



## About the Evolution of the National Security Concept

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**ABSTRACT** This study dealt with the scientific and legislative evolution of the “national security” concept, as well as a system of views on this political, social, and legal phenomenon. Therefore, both legal and scientific changes in the national security concept were analyzed. It is well known that signs of national security such as normativity, target nature, protection of primary interests, and so forth are disclosed from the position of a systematic approach. Therefore, the human right to security was specially considered. It was concluded that national security must be defined as a constitutional law of a subject belonging to the category of natural ones. Besides, it must already be enshrined in the amended Constitution in the case of constitutional reform. Moreover, it was found that understanding national security as a complex formation requires the implementation of an integrated approach.

### INTRODUCTION

According to the studies, reforms made in Russia have caused new and exacerbated previously existing problems. National security occupies a special place among them. However, it does not lose its relevance throughout the entire period of the existence of humanity. It is not possible to mention the stage of historical development when this issue reduced its severity (Maslach and Schaufeli 2017). Sources, types, the intensity of threats, and their orientation changed, but they did not disappear. Therefore, humanity has always been searching the use of the most effective means intended for ensuring security, which allows us to state that security occupies one of the leading places in the structure of the modern world (Tashev 2017).

It is widely accepted that humanity has accumulated massive baggage of knowledge in the field of security, which was based on both positive and negative experiences. For example, Aristotle's judgment that “all types of the political system crumble either from internal or external causes, when a state with the opposite arrangement is near or albeit far, but has power” has still kept its relevance. In other words, external threats have been emphasized, but at the same time, there is a danger of internal threats, in particular, offenses (Tapia-Valdes 1982).

It should be mentioned that prominent thinkers in the Middle Ages were persistently interested in the security problem (Graham 2019). Correspondingly, they attended to the role of both Christian morality, righteousness, power, strength, and coercion in ensuring security. In this regard, Machiavelli (1985) illustrated dangers both from the outside (external) and from within the state in the field of security. According to him, a foreign danger could also be repelled by the army and allies, while internal dangers posed a great threat. Therefore, the relationship established between internal danger as external hazards have been stated, and the growth of internal danger as external hazards actualize has been realized.

Although the role and importance of security in a social function were recognized, it did not stand out as an independent area of state activity for many stages of social development. Thus, normative-legal regulation of security relations was fragmented, and the first special law in this area was the US National Security Act, which was adopted only on July 26, 1947 (Demarest and Borghard 2018). The law assigned the task to some public authorities on the implementation of domestic and foreign policy in national security within the framework of cooperation of the armed forces, ministries, and departments.

However, the term “national security” itself has been recently introduced into the official vocabulary. In fact, US President T. Roosevelt in 1904 used it in his message to the US Congress (Commager and Cantor 1973), giving the rationale for a military intervention to seize the Panama Republic territory to construct the Panama Canal, which was argued by the interests of national security (Watson and Tsouras 2019).

### Objectives

This study deals with the scientific and legislative evolution of the “national security” concept, as well as a system of views on this political, social, and legal phenomenon.

### METHODOLOGY

The researchers used formal-legal, comparative-legal, and dialectical methods of scientific knowledge in this study (Lipinsky et al. 2019).

Moreover, analysis and synthesis, deduction and induction, and abstraction methods were applied.

The researchers will demonstrate in the following sections that system thought includes both observation and synthesis and that system thinking offers a distinctive approach to how both analysis and synthesis operate within the scientific method. But they need to define the relationship between observation and synthesis and the scientific method more clearly before addressing the position of process reasoning. The researchers may identify the scientific method as a dialectic between observation and synthesis.

Throughout scientific literature, the topic of research and synthesis has been dominated by two issues. First, whether it makes sense or not to speak of them as individuals or groups, and second, the order in which observation and synthesis are applied.

As part of a broader discussion on the dynamics associated with analysis and synthesis, the researchers will consider the second issue. Note that each of these issues assumes that there has been some process to identify an entity to which analysis and synthesis can be applied.

### RESULTS AND DISCUSSION

The term “national security” was widely used in domestic legal acts in the 90s of the twentieth

century. Then, the message of the President of the Russian Federation to the Federal Assembly of the Russian Federation “On National Security” was published on June 13, 1996 (Huskey 2016). In addition, national security was defined in it as “a state of protection of national interests from internal and external threats, which ensure progressive development of individual, society, and state.” Moreover, such a definition of the concept was developed in the National Security Concept of the Russian Federation where the national security of the Russian Federation was understood as “the security of its multinational people as the bearer of sovereignty and the only source of power in the Russian Federation” (Pynnöniemi 2018).

In this regard, one of the important steps in the regulation of relations in the field of national security was the adoption by the Federal Law No. 390-FZ on December 28, 2010, “On Security”. The law emphasized on the consolidation of the basic principles and content of activities to ensure national security, powers, and functions of the state authorities and local self-government in the field of security, and the status of the Security Council of the Russian Federation (Wierzbicki 2017). The positive aspects included confirming the validity of the concepts’ “security” and “national security” in Art.1 of the Federal Law “On Security”. Accordingly, the legislator refused to enshrine the definition of the concept “national security”. However, such a legal and technical solution cannot be considered successful. Given the status of this federal law, which constitutes the basis for developing legislation in this area, it cannot be justified to underestimate the role of the starting norms in regulating relations in the field of national security.

Thus, we should divide the positions of Belokrylova and Bevzlyuk (2012), who comment on the provisions of the Federal Law “On Security” and noted the groundlessness of the legislator’s refusal to enshrine the terms such as “national security”, “public security”, “state security”, “security”, “external threats to national security”, “individual security”, “internal threats to ensure national security”, and “forces and means of ensuring national security”, which significantly limit the “legal terminological space”. The fundamental status of the aforementioned federal law in the system of normative legal regu-

lating relations in the field of national security was to solve the issue of securing the necessary conceptual apparatus as a matter of priority.

However, the next step to improve legislation in the area of national security was the approval of the President of the Russian Federation of the National Security Strategy of the Russian Federation. Importantly, it was the implementation of the provisions of the Federal Law No. 172-FZ on June 28, 2014, "On the strategic planning in the Russian Federation," where Art.18 refers to the National Security Strategy of the Russian Federation to one of the strategic documents.

Of course, the RF National Security Strategy filled the gap in the lack of a definition of "national security", which was defined here as "a state of protection of an individual, society, and the state from internal and external threats, ensuring the implementation of constitutional rights and freedoms of citizens of the Russian Federation, worthy quality, and standard of living, as well as sovereignty, independence, state and territorial integrity, and sustainable socio-economic development of the Russian Federation." In this regard, definitions of other norms were laid down that enshrined the descriptions of the concepts of "national interests of the Russian Federation", "threat to national security", "ensuring national security", "strategic national priorities of the Russian Federation", and "system of ensuring national security".

According to Levine (2012), the Federal Law "On Security" was an important stage in the reform of the regulatory legal regulation in this area, but it did not remove some critical issues of legal support.

Currently, there is a tendency to investigate the problem of the law theory to focus the author's attention on the definition of the concept of the corresponding legal phenomenon or the refinement of the existing one. Therefore, it is worth mentioning the opinion presented by Avrutin (2013), who generally attended to the lag between both legal theory as a whole and doctrines of individual branches of law and the existing legal reality, and who has focused on "definitive chaos".

Concerning the role and significance of the formation of definitions, including those concerning national security, the researchers believe

that a more promising way is to analyze the main features inherent in national security, which will allow them to penetrate deeper into the essence of the problems under study.

National security is one of the most important legal values. Its official recognition should be enshrined in the Constitution of the Russian Federation as one of the civil rights. Notably, this position is shared by Zorkin (2009) "In a sense, the 1993 Constitution is an expression of basic legal values, such as human rights and freedoms; the rule of law, justice and equality; democratic, federal, legal, and social state; separation of powers; parliamentarian; and legal economy." Thus, a certain hierarchical organization is inherent in constitutional values. Therefore, human rights and freedoms should be dominant, which are predetermined by Art.2 of the Constitution of the Russian Federation, following which "persons, their rights, and freedoms are of the highest value."

However, recognizing national security as a constitutionally protected value would predetermine the need for its interpretation, taking into account the relationship with other fixed constitutional values. Thus, a certain balance is maintained between them, which must be ensured by both the legislator and the Constitutional Court of the Russian Federation.

However, due to the prevailing conditions, boundaries of the perceptions of security are currently changing and expanding to a significant extent. Being a universal value, national security is the right to freedom to exist without any danger. Correspondingly, national security applies to all subjects of a socially heterogeneous society regardless of nationality, which is very significant for the Russian Federation as a multinational state. Hence, emphasis not on the nation, but the trinity of individuals, society, and the state is perfectly justified in describing national security.

In other words, national security is one of the most important constitutional rights of citizens. This feature is organically related to the previous one. However, literal interpretation of the norms of Ch. 2 of the Constitution of the Russian Federation gives a negative answer to the question of the classification of the right to security as a constitutional right.

Under Part 1, Art. 55 of the Constitution of the Russian Federation, it should be recognized that the lack of textual consolidation of the individual's right to security "should not be construed as a denial or derogation of other universally recognized rights and freedoms of man and citizen." On the other hand, the absence of a textual statement in the Basic Law of the right to security means that the state, its bodies, and officials have no relevant responsibilities. In other words, the state is not responsible for improper fulfillment of its obligation to ensure national security.

Besides, national security has an appropriate object. "An object of national security is real-life phenomena, processes, and relations, the protection of which is a strategic goal and the main content of the security policy." In the most general form, the number of objects of national security should be a person, society, and the state (Terziev et al. 2017). The issue of ensuring the life of an individual (economic, political, and social) and their areas can also be the objects of national security. Correspondingly, there is a close relationship between the elements of the national security object. Thus, concerning the heterogeneous composition of society and a wide range of interests, they can conflict and act as relevant threats. Therefore, the subjects of ensuring national security face a difficult task of timely diagnosis, identification and elimination, and prevention and transformation into antagonistic contradictions.

It should be noted that national security is regulated by a system of regulatory legal acts of diverse legal forces. As mentioned earlier, the basis of national security is the Federal Law "On Security" and the National Security Strategy of the Russian Federation. Moreover, the legal literature states that these normative acts are a basis for designing the main activities of the state bodies and officials to ensure national security (Smirnov and Strus 2015).

In other words, national security is a condition of the shelteredness of an individual, society, and the state from internal and external threats. It always has specific spatial and temporal features and territory (place) and time to determine it. Therefore, it is important to perceive national security as a special, specific, and inalienable state of an individual, society, and

state so that this state is characterized by the security of the respective objects from various types of threats.

It was found that threats to national security in the National Security Strategy of the Russian Federation are associated with direct or indirect dangers. Moreover, the above document does not contain their exhaustive list, which, in principle, is not possible to compile. In fact, they are very diverse, differ in significant dynamics, and can both become activated and not pose a danger at specific stages of social development. Therefore, in order to objectively perceive the threats to national security, it is important to use a multifactorial approach and systematically diagnose them, which will make it possible to choose the most effective methods of counteraction. Thus, the prospect of perceiving national security through a "condition" is important and allows monitoring the national security in relation to a specific situation.

However, national security has a corresponding inherent purpose. Disadvantages of normative legal regulation of national security include the lack of detailed consolidation of its purpose. Accordingly, the National Security Strategy of the Russian Federation defines that, through national security, "the implementation of the constitutional rights and freedoms of citizens of the Russian Federation, worthy quality and standard of living, sovereignty, independence, state and territorial integrity, and sustainable social and economic development of the Russian Federation are ensured." Therefore, this goal must be most consistent with the national development goals of the state until 2024.

It should be noted that understanding national security as a complex entity requires implementing an integrated approach both in the normative legal regulation and in the course of law enforcement in this area. Thus, national security can gain such a critical state under certain conditions, which would be followed by its destruction. On the one hand, "the stability of the system is associated with its ability to maintain balance, successfully adapt through political, economic, legal, and other mechanisms to the changing conditions of existence, including effective resolution of the crisis phenomena, resolution of social conflicts, coping with various natural disasters, and providing renewed spiritual needs of people" (Sellnow et al. 2002).

## CONCLUSION

About the stated problem, it could be concluded that:

1. National security is a constitutional right, characterized by the state of shelteredness of an individual, society, and the state from existing and potential threats. It is also ensured through the action of the appropriate legal mechanism.
2. Current legislation and practice of its implementation allow us to attribute the right to security to some constitutional rights of citizens, which should receive its textual reinforcement in the course of constitutional reform. However, the legal consolidation of this right in the Constitution of the Russian Federation allows it to be transformed into real value, guarantee and ensure its implementation, and thus establish legal responsibility for its non-fulfillment.
3. Therefore, in order to improve the quality of normative legal regulation of national security for building a hierarchy of its sources, it is necessary to adopt the corresponding federal constitutional law, taking into account which, to carry out at the legislative level normative-legal regulation of the relevant types of national security.

## RECOMMENDATIONS

Future studies can investigate the history of the evolution of national security policy and discuss the evolution of the concept of national security, examining how and why certain security threats and interests were perceived and how national security policies transformed over time

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