : Zakon Ukrainy vid 5 bereznia 1998 r. № 183/98-VR. *Vidomosti Verkhovnoi Rady Ukrainy*. 1998. № 35. Art. 237.
- Pro Sluzhbu bezpeky Ukrainy [On the Security Service of Ukraine] : Zakon Ukrainy vid 25 bereznia 1992 r. № 2229-XII. *Vidomosti Verkhovnoi Rady Ukrainy*. 1992. № 27. Art. 382.
- Rozumnyi M. (2008). RNBO v systemi strymuvan i protyvah [RNBO in the system of checks and balances]. *Narodnyi deputat*, 30-33.
- Tarasenko K. (2009). Mistse Rady natsionalnoi bezpeky i oborony Ukrainy v systemi orhaniv, shcho zabezpechuiut natsionalnu bezpeku i oboronu v Ukraini [The place of the National Security and Defense Council of Ukraine in the system of bodies providing national security and defense in Ukraine]. *Forum prava*. № 3, 610-620.
- Tarasenko K. (2012). Kompetentsiia, formy i metody diialnosti ta vidpovidalnist Rady natsionalnoi bezpeky

i oborony Ukrainy [Competence, forms and methods of activity and responsibility of the National Security and Defense Council of Ukraine]. *Forum prava*. № 2. P. 679-692.

The European Commission for democracy through law (Venice Commission). Urgent amicus curiae brief relating to the postponement of elections motivated by constitutional reform. Issued pursuant to Article 14a of the Venice Commission's Rules of Procedure. URL : [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI\(2020\)015-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI(2020)015-e) (accessed 07.02.2022).

Tsolkan V. (2011). Struktura Rady natsionalnoi bezpeky i oborony Ukrainy yak vazhlyvyi element yii konstytutsiino-pravovoho statusu [he structure of the National Security and Defense Council of Ukraine as an important element of its constitutional and legal status]. *Chasopys Kyivskoho universytetu prava*. № 2, 90-93.

Türkiye Cumhuriyeti Anayasasi [Constitution of the Republic of Turkey]. URL : <https://www.mevzuat.gov.tr/mevzuatmetin/1.5.2709.pdf>