

## National Security in the Conditions of the Russia-Ukraine War: Legal Regulation and Islamic Law Perspectives

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### Abstract

National security is an important condition for the functioning and development of individuals, societies, and the states, however, this security is threatened by war, and global military conflicts. This article aims to describe the national security threatened by the Russia-Ukraine War and all its effects from the context of legal regulation and Islamic law. This article is the qualitative research with a historical and comparative approach. The results of the study concluded that Russia's full-scale invasion of Ukrainian territory, the formation of a new international military alliance, and the establishment of international cooperation to strengthen the security of the world community, were identified as innovative ways to develop international and global security. This is important to ensure national security in wartime conditions is maintained because security is a basic need that must be guaranteed in the context of national law, human rights, and Islamic law.

**Keywords:** cooperation; Islamic law; legal regulation; national security; threats

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Keamanan nasional merupakan syarat penting bagi berfungsinya dan berkembangnya individu, masyarakat, dan negara. Namun demikian keamanan tersebut terancam oleh peperangan, konflik militer yang bersifat global. Artikel ini bertujuan mendeskripsikan keamanan nasional yang terancam oleh Perang Rusia-Ukraina dan dampak yang ditimbulkannya dilihat dari konteks regulasi hukum dan hukum Islam. Penelitian ini merupakan penelitian kualitatif dengan pendekatan sejarah dan perbandingan. Hasil kajian ini disimpulkan bahwa adanya invasi skala penuh Rusia di wilayah Ukraina, pembentukan aliansi militer internasional baru, pembentukan kerja sama internasional untuk memperkuat keamanan komunitas dunia, diidentifikasi sebagai cara-cara inovatif untuk mengembangkan keamanan internasional dan global. Hal ini penting untuk memastikan keamanan nasional dalam kondisi masa perang tetap terjaga karena keamanan merupakan kebutuhan mendasar yang harus dijamin baik dalam konteks hukum nasional, hak asasi manusia dan hukum Islam.

**Kata Kunci:** kerja sama; hukum Islam; peraturan hukum; keamanan nasional; ancaman

## Introduction

Today, the world pays special attention to the formation and provision of national security, taking into account modern security challenges and globalization trends. The relevance of researching this topic lies in the fact that national security is an important condition for the functioning and development of an individual, society, and the state. Today, problems in the sphere of national security are characterized by a large number of threats of various levels; many such threats are global, including military conflicts and wars. An adequate understanding of the invasion of the Russian Federation to Ukraine that occurred on February 24, 2022, demands the identification of the main actors and factors, texts, and contexts that have converged dialectically in the realization of the dramatic events that represent a war of defense with characteristics of hybrid war on the part of Russia, for the Ukrainian society as a whole in the general framework of the commission of war crimes and crimes against humanity by the invading troops, as evidenced by the ruthless killings (massacres) of thousands of civilians in the cities of Bucha, Borodyanka, Gostomel, Irpin, Buzova, and others.

The analysis presented below is based on the consideration of 6 (six) important factors to take into account in political and legal analysis as a necessary condition to understand, without bias or partial vision, the main events that determine the dynamics of political conflict in its course and war between Russia and Ukraine, the latter, a sovereign and independent country that has the irrefutable right to self-determine its national destiny, without the interference of Russia, beyond its historical and cultural ties. The reasons and factors for the beginning of the war between the Russian Federation and Ukraine are: 1) Signing without guarantees of compliance of the Budapest Memorandum on December 5, 1994. Denial of nuclear weapons. (Memorandum on security assurances in connection with Ukraine's accession to the Treaty on the Non-Proliferation of nuclear weapons. 1994); 2) The arrival of the pro-Russian president of Ukraine Viktor Fyodorovich Yanukovich who governed between 2010-2014, ruining the national economy and the military establishment; 3) the annexation of the Crimean Peninsula in 2014 by the Russian Federation and the weak position of Europe in the form of sanctions; 4) Uncontrolled dynamics of Corruption in Ukraine for 30 years (from 1990-2021). In fact, there were no arms purchases, especially military plans; 5) The impunity of President of the Russian Federation Vladimir Putin in the military conflicts in Chechnya 1999-2009, Syria, and Ukraine. A situation that has underpinned Putin's "reign" from 1999 to the

present; 6) Ukraine's withdrawal from Russian oil and gas, reduction in commercial turnover, i.e., a decrease in Russia's profits. It is profitable for Ukraine to sell products to Europe, and Asian countries. Russia is not happy about this.<sup>1</sup>

At the same time, people in Ukraine are suffering every day as a result of the war, which is manifested in the killing of civilians, constant air alarms, and the senseless destruction of civilian infrastructure, which is projected to reach about \$600 billion.<sup>2</sup> Taking into account the full-scale invasion of Russia on the territory of Ukraine, the formation of new international military alliances, the formation of international cooperation to strengthen the security of the world community, identification of innovative ways of developing international and global security, today the issue of identifying modern problems of ensuring national security in wartime conditions is actualized.<sup>3</sup>

Seohee Kwak notes national security is one of the most fundamental priorities of any state regardless of the form of government, and states institutionalize laws on national security in different ways according to their own historical and political contexts.<sup>4</sup> The concept of national security can be understood as the physical defense of a state's territory and its citizens by force or the structural protection of its system from internal and external subversive or terrorist acts. Regarding the latter, states develop multiple laws and policies through which they safeguard their established institutions. Moreover, in the digital era, a state's national security policy stretches not only in offline public spaces but also in online spaces. While the law on national security is commonly observed in various political regimes, whether democratic or autocratic, this article seeks to conduct a comparative analysis of different regimes with varying degrees of political and civil liberties.

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<sup>1</sup> Leheza Yevhen et al, 'Legal Status of the Territory of Crimea after the Accession of Russia', *Revista do Curso de Direito do Unifor* 13, no. 2 (2022): 28–37, <https://doi.org/10.24862/rcdu.v13i2.1632>.

<sup>2</sup> Yevhen Leheza et al., 'Principles of Law: Methodological Approaches to Understanding in the Context of Modern Globalization Transformations', *Ius Humani. Law Journal* 11, no. 2 (2022): 55–79, <https://doi.org/10.31207/ih.v11i2.312>.

<sup>3</sup> Yevhen Leheza, Olha Mashchenko, and Pavlo Pokataiev, 'La Esencia de Las Relaciones Públicas En El Derecho Administrativo Moderno', *Ratio Juris* 18, no. 36 (2023): 379–98, <https://doi.org/10.24142/raju.v18n36a19>.

<sup>4</sup> Seohee Kwak, 'Dynamics between National Security Laws and Repertoires of Political Action: A Comparative Analysis of Hong Kong and South Korea', *Asian Politics & Policy* 16, no. 1 (2024): 78–93, <https://doi.org/10.1111/aspp.12725>.

Chopra and Pils' article focuses on two Northeast Asian cases: the Hong Kong Special Administrative Region (HKSAR) and South Korea. China legislated the National Security Law (NSL) of the HKSAR and the law has become a scholarly topic since it was enacted in 2020.<sup>5</sup> The distinction should be made between the national security law of Hong Kong, which was enacted in 2020, and the one applied in mainland China, which came into effect in 2015.<sup>6</sup>

Today, the problems of national security in the conditions of wartime and war are analyzed fragmentarily. So, Chasnyk analyzes the issue of ensuring human rights in the sphere of national security in conditions of facing military aggression by the Russian Federation.<sup>7</sup> Leheza et al. research the problems of fakes as a tool in hybrid warfare and threats to national security.<sup>8</sup>

Shevchenko, et al. analyze the peculiarities of implementing threats to the state sovereignty of Ukraine during the Russia-Ukraine War, as well as in the evaluation of alternative options for Ukraine's national policy regarding the formation of its status concerning the international environment and collective security structures.<sup>9</sup> It has been proven that the strategic plan of the Russian leadership to return Ukraine to its zone of geopolitical domination is implemented based on the use of the following models of threats to state sovereignty and territorial integrity: "limited sovereignty", military-political conflict, regional disintegration of the state, hybrid war, destabilization of economic and social-political systems.

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<sup>5</sup> Surabhi Chopra and Eva Pils, 'The Hong Kong National Security Law and the Struggle over Rule of Law and Democracy in Hong Kong', *Federal Law Review* 50, no. 3 (2022): 292-313, <https://doi.org/10.1177/0067205X221107410>; Brian C. H. Fong, 'Exporting Autocracy: How China's Extra-Jurisdictional Autocratic Influence Caused Democratic Backsliding in Hong Kong', *Democratization* 28, no. 1 (2021): 198-218, <https://doi.org/10.1080/13510347.2020.1851202>.

<sup>6</sup> Tetsuro Kobayashi, Jaehyun Song, and Polly Chan, 'Does Repression Undermine Opposition Demands? The Case of the Hong Kong National Security Law', *Japanese Journal of Political Science* 22, no. 4 (2021): 268-86, <https://doi.org/10.1017/S1468109921000256>.

<sup>7</sup> Dmytro Chasnyk, 'Ensuring Human Rights in the Field of National Security in the Conditions of Military Confrontation Aggression of the Russian Federation', *Scientific Notes of the Lviv University of Business and Law. The Series Is Economical. Series Legal* 34 (2022): 61-67, <https://doi.org/10.5281/zenodo.7105142>.

<sup>8</sup> Yevhen Leheza et al., 'The Essence of the Principles of Ukrainian Law in Modern Jurisprudence', *Revista Jurídica Portucalense* 32 (2022): 342-363, [https://doi.org/10.34625/issn.2183-2705\(32\)2022.ic-15](https://doi.org/10.34625/issn.2183-2705(32)2022.ic-15).

<sup>9</sup> M. Shevchenko et al., 'Russian-Ukrainian War: Features of the Implementation of Threats to the State Sovereignty of Ukraine and the Prospects for Exiting the War', *Collection of Scientific Works of the Center for Military and Strategic Research of the National Defense University of Ukraine* 75, no. 2 (2022): 6-15, <https://doi.org/10.33099/2304-2745/2022-2-75/6-15>.

Yang and Zou analyze the demands and interests of the Natuna Regency of Indonesia and interpret the disputes in the South China Sea from the perspective of local factors. Based on an analysis of numerous documents and reports, as well as field research trips to Natuna and online interviews with local government leaders, members of nongovernmental organizations, and businesspeople, the study concludes that the securitization of Natuna Regency, with its rich resources and special strategic position, has attracted great attention. The local government has no authority over the waters around Natuna, and while it can share a small portion of the profits made from local resources, it cannot promote local economic development or protect the rights of fisheries. The local government can only promote the policies of the central government in economic development and cooperate with the military to ensure the safety of the surrounding waters and local fishing vessels. The local government continues to actively petition the central government to designate Natuna-Anambas as a special province to gain more management rights. The development demands of resource-rich areas drive local leaders to seek cooperation with the military and the international community, increasing the uncertainty of the situation in the South China Sea.<sup>10</sup>

Vasylychshyn et al. analyze the legal field in the national security system before the full-scale armed invasion of the aggressor country on the territory of Ukraine and they note that this field was sufficient and contained several normative and legislative acts taking into account the real threats to the independence of Ukraine, its sovereignty and democracy, but insufficient effectiveness of particularly state bodies made it difficult to develop and implement an effective policy.<sup>11</sup> They suggested that state institutions ensuring national security of the state pay attention to the humanitarian aspect of national security in terms of the religious component which requires immediate legislative regulation.<sup>12</sup> At the same time, there are no systematic studies of the problem of ensuring national security in wartime conditions.

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<sup>10</sup> Yani Yang and Yizheng Zou, 'Development and National Security: Indonesia's Natuna Island and the South China Sea Issue', *Third World Quarterly* 45, no. 3 (2024): 493–512, <https://doi.org/10.1080/01436597.2023.2270507>.

<sup>11</sup> Oleksandra Vasylychshyn, Volodymyr Tytor, and Igor Kekish, 'National Security of the State: Specifics of Provision in Regime State of War', *Economic Analysis*, no. 32(4) (2022): 289–97, <https://doi.org/10.35774/econa2022.04.289>.

<sup>12</sup> Vasylychshyn, Tytor, and Kekish; Tetiana Ye. Leonenko et al., 'Features of Group Motivation for Criminal Acts Committed on the Grounds of Religious Hatred or Hostility', *Journal of Advanced Research in Law and Economics* 10, no. 3 (2019): 834–41, [https://doi.org/10.14505/jarlev.10.3\(41\).19](https://doi.org/10.14505/jarlev.10.3(41).19).

This article aims to present a study of legal regulation and Islamic law regarding the problem of national stability over the war and its consequences that occurred between Ukraine and Russia using a historical and comparative approach. Furthermore, this article offers several proposals to create national and global stability. This is the novelty that is offered, namely examining how national law and Islamic law view the problem of national stability in the Russia-Ukraine War as well as offering efforts to increase national stability.

The scientific method used in this research is qualitative research with the historical and comparative approach to determine the methodological support for studying theoretical and historical foundations of ensuring national security in conditions of martial law.<sup>13</sup> The comparative-historical method will allow “to identify and compare levels in the development of the phenomenon being studied, those changes that have occurred, as well as to determine trends of development”.<sup>14</sup>

### **Theoretical and Legal Foundations of National Security**

Personal safety, in our opinion, should be understood as: firstly, the state of protection of a person from dangerous factors at the level of his interests and needs; in this regard, the concept of security focuses attention on situations of danger that arise due to violence and poverty and other threats and circumstances. For example, freedom from fear is a core value of human security. In the event of a violation, for example, of religious freedom, this basic value is threatened. A strong judicial system helps keep crime down, thereby contributing to freedom from fear. All this should be taken into account by states and international organizations when creating domestic legal acts and when concluding international agreements related to the protection and security of the individual.

The security of the individual should be understood as the social security of a person, which ensures the preservation of the person himself and his vital

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<sup>13</sup> Yevhen Leheza et al., ‘Administrative, Financial, Criminal-Legal and Theoretical-Methodological Aspects of Regulating Social Relations’, *Jurnal Cita Hukum* 10, no. 3 (2022): 439–46, <https://doi.org/10.15408/jch.v10i3.27809>.

<sup>14</sup> Tetiana Ye. Leonenko et al., “Pathological” Religiosity Phenomenon as Manifestation of Individual’s Deviant Behavior: Religious Hatred or Discord Motive in Commission of Crimes in the Religious Denomination Sphere’, *Journal of Advanced Research in Law and Economics* 10, no. 1 (2019): 299–306, [https://doi.org/10.14505/jarle.v10.1\(39\).30](https://doi.org/10.14505/jarle.v10.1(39).30).

functions following the capabilities of society, as well as the security of conditions that ensure the realization of the rights and freedoms of the individual, opportunities for its self-development.

It should be noted that the concept of human security in its essence is something much greater than the absence of violent conflict. It covers the sphere of human rights, "good governance, education, culture, etc. Regarding the international system, two documents can be referred to in this connection. Thus, in the Agenda for Peace (Agenda for Peace), published in 1992 by the UN Secretary-General, it is noted that the threat to global security may not only be military because diseases and natural disasters "can cause no less devastation than weapons war".<sup>15</sup> In essence, the document emphasizes that security should focus on people, and not only on the protection of national security and national borders.<sup>16</sup>

In the first approach (which favors protection) the social system proceeds from the fact that it is in a hostile social environment. A small mistake or a detected weakness can provoke harsh aggressive actions of the external environment. Therefore, such a social system sees its survival exclusively in the provision of protection, therefore it is forced to spend all its available resources only for this purpose, and in a certain sense it neglects the tasks of its development. Note that such methods of protection can be both active and passive defensive in nature.<sup>17</sup>

Active methods of protection include: deterring the enemy by demonstrating the ability and willingness to inflict unacceptable damage on this enemy; preventive actions i.e. actions directed against the implementation of the aggressive plans of the enemy; active countermeasures i.e. actions that reduce the effectiveness of damage inflicted by the enemy; active destructive actions i.e. elimination of the enemy as a potential source of threats.

Passive means of protection include: avoiding contact with a hostile social environment, being patient with one's experiences, and humbly repairing the

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<sup>15</sup> Boutros Boutros Ghali, 'Addendum to the Agenda for the World: A Position Paper of the General Secretary on the Occasion of the Fiftieth Anniversary of the United Nations', 1955. Documents of the UN General Assembly, 50th session, A/50/60.S/1995/1, January 25, 1995.

<sup>16</sup> Human security as a modern imperative era: shifted the focus from the state to the people Dinu/Fund named after Friedrich Ebert: representation production in Ukraine. URL: <https://library.fes.de/pdf-files/bueros/ukraine/07749.pdf>

<sup>17</sup> Yevhen Leheza et al., 'Legal Regulation of the Status of Subjects of Special Competence in Relation to Public Administration in the Sphere of Intellectual Property in Ukraine', *Jurnal Cita Hukum* 9, no. 2 (2021): 221-36, <https://doi.org/10.15408/jch.v9i2.22234>.

damage caused. At the same time, the mentioned actions can negatively affect the national security system, especially in conditions of military aggression. Therefore, one should choose such methods of protecting national security that are justified and expedient for now.<sup>18</sup>

In the second approach, on the contrary, emphasis is placed on ensuring the social system of own sustainable growth and development. Such a system proceeds from the fact that the social environment as a whole behaves either benevolently or neutrally concerning it. The national security system sees itself as the source of threats; it considers the emergence of such threats as the result of insufficiently thought-out, hasty, or overly risky decisions. Of course, one's own decisions can unwittingly provoke an aggressive reaction from a generally neutral or benevolent environment.<sup>19</sup> The potential of the activity of such a system consists in the desire to eliminate the risk of making decisions that can prevent its progressive movement forward or that can lead to the creation of prerequisites for an avalanche-like emergence of even more dangerous negative consequences.<sup>20</sup>

Today, national security issues move to the forefront in most countries of the world. This is caused by a change in the global security environment, which today contains a large number of threats and challenges of various natures. Based on this, as well as given Ukraine's participation in European integration and international processes, the issue of ensuring an adequate level of national security should become a key one.<sup>21</sup>

The national security system includes various areas (spheres): military, economic, informational, ecological (environmental), commodity, social, political, spiritual and moral, etc. Each of these areas has its specific mechanisms, forms,

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<sup>18</sup> Oleh Shkuta et al., 'Object and Subject of State Control in the Sphere of Legal Turnover of Narcotic Drugs, Psychotropic Substances and Their Precursors in Ukraine: Administrative, Criminal and Civil-Legal Aspect', *Journal of Drug and Alcohol Research* 12 (2023), <https://doi.org/10.4303/JDAR/236255>.

<sup>19</sup> Yevhen Leheza et al., 'Legal Regulation of the Implementation of the Basic Principles of Law in the Context of the Development of a Democratic Society', *Revista Do Curso de Direito Do UNIFOR* 14, no. 1 (2023): 114–23, <https://doi.org/10.24862/rcdu.v14i1.1707>.

<sup>20</sup> Yevgeny Leheza and Andrii Manzhula, 'Foreign Experience and Public Services through the Implementation in National Legislation Ukraine', *ScienceRise: Juridical Science* 2, no. 2 (2017): 45–49, <https://doi.org/10.15587/2523-4153.2017.118829>.

<sup>21</sup> Valentyna Boniak, Tetiana Minka, and Oksana Mysliwa, 'Origins of the Institution of Corruption in Post-Socialist States: Economic, Legal and Institutional Aspects', *Economic Annals-XXI* 177, no. 5–6 (2019): 22–33, <https://doi.org/10.21003/ea.V177-02>.



and methods of ensuring security. Security should be understood not only as a concept and a set of requirements that are not always fulfilled, but it should also be viewed as the real condition of a person, society, and the state, this “condition of security” should be experienced by.<sup>22</sup>

The education system is an integral part of the state as a social system. The level of development of human capital assets affects the stability of the state's development and the condition/status of its national security. At the same time, the state of national security significantly affects the stability of the educational sphere and has far-reaching consequences in the form of disparities in the development of the social, economic, ecological, and industrial environment due to insufficient development of human capital assets.<sup>23</sup>

The interaction between the education system and national security can be characterized by a large number of cause-and-effect relationships that cannot always be imagined quantitatively, therefore, determining the role and contribution of the education system in ensuring the comprehensive security of the state from external and internal threats is extremely relevant today. This becomes especially important in connection with the crisis catalyzed in the sphere of education by the COVID-19 pandemic, as well as the full-scale invasion of Russia on the territory of Ukraine. Assessment of the role of the education system in ensuring national security makes it possible to more reasonably define the tasks of the state concerning the education system as a factor affecting national security.<sup>24</sup>

In Islamic law discourse, the state's task is to provide a sense of security to all its citizens by creating national stability, so that all people experience benefit and justice. The benefit of the state can be built if the state provides security guarantees by preserving the soul (*hifz al-nafs*), preserving property (*hifz al-māl*), preserving religion (*hifz al-dīn*), preserving reason (*hifz al-'aql*) and preserving descendants (*hifz al-nasl*).<sup>25</sup>

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<sup>22</sup> Maksym Korniienko et al, 'Peculiarities of Investigating Criminal Offenses Related to Illegal Turnover of Narcotic Drugs, Psychotropic Substances, Their Analogues or Precursors: Criminal Law Aspect', *Khazanah Hukum* 5, no. 3 (2023): 205–15, <https://doi.org/10.15575/kh.v5i3.31742>.

<sup>23</sup> Yevhen Leheza, Larysa Yerofoienko, and Volodymyr Komashko, 'Peculiarities of Legal Regulation of Intellectual Property Protection in Ukraine under Martial Law: Administrative and Civil Aspects', *Revista Justiça Do Direito* 37, no. 3 (2023): 157–72, <https://doi.org/10.5335/rjd.v37i3.15233>.

<sup>24</sup> Iegor Dymko et al, 'Integrated Approach to the Development of the Effectiveness Function of Quality Control of Metal Products', *Eastern-European Journal of Enterprise Technologies* 6, no. 3 (90) (2017): 26–34, <https://doi.org/10.15587/1729-4061.2017.119500>.

<sup>25</sup> Anthin Lathifah et al, 'The Construction of Religious Freedom in Indonesian Legislation: A Perspective of Maqāsid Hifz Al-Dīn', *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 1 (2022): 369–90, <https://doi.org/10.22373/sjhk.v6i1.10957>.

## Foreign Experience of the National Security State

Therefore, one of the problems of ensuring national security consists of changing the concept of the education system, updating approaches to the formation of education standards, and forming the digital space of the education system. So, in the United States of America, the state policy regarding the impact of education on the national security is as follows:<sup>26</sup>

First, science, technology, engineering, mathematics (STEM), and modern foreign languages have been identified as priority areas of knowledge and training for ensuring national security in the United States of America in recent years. The main fields of application of knowledge in the field of STEM education are artificial intelligence, cyber security, quantum informatics, advanced technologies, and manufacturing;<sup>27</sup>

Second, the main risks to the United States of America's national security are a decrease in the level of mastery of STEM - skills, and knowledge among American schoolchildren and graduates of higher education institutions; raising the level of education in the field of natural sciences, mathematics, technical, computer sciences in other countries, first of all, geopolitical adversary countries; reduction in the number and share of American students and graduates of higher education institutions studying STEM disciplines; decrease in the number of American higher education graduates specializing in STEM; decrease in the quality of teaching STEM education; the presence of a persisting gap in academic achievement between different demographic groups.<sup>28</sup>

Third, the main consequences of these risks are a shortage of qualified personnel in the branches of the national economy related to the sphere of national security and advanced technologies, which is filled by migrants, including those from geopolitical adversary countries; inability of the US STEM education system to meet domestic demand for a STEM-qualified workforce; digital illiteracy of American citizens.

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<sup>26</sup> Yevgeny Leheza, Maryna Savielieva, and Olena Dzhafarova, 'Structural and Legal Analysis of Scientific Activity Regulation in Developed Countries', *Baltic Journal of Economic Studies* 4, no. 3 (2018): 147–57, <https://doi.org/10.30525/2256-0742/2018-4-3-147-157>.

<sup>27</sup> Yevhen Leheza et al, 'Land Use and Protection: Legal Regulation and Foreign Experience', *Revista de La Universidad Del Zulia* 12, no. 33 (2021): 70–81, <https://doi.org/10.46925/rdluz.33.06>.

<sup>28</sup> Antonio Herman, 'America's STEM Crisis Threatens Our National Security', *American Affairs* 3, no. 1 (2019), <https://americanaffairsjournal.org/2019/02/americasstem-crisis-threatens-our-national-security>.

Fourth, reduction of national security risks in the sphere of education is ensured by: improving STEM teaching and providing support to working teachers; increasing the number and share of students of STEM disciplines at all levels of education; increasing the number of graduates of higher education institutions specializing in the field of STEM sciences; availability of STEM education; forming basic and applied research knowledge in the field of STEM in graduates of educational organizations provided that this knowledge is necessary for career development in a wide list of STEM professions and priority areas, such as computer engineering and cyber security, artificial intelligence, quantum physics and robotics.<sup>29</sup>

The problems that have arisen in the system of ensuring national security in wartime conditions are connected, first of all, with military aggression and the occupation of some regions of Ukraine. Therefore, important elements of the national security system include the formation of effective means of the country's defense capability, redistribution of funding taking into account the level of development of the defense-industrial complex, formation of scientific research laboratories with their activities aimed at the development of new methods of protecting the population and military personnel, development and testing of innovative weapons, etc.<sup>30</sup>

In addition, the legislative branch of the state has developed and adopted several regulatory and legislative acts taking into account the real threats to the independence of Ukraine, its sovereignty, and democracy, but the insufficient efficiency of particularly state bodies made it difficult to develop and implement an effective policy.<sup>31</sup> At the same time, the public management of the national security system (in addition to other main aspects) focused on the presence of a growing shortage of financial resources, which made it difficult to allocate funds

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<sup>29</sup> 'Cotton, Blackburn, Kustoff Unveil Bill To Restrict Chinese Stem Graduate Student Visas & Thousand Talents Participants', *Tom Cotton - Senator for Arkansas*, 27 May 2020, <https://www.cotton.senate.gov/news/press-releases/cotton-blackburn-kustoff-unveil-bill-to-restrict-chinese-stem-graduate-student-visas-and-thousand-talents-participants#:~:text=Washington%2C D.C. - Senator Tom Cotton,graduate studies in STEM fields>.

<sup>30</sup> Yevhen Leheza et al, 'Ensuring Human Rights in Ukraine: Problematic Issues and Ways of Their Solution in the Social and Legal Sphere', *Cuestiones Políticas* 37, no. 64 (2020): 130-36, <https://doi.org/10.46398/cuestpol.3764.10>.

<sup>31</sup> Yevhen Leheza et al, 'Introduction of Electronic Governance Technologies in Administrative, Social and Labor Relations: Legal Regulation and Foreign Experience', *Revista de La Universidad Del Zulia* 14, no. 39 (2023): 450-456, <https://doi.org/10.46925/rdluz.39.25>.

to ensure production and purchase of modern weapons and military equipment in the necessary volumes.<sup>32</sup>

Another important problem of national security consists in the provision of information security, ensuring the protection of society from fakes and distortions of information leading to panic among the population, a negative perception of public management decisions by state authorities, loss of trust in state authorities, which can to irreparable consequences in conditions of war.<sup>33</sup> Today, the processes of social transformation are taking place rapidly; these processes are based on information-communication, and technical-technological changes, naturally leading to the emergence of risks concerning dysfunctional and disorganized states of the social system, its institutions, and subsystems. Currently, the sovereignty of a national state is significantly limited in the information and intellectual spheres; that is why in modern conditions significant growth is typical for threats and risks associated with the information sphere, which is an integral part of the entire national security. National security includes several main directions, one of which is ensuring security in the information sphere. Sustainable development of the country can be ensured by a complex of measures, a systematic interaction of directions in various fields, aimed at protecting interests both at the micro level of an individual and at the macro level of the entire state.<sup>34</sup>

One of the main negative factors affecting the condition of information security consists of increased possibilities for information and technical influence on the information infrastructure for military purposes. At the same time, intensified activities of organizations carrying out intelligence on the work of scientific organizations and state enterprises, in particular on organizations of the defense-industrial complex.<sup>35</sup>

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<sup>32</sup> Olha Hryhorash et al., 'The Development of Small Business as a Source of Formation of Local Budget Revenues in Ukraine', *Investment Management and Financial Innovations* 15, no. 1 (2018): 133–40, [https://doi.org/10.21511/imfi.15\(1\).2018.12](https://doi.org/10.21511/imfi.15(1).2018.12).

<sup>33</sup> Nataliia Zadyraka et al., 'Correlation of Legal Concepts of Administrative Procedure and Administrative Liability in the Sphere of Urban Planning', *Jurnal Cita Hukum* 11, no. 1 (2023): 39–44, <https://doi.org/10.15408/jch.v11i1.31784>.

<sup>34</sup> Yevhen Leheza et al., 'Foreign Experience in Legal Regulation of Combating Crime in the Sphere of Trafficking of Narcotic Drugs, Psychotropic Substances, Their Analogues and Precursors: Administrative and Criminal Aspect', *Journal of Drug and Alcohol Research* 12, no. 4 (2023): 3–8, <https://doi.org/10.4303/JDAR/236240>.

<sup>35</sup> V. Yu. Bohdanovich, Boris Vorovich, and E. I. Marko, 'Information Security as a Basis for Military Security of the Company', *Collection of Scientific Works of the Center for Military and Strategic Research of the National Defense University of Ukraine* 64, no. 3 (2019): 44–48, <https://doi.org/10.33099/2304-2745/2018-3-64/44-48>.

At the current stage of ensuring national security and the evolution of global trends, mental security is the key to the survival of society and the state. Military operations, information challenges, and globalization processes causing specific side effects pose a significant danger to the mentality. It should be taken into account that information technologies and globalization are objective processes that cannot be stopped or reversed. In addition to negative factors, globalization, and information technologies also have positive aspects, therefore, of course, the impact of globalization processes must be taken into account to compensate for its mental costs in the mechanism of ensuring national security. However, globalization is not the main threat to mental security. The most serious destructive effect on the mentality is caused by informational distortions and fakes. In this case, the matter is about the tools of “soft power”, which is less expensive and more effective compared to military or economic methods. This problem is becoming one of the most important problems in ensuring national security in the world. Mental safety includes the following aspects: education, cultural and tourist sphere, spiritual, social, and labor sphere, etc.<sup>36</sup>

Financing is one of the important problems in the system of ensuring national security. The financial security of a state as a component of its national security is the basis of the economic development of the country, which ensures the sovereignty and integrity of the country, as well as a decent standard of living for its citizens. In the conditions of martial law, the issues of financial security of the state become of great importance, since the defense of the country, the army, functioning of the defense and security agencies rely on sufficient and stable financial support, both domestically and with the involvement of international aid.<sup>37</sup> Therefore, the search for sources of financing and determination of directions for the use of financial resources is the basis of ensuring the protection and development of production in the country in peacetime and, are extremely important in wartime. Elements of the state's financial security include available financial resources, the possibility of their accumulation and stable use to ensure victory over the enemy, eliminate threats to the state

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<sup>36</sup> Yevhen Leheza et al., 'Features of Applying the Right to Suspension or Complete/ Partial Refusal to Fulfill a Duty in Case of Non-Fulfilment of the Counter Duty by the Other Party According to the Civil Legislation of Ukraine', *Revista Jurídica Portucalense*, no. Sp. (2023): 359–355, [https://doi.org/10.34625/issn.2183-2705\(ne\)2023.ic-17](https://doi.org/10.34625/issn.2183-2705(ne)2023.ic-17).

<sup>37</sup> Olena Volobueva et al., 'Criminal and Administrative Legal Characteristics of Offenses in The Field of Countering Drug Trafficking: Insights from Ukraine', *Yustisia Jurnal Hukum* 12, no. 3 (2023): 269–77, <https://doi.org/10.20961/yustisia.v12i3.79443>.

integrity of Ukraine and its national interests, and security of the country's citizens; these elements require legal regulation.<sup>38</sup>

There is a separate problem of ensuring patriotic education of children and youth to form their national self-awareness and understanding of the importance of language and national culture in the system of national security. It is patriotic education that will fulfill the role of developing national identity and national unity of our society.<sup>39</sup>

Preventing and combating corruption is an important problem in ensuring national security both in peacetime and in wartime. Corruption affects not only the legal, social, and economic spheres but also the military sphere where it brings great changes. First of all, corruption destroys the development of the military-industrial complex, prevents the introduction of innovative means of protection for military personnel, it disturbs the development and testing of new weapons, and new technologies, and hampers the provision of military personnel with the necessary equipment, protection and weapons.<sup>40</sup> All this is necessary for the defense and protection of our country as well as for the liberation of territories from occupation.

Unfortunately, systemic measures for preventing and combating corruption do not bring effective results. Sometimes this is due to the lack of political will, sometimes the reason consists of the ineffectiveness of corruption combating mechanisms, often this is due to the unprofessionalism of personnel representatives who form and implement the anti-corruption policy of Ukraine. The problem of corruption in wartime conditions harms not only the situation in the regions where hostilities are taking place but also undermines the reputational capital (pull of goodwill) of our country in the international arena. Damage to the country's reputation may lead to the fact that Ukraine's allies will not trust our state and will not provide such vital assistance in financing the defense-industrial complex, innovative weapons, and technologies, and this may lead to irreparable consequences on the battlefield. Therefore, overcoming corruption becomes a priority for ensuring the national security of Ukraine.

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<sup>38</sup> D. V. Korobtsova, 'Legal Provision of Financial Security of the State in Martial Law', *Analytical and Comparative Jurisprudence*, no. 2 (2022): 141–46, <https://doi.org/10.24144/2788-6018.2022.02.27>.

<sup>39</sup> Yevheniia Zhukova et al., 'Legal Regulation of Public Administration of Education and Science', *Cuestiones Políticas* 41, no. 76 (2023): 338–46, <https://doi.org/10.46398/cuestpol.4176.18>.

<sup>40</sup> Yevhen Oleksandrovysh Leheza et al., 'Scientific and Practical Analysis of Administrative Jurisdiction in the Light of Adoption of the New Code of Administrative Procedure of Ukraine', *Journal of Legal, Ethical and Regulatory Issues* 22, no. 5 (2019): 1–8, <https://dspace.oduvs.edu.ua/items/8756f8b6-59a2-4d6b-920c-b68d55efae0e>.

The system of national security measures to protect Ukraine from external threats can be seen in Table 1.

Table 1  
System of National Security Measures to Protect Ukraine  
from External Threats

Sequence of measures	A type of measure related to national security
1	Strengthen democratic civilian control over the security and defense sector of Ukraine as a guarantee of the legality and effectiveness of the activities of its components, increase the efficiency of management, strengthen supervision, and strengthen the responsibility of officials and officials of security and defense sector bodies
2	It will review and ensure the implementation of legislation in the field of national security and defense, in particular clarify and implement the norms of the Law of Ukraine "On National Security of Ukraine"
3	Will create a system of effective management and coordination of the activities of security and defense sector bodies.
4	Optimizes the structure, functions, and numbers of the Security Service of Ukraine as a specially authorized state body in the fields of counter-intelligence activities and protection of state secrets, the main body in the national system of combating terrorist activities, which will make it possible to warn, timely detect external and internal threats to the security of Ukraine and prevent them, stop intelligence, terrorist and other illegal encroachments by special services of foreign states, as well as organizations, individual groups and individuals on the state security of Ukraine, eliminate the conditions that contribute to them and the causes of their occurrence.
5	The creation of an effective intelligence community, strengthening its role in the implementation of state policy in the spheres of national security and defense, will strengthen the system of coordination and control of the activities of intelligence agencies, and will develop intelligence capabilities.
6	Will complete the creation of the national cyber security system, form modern capabilities of cyber security and cyber defense entities, and strengthen their coordination system.

## Islamic Law Perspective

Therefore, being an important component of international legal security of the individual, international legal norms contained in international agreements and other acts on human rights oblige the states - their participants, to fulfill their requirements on their territory, to create the necessary mechanisms for their implementation and realization, to ensure the implementation of human rights in a specific field of legal relations. Thereby they create legal guarantees of personal safety in a specific area (for example, the right to life, inviolability of the person). In this regard, we can say that the state and level of protection of personal safety at both the international and national levels depends on the effectiveness and efficiency of the application of international human rights norms, or *maqāṣid al-sharī'ah* in Islamic law perspective

At the same time, it should be noted that it would be wrong to reduce the problem of personal security in the international legal aspect only to the institution and norms of international law regarding the protection of human rights. This is important to emphasize because the problem of ensuring personal safety is connected not only with the International Institute for the protection of human rights.

In Islamic law, the importance of maintaining national security stability and maintaining the right to life and security, free from corruption and all the problems that occurred in the Ukraine-Russia war is in line with the legal provisions of the importance of maintaining personal security (*ḥifẓ al-naḥs*) which is part of *maqāṣid al-sharī'ah*.<sup>41</sup> The state must provide a sense of security to all its citizens. Safe from all forms of injustice, insecurity, corruption, and national security threats. Likewise, large countries must help create national and global security.

Apart from *ḥifẓ al-naḥs*, the unstable condition of national security caused by corruption will give rise to a situation of chaos which threatens the safety of assets (*ḥifẓ al-māl*) because corruption causes the distribution and use of assets by people who are not entitled to them. It will even further undermine national economic stability.

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<sup>41</sup> Lathifah et al., "The Construction of Religious Freedom in Indonesian Legislation: A Perspective of Maqāṣid Ḥifẓ al-Dīn'.



## Conclusion

The conducted analysis gives reason to note that ensuring the national security of Ukraine includes a complex of national and international measures. At the same time, determination of strategic priorities, correct understanding of problems in the sphere of national security, search for optimal ways to solve such problems, and close cooperation of states in creating an effective system for countering modern threats will contribute to ensuring the national security, including prevent corruption as part of preserving property (*hifz al-māl*) and maintain life safety from war as part of preserving the soul (*hifz al-nafs*) of Ukraine and international security in the world. Only cooperation can solve the urgent strategic tasks of ensuring national security in difficult world conditions and new globalization challenges.

It was concluded that cooperation can solve the urgent strategic tasks of ensuring national security in difficult world conditions and new globalization challenges.[a]

## Author Contribution Statement

**Oleh Shkuta:** Data Curation; Funding Acquisition; Resources; Validation; Writing, Review & Editing.

**Yevhen Leheza:** Conceptualization; Formal Analysis; Investigation; Methodology; Project Administration; Resources; Validation; Visualization; Writing Original Draft; Writing, Review & Editing.

**Iryna Telelym:** Conceptualization; Funding Acquisition; Project Administration; Validation; Writing, Review & Editing.

**Anatolii Anosienkov:** Project Administration; Resources; Writing, Review & Editing.

**Oleh Yaroshak:** Methodology; Resources; Writing, Review & Editing.

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