

ECONOMIC SECURITY AS AN OBJECT OF PUBLIC ADMINISTRATION: FEATURES OF INSTITUTIONAL AND INSTRUMENTAL SUPPORT

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Abstract. The article under consideration here is devoted to the issue of administrative and legal support for the economic security of the state under the conditions of martial law. The purpose of this study is to analyse the current state of institutional and instrumental support for the proper condition of social relations in the economic sector. These relations represent one of the vectors of public administration within the field of national security. The methodology employed in this research is multi-faceted, encompassing a range of general and special methods of scientific inquiry. These include system analysis, dialectical analysis, formal logical methods, structural functional analysis, and a variety of empirical methods. The significance of the methodological foundation for studying public administration of social relations in the economic security sector under the legal regime of martial law is determined by the comprehensive application of methodological tools and principles of scientific cognition within the dialectical approach. Furthermore, the need to employ the comparative-legal method is particularly pronounced for the purpose of correlating the measures of influence applied and evaluating their effectiveness. The results of the study are as follows: firstly, it examines the tendency of public administration entities to utilise digital tools in the context of economic security; secondly, it analyses the influence of general trends in the regulation of social relations through administrative means on the selection of methods of administrative and legal support for economic security. It is proposed to adopt an updated Economic Security Strategy along with an action plan for its implementation.

Keywords: national security, economic security, public administration, object of public administration, sustainable economic development, functioning of the state economy.

JEL Classification: H56, E60, H83, H10, Q01

1. Introduction

National security is an area of social relations that requires specific regulatory measures and methods. The subject focus, which reflects the provision of national security, has stable characteristics whose significance can change depending on external threats. Thus, the introduction of the legal regime of martial law on the territory of Ukraine from February 24, 2022 (*The Decree of the President of Ukraine "On the Introduction of Martial Law in Ukraine" of 24.02.2022 No. 64/2022*) and its subsequent extension to the present time have affected all spheres of social life without exception. This has resulted in a shift in the priorities, objectives, and methodologies associated with the formulation and implementation of security policy. Consequently, there is an imperative to address issues that necessitate urgent revision to ensure the optimal state of social relations. It is evident that

an exception is not made for the issue of economic security as an element of the national security of the state. This is indirectly determined by the recognition of sustainable development of the national economy as a fundamental national interest [Article 3(3) of the Law of Ukraine "On National Security of Ukraine"] (2018).

This assertion is substantiated by the implementation of a range of security strategies, designed to eradicate threats that could potentially compromise Ukraine's sovereignty and its fundamental indicators. The present National Security Strategy of Ukraine (*The Decree of the President of Ukraine "On the Decision of the National Security and Defence Council of Ukraine of September 14, 2020 'On the National Security Strategy of Ukraine'", 2020*) delineates the fundamental national interests that are instrumental in shaping the content of national security policy. These interests encompass the human

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being, his or her life and health, honour and dignity, inviolability, and safety. Simultaneously, the legislative level accords particular consideration to issues of state security, with a view to safeguarding economic potential (*The Decree of the President of Ukraine "On the Decision of the National Security and Defence Council of Ukraine of December 30, 2021 'On the Strategy for Ensuring National Security'"*, 2022). The National Security and Defence Council of Ukraine has determined a series of measures to ensure the nation's economic security during the period of martial law. These measures include the establishment of a Council on Entrepreneurship Support under martial law and the conduct of an audit of the risk monitoring system and criteria for blocking and unblocking tax invoices (*The Decision of the National Security and Defence Council of Ukraine "On Urgent Measures to Ensure Economic Security for the Period of Martial Law"*, 2024). Consequently, the formulation of legislation is contingent upon the imperatives of law enforcement praxis and is oriented towards the most vulnerable components of national security, including the sphere of economic security.

A thorough review of relevant academic literature reveals a conspicuous paucity of attention to the issues of economic and national security in the context of administrative and legal support. Nevertheless, valuable conclusions have been made regarding certain characteristics of national security. For instance, Alibay Yerlan, Onuchko Marina, Myrzantay Zhakyp, Menlikul Shindaliyeva, Baibolat Lazzat, and Assel Kozhayeva (2023) identified the need to adjust food security policy amid contemporary geopolitical conditions; Shevchuk O. (2021) defined the substantive sphere of national security; Honcharenko H. outlined the managerial component of the national security sector; and Mekh Y., Slavytska A., Bilak N., Georgiievskiy I., and Maslova Y. (2023) examined the formation of national security policy. For example, N. Yuzue and T. Sekiyama (2025) studied economic security in the context of the erosion of state borders and the emergence of new instrumental economic mechanisms.

In light of the above, this paper explores the practical aspects of public administration in the economic security sector for the first time. It does so by examining how these aspects are determined by the established theory of public administration under the legal regime of martial law. It also considers how these aspects comply with wartime challenges and the requirements of Ukraine's post-war recovery. The purpose of this article is to conduct a doctrinal analysis and assessment of the main characteristics of administrative and legal support for economic security as an element of national security by defining: economic security as a component of national security; state management in the field of economic security; the institutional component

of state management in the field of economic security; and its instrumental support.

2. Economic Security as an Element of National Security in Ukraine

In accordance with the provisions of the current legislation (*The Law of Ukraine "On National Security of Ukraine"*, 2018) and the interpretation of the object of managerial influence as a set of social relations regulated by designated entities in the form prescribed by law (Yakovliev, 2016), national security constitutes a sphere of social relations associated with the protection of the state's sovereignty, territorial integrity, democratic constitutional order, and other national interests of Ukraine from real and potential threats.

The sphere of national security has a number of features that determine the content of its further regulation. These include: 1) national security is a concept that reflects the state of protection of national identity within the established sovereignty and territorial integrity of the state, the existing democratic constitutional order and taking into account the national interests of Ukraine; 2) national security is a complex, multi-element phenomenon that encompasses state security, military security, public security, cyber security, foreign policy security, environmental security, information security and economic security; 3) in Ukrainian legislation, the 'sphere of national security' is inseparable from the "sphere of defence" (for example, in the Law of Ukraine "On National Security of Ukraine" (2018)).

Economic security is a reliable indicator of the level of national security. However, attention to this component has significantly increased during the operation of the legal regime of martial law due to emerging threats and risks. This is evidenced by the identified deficiencies in the economic sphere, which suggest that the state of economic security was deemed unsatisfactory between 2010 and 2019, with indicators deteriorating to dangerous levels in 2012 and 2014–2015. The average level of economic security for that period was 40 percent, which indicates an unsatisfactory condition, while in 2019 it reached 43 percent (*The Decree of the President of Ukraine "On the Decision of the National Security and Defence Council of Ukraine of August 11, 2021 'On the Economic Security Strategy of Ukraine for the Period until 2025'"*, 2021).

Broadly speaking, the economic security of a state involves protecting all levels of the national economy from hazardous actions resulting from deliberate external or internal influences, or the spontaneous effects of market forces (Shevchenko, Hrytsenko, Makukha et al., 2009).

Economic security can be interpreted in terms of internal and external threats. The latter are mediated by the perception of economic independence as economic sovereignty, which is embodied in the following

fundamental rights of the state: a) the sovereign right of the state to dispose of its own resources; b) the ability of state bodies to independently determine the direction of their economic policy; c) the sovereign right to participate in international associations; d) recognition of the equality of all states in international economic relations, respect for their economic interests and the right to participate in the resolution of international economic problems, especially those related to national interests. Internal factors include effective protection of all forms of property, the creation of guarantees for effective entrepreneurial activity and the containment of destabilising influences (Demenko, 2022).

An analysis of the provisions of the Economic Security Strategy of Ukraine (*The Decree of the President of Ukraine "On the Decision of the National Security and Defence Council of Ukraine of August 11, 2021 'On the Economic Security Strategy of Ukraine for the Period until 2025'", 2021*) allows one to assume that economic security is a multi-component phenomenon formed by such elements as financial security, production security, foreign economic security, investment and innovation security, and macroeconomic security.

It is evident that economic security, as a component of national security, is indicative of the state of protection of social relations arising in the process of ensuring the national economic identity of the state. This is to be undertaken with consideration for Ukraine's national interests regarding the development of the national economy, integration into the European economic area, and the development of equal and mutually beneficial economic co-operation with other states. It is therefore advisable to adopt an updated Economic Security Strategy of Ukraine, as well as an action plan for the implementation of the established strategic objectives.

3. State Administration in the Field of Economic Security

Certain types of social relations may be regulated by norms from different branches of law. This determines the applicable methods and means of influence. The managerial and regulatory impact on economic security reflects the substance of administrative and legal regulation, characterised by its inherent features. These include methods of administrative and legal influence, which reflect the practical implementation of public authority powers aimed at achieving administrative objectives and serving specific public interests through imperative-dispositive mechanisms; a system of specially authorized entities vested with powers to regulate social relations within the economic security sector; administrative procedures applied

in the course of exercising public authority powers in this field; instruments of administrative and legal regulation, including the adoption of normative legal acts, administrative acts, administrative agreements, and the performance of registration actions; as well as the principles governing the operation of public institutions and their officials. For example, the idea of using modern technologies has become all-encompassing and informs adherence to such principles of administrative structures as digital by default, once only, interoperable by default, accessible and citizen-oriented, open and transparent, and trust and security (Kivalov, Bila-Tiunova, Latkovska et al., 2022).

The role of administrative and legal regulation of social relations in the economic security sector is strengthened by the need to develop law enforcement mechanisms for legislative changes in this area, which result from adaptive alignment with EU standards (*The Resolution of the Verkhovna Rada of Ukraine "On Certain Measures to Implement Ukraine's Commitments in the Field of European Integration", 2022; Common Security and Defence Policy, 2022*). Under such conditions, regardless of the specific direction of administrative influence on social relations in the field of economic security, it is necessary to take into account the ideas of crisis management, resilience, and partnership relations (*Reflection Paper on the Future of European Defence, 2017*), which are implemented through diplomacy, sanctions and co-operation.

When analysing the managerial and regulatory impact on social relations in the economic security sector through the prism of the stratification of public administration into interventionist, facilitative, and supportive, it can be concluded that all these components are inherent to this sphere of social relations. For instance, a) the manifestation of interventionist public administration in the field of economic security may include the activities of the Economic Security Bureau of Ukraine in detecting violations; b) the manifestation of facilitative public administration may be seen in the granting of permits and licenses for certain types of entrepreneurial activity; and c) the manifestation of supportive public administration may be reflected in the determination of priority directions for economic development by central executive authorities.

It is evident that public administration in the domain of economic security is the purview of authorised public authorities. The content of this activity is expressed through the coordinated regulation of social relations arising in the process of ensuring the protection of the national economic identity of the state. This is undertaken with a view to Ukraine's national interests regarding economic development, integration into the European economic space, and the development of equitable and mutually beneficial economic co-

operation with other states. This is achieved through the application of specific methods, means, and forms defined by sectoral characteristics.

The justification of the priority of a specific domain of public administration entities, in terms of the significance of social relations subject to influence, appears to lack appropriateness. A more accurate statement would be the existence of underdeveloped doctrinal approaches regarding the regulation of social relations in the field of economic security. In particular, concerning control activities within this sphere, a key factor is the effectiveness of identifying and tracing illegally obtained assets. Quoting Article 6(3) of the Law of Ukraine "On National Security of Ukraine" (2018): "...for the study, preparation and preliminary consideration of specific issues in the areas of national security and defence, as well as the activities of the security and defence sector, the Verkhovna Rada of Ukraine may, within the limits of its powers, establish temporary special commissions, and for conducting investigations into issues of public interest, temporary investigative commissions, which operate in accordance with the procedure established by law", currently, a crucial issue for the national security sector is maintaining and expanding international assistance. Accordingly, the Verkhovna Rada of Ukraine set up a Temporary Investigative Commission to look into possible wrongdoing by public officials, other state bodies, and state-owned enterprises which could have put Ukraine's economic security at risk. Based on their monitoring activities, the Commission's experts quickly produced analytical materials that helped to ensure that laws were adopted that were consistent with all requirements and prior agreements with foreign stakeholders. In particular, the following issues were of concern: the complete renewal of the competitive selection procedure for the Director of the Economic Security Bureau of Ukraine; the introduction of a certification procedure for the Bureau's employees within 18 months of the appointment of the new Director (conducted by certification commissions); clear procedures for recruiting new employees; and an independent audit of the Economic Security Bureau of Ukraine with the participation of international experts. Furthermore, the Commission observed favourable developments arising from the competitive selection process for the Head of the State Customs Service of Ukraine, involving international experts, and the re-certification of customs officers, a prerequisite for receiving funding from the International Monetary Fund (IMF) and the United States of America. Moreover, monitoring was conducted with regard to the activities of the National Agency of Ukraine for the Detection, Search and Management of Assets Derived from Corruption and Other Crimes, as well as the State Property Fund of Ukraine (*The Resolution of the Verkhovna Rada of Ukraine "On the Report of the Temporary Investigation Commission*

of the Verkhovna Rada of Ukraine on the Investigation of Possible Unlawful Actions by Officials of State Authorities, Other State Bodies and Entities of the State Sector of the Economy that Could Have Caused Damage to the Economic Security of Ukraine", 2025).

The following trends have been identified in the field of public administration within the economic security sector: 1) adaptation to the legal regime of martial law; 2) orientation towards European integration and the implementation of international security standards; 3) increased effectiveness through the use of digital instruments.

4. Certain Aspects of Institutional and Instrumental Support for Economic Security

Public administration entities are defined as public institutions that implement a set of economic, motivational, organisational, and legal means of targeted influence on a defined sphere of social relations. Within the framework of executive and administrative activities, the following can be distinguished: a) bodies of general competence that regulate social relations as a whole, for example, the Verkhovna Rada of Ukraine, the President of Ukraine, the Cabinet of Ministers of Ukraine; b) bodies of special competence that perform specific tasks in a specific sphere of social relations (*Manhora, 2019*). The field of economic security is no exception.

The system of state authorities in the field of economic security has the following structure: 1) authorities of general competence that manage the security sector, such as the President of Ukraine, the Cabinet of Ministers of Ukraine, and the National Security and Defence Council of Ukraine; 2) bodies with special competence, such as the Economic Security Bureau of Ukraine and the National Agency of Ukraine for the Detection, Supervision and Management of Assets Derived from Corruption and Other Crimes. In accordance with the internationally recognised principles for the organisation of the national security sector, it is imperative that each authorised entity be allocated a clearly defined place within the institutional system and that the measures assigned to it be implemented (*National Security Policy, 2022*). In this context, particular attention must be directed towards the status characteristics of the Economic Security Bureau of Ukraine. This bureau functions as a central executive authority, entrusted with the responsibility of countering offences that infringe upon the functioning of the state's economy. A primary mandate of the bureau is to ensure the economic security of the state. This is achieved through the prevention, detection, cessation, and investigation of criminal offences that encroach upon the functioning of the national economy (*The Law of Ukraine "On the Economic Security Bureau of Ukraine"*, 2021).

Despite the importance of the effective performance of the functions of the Economic Security Bureau of Ukraine, a number of its tasks could not be implemented due to the lack of regulatory detail regarding their execution. The Procedure for Applying a Risk-Based Approach in the Economic Security Bureau of Ukraine (2023) was only approved relatively recently. This procedure constitutes a fundamental aspect of the Bureau's operations, with the objective of identifying potential criminal infractions within the budgetary, tax, customs, monetary, and investment sectors of the economy. The procedure further involves the development and implementation of measures, based on the outcomes of risk assessments, to mitigate and eradicate these identified risks.

As a result, certain response measures may be applied, namely: a) providing recommendations to state authorities aimed at improving the effectiveness of their management decisions in the field of economic regulation; b) submitting proposals for amendments to regulatory and legal acts in order to eliminate the preconditions for the creation of schemes for illegal activities in the economic sphere; c) providing analytical products and information documents to the detective units of the Economic Security Bureau of Ukraine for making procedural decisions in accordance with criminal procedure legislation or for carrying out operational and investigative measures (*The Order of the Economic Security Bureau of Ukraine "On Approval of the Procedure for Applying a Risk-Based Approach in the Economic Security Bureau of Ukraine"*, 2023).

To achieve the assigned objectives, national legislation should also take into account the ideas enshrined in the Strategic Compass for Security and Defence of the European Union (*Common Security and Defence Policy*, 2022). The primary objective of the organisation of national security is to ensure the presence of political leadership and the implementation of "strategic autonomy" in the following domains: a) crisis management; b) resilience; c) capabilities and partnerships. In this context, the establishment of effective co-operation between the Economic Security Bureau of Ukraine (ESBU) and other competent entities is of significant importance. The Economic Security Bureau of Ukraine serves as a case in point, given its role in engaging supervisory authorities and other state bodies responsible for countering criminal offences and preventing threats to the state's economic security. In addition, the bureau collaborates with business entities to implement a series of risk assessment measures within the economic sector. Such assessment shall be carried out at least once every three years [Article 13 of the Law of Ukraine "On Economic Security Bureau of Ukraine"] (2021). The content of such co-operation is comprised of two elements. Firstly, supervisory authorities and other state bodies involved in the implementation of the set of measures aimed at

minimising and eliminating risks in the economic sphere are required to submit proposals to the Economic Security Bureau of Ukraine. Secondly, the Economic Security Bureau of Ukraine, in conjunction with the proposals of supervisory authorities and other state bodies involved in the implementation of the set of measures, is tasked with the preparation of a report containing a list of measures aimed at minimising and eliminating risks in the economic sphere.

It is imperative that risks in the economic sector are identified, as failure to do so will result in the shadowing of the economy and the weakening of the state's economic security. To this end, measures must be developed to prevent and/or mitigate the negative consequences of such risks (*The Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Procedure for Conducting a Set of Measures for Assessing Risks in the Economic Sphere"*, 2024). It is also essential to establish co-operation with the National Agency of Ukraine for the Detection, Search and Management of Assets Derived from Corruption and Other Crimes (Asset Recovery and Management Agency of Ukraine, ARMA). This Agency is a central executive body with special status, responsible for developing and implementing state policy in the detection and tracing of assets that may be subject to seizure in criminal proceedings or in proceedings concerning the recognition of assets as unjustified and their recovery to the state budget. It is also tasked with managing assets seized in criminal proceedings, assets recognised as unjustified and recovered to the state budget, as well as assets confiscated in criminal proceedings or recovered to the state budget pursuant to a court decision on the grounds of being recognised as unjustified (*The Law of Ukraine "On National Agency of Ukraine for Identification, Investigation and Management of Assets Derived from Corruption and Other Crimes"* of 10.11.2015 No. 772., 2016).

The interaction between the ESBU and ARMA has been normatively detailed in the following areas: 1) ARMA executing ESBU requests to detect and trace assets (including funds, property and property rights) that may be subject to seizure in criminal proceedings; 2) ESBU executing ARMA requests for information necessary for ARMA to respond to requests from relevant foreign authorities; 3) ESBU considering information provided by ARMA concerning criminal offences detected during the course of ARMA's legally defined functions and powers, as well as other issues related to the exercise of ARMA's powers (*The Order of the National Agency of Ukraine for the Identification, Search and Management of Assets Derived from Corruption and Other Crimes and the Bureau of Economic Security of Ukraine "On Approval of the Procedure for Interaction between ARMA and the Bureau of Economic Security of Ukraine on the Identification and Search for Assets"*, 2022).

The absence of established preventive practices aimed at preventing offences in the economic sphere and minimising their impact is indicative of a lack of specificity in the institutional framework for public relations in the field of economic security. It appears expedient to approve a procedure for identifying risk zones in the economic sector through the analysis of structured and unstructured data, as well as a procedure for assessing risks and threats to the state's economic security. It is submitted that this would ensure the proper functioning of the ESBU, whilst also providing its activities with legal certainty.

5. Conclusions

In summary, economic security, as a component of national security, is indicative of the state of protection of social relations that arise in the process of ensuring the national economic identity of the state. This is to be achieved by taking into account Ukraine's national interests in the development of the national economy, the integration of Ukraine into the European economic space, and the development of equal and mutually beneficial economic co-operation with other states. The structural elements of economic security have been identified as financial security, industrial security, foreign economic security, investment and innovation security, and macroeconomic security.

It has been established that economic security, as an object of public administration, constitutes a sphere of social relations in which managerial and regulatory influence represents the substantive expression of administrative and legal regulation.

This sphere is characterised by: 1) the application of methods of administrative and legal influence; 2) the existence of a system of specially authorised entities empowered to regulate social relations within the national security sector; 3) the implementation of administrative procedures accompanying the exercise of public authority; 4) the use of relevant instruments of administrative and legal regulation; and 5) adherence to the principles governing the operation of public institutions. It has also been found that public administration in the economic security sector increasingly relies on digital tools to enhance effectiveness, as evidenced by the use of digital monitoring mechanisms for entities operating within the state economic sector.

It has been established that the system of state authorities in the field of economic security has the following structure: 1) authorities of general competence that manage the security sector, such as the President of Ukraine, the Cabinet of Ministers of Ukraine, and the National Security and Defence Council of Ukraine; 2) bodies of specialised competence, such as the Economic Security Bureau of Ukraine (ESBU) and the Agency for the Recovery and Management of Assets of Ukraine (ARMA). The instrumental support for the activities of the ESBU has been analysed, and recommendations for improvement have been made. These include adopting a procedure for identifying risk zones in the economic sphere by analysing structured and unstructured data, and a procedure for assessing risks and threats to the state's economic security.

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