

The legal-theoretical issues of the state sovereignty in the globalization

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Abstract

The objective of the paper is to investigate the legal-theoretical issues of the state sovereignty in the globalization via the formulation of the concepts, distinguishing signs of state sovereignty, the investigation of the correlation between the notions of state sovereignty and sovereign rights, consideration of modern approaches for understanding the state's sovereign rights and etc. In result, the structure of the theory and practice of national security is characterized by the unity of natural, technological, humanitarian, economic and military-political security. In conclusion, the results can only be achieved in case that national, regional and international security procuring state sovereignty.

Keywords: State sovereignty, Security, Human rights.

Los temas teórico-legales de la soberanía estatal en la globalización

Resumen

El objetivo del artículo es investigar los problemas teórico-legales de la soberanía del estado en la globalización a través de la formulación de los conceptos, signos distintivos de la soberanía del estado, la investigación de la correlación entre las nociones de soberanía del estado y derechos soberanos, la consideración de enfoques modernos para comprender los derechos soberanos del estado y, etc. En consecuencia, la estructura de la teoría y la práctica de la seguridad nacional se

caracteriza por la unidad de seguridad natural, tecnológica, humanitaria, económica y militar-política. En conclusión, los resultados solo pueden lograrse en caso de que la seguridad nacional, regional e internacional procure la soberanía del estado.

Palabras clave: soberanía del Estado, seguridad, derechos humanos.

1. Introduction

Sovereignty as an integral and essential characteristic of the state is one of the main objects ensuring national security. Therefore, in the conditions of globalization, the growth of interdependence of states becomes a problem of particular relevance concerning the determination of the ratio of these categories. In terms of origin, the term security is much older than the concepts of public, state or national security. To the fundamental development of the concept of security representatives of the police law science, have attracted their attention in the XVIII-the and in the beginning of the XIX century. As a term security, they understood the protection of subjects who form the life and soul of the state. Actually, the first steps in the development of security issues had been implemented much earlier: Socrates, Plato, Aristotle, Cicero, Augustine, and other thinkers in their philosophical writings linked security review with the analysis of the essence of the state, its functional purpose and, above all, the realization of the function of defense, the content of which was to protect the country from external threats and at the same time to seize foreign territories and resources. In the New Age, the works of Hobbes (1991) and other thinkers had an important influence on the development of security issues. They have brought a deep philosophical understanding of the problems of war and peace, the search of the mechanisms preventing the war in Europe.

The general disadvantage of such developments used to be the fact that in the process of analyzing the security problem, the question of state sovereignty has been considered superficially and mainly in the conjunction with the analysis of specific narrow aspects of security and the activities of the relevant state institutions. All these prove the relevance and significance of a comprehensive analysis of the problem of the implementation of state sovereignty in the context of ensuring national security. One of the regularities of social development is the recognition of the transformation of the national political, legal, economic and social systems, which makes rethink the role of the state in public life. In democratic societies there is a clear tendency to reduce the role of the state in the life of society.

At the same time, the role and activity of a civil society that tries to limit the hypertrophied functions of the state that arose at previous stages of development, and establish effective control over their proper implementation, is increasing. One of the few areas not covered by these processes is national security, which remains the prerogative of the state. It should be noted that this situation is objectively determined, because it is the state which is called to ensure the social existence of a society and can do it. It should be noted that it is social security that is the main point of the agreement, which is established between the society and the state apparatus hired by it. An analysis of the publications on security issues suggests that in ancient times, and especially in the New Age, scientists have distinguished between internal security (public safety), which was associated with the danger posed to society and the state from the inside, and external (military)) security that is aimed at protecting the state from the attack of external enemies. For a long time, the main attention

had been paid to the issue of ensuring external security, since there was an urgent need to prevent the actions of foreign states involving the threat or direct use of military force that threatening the free development of society and the very existence of the state, its citizens. Consequently, under the security of the state for a long time mainly the problems of war and peace have been understood.

The numerous integrative projects of peace in Europe developed by P. Dubois, Pope Pius II, King of Bohemia I. Poddebrat, E. Kruez, and Duke de Sully should be considered from the standpoint of ensuring the external security. A rethinking of the approaches to security issues occurs after the Thirty Years' War (1618-1648 years), affecting almost all European states. The Westphalian peace treaty laid the foundation for a new order in Europe, based on the concept of sovereignty. At the same time, the Westphalian system did not forbid, but permitted wars; which conducting was recognized as a legitimate right of sovereign states.

The era of Enlightenment gave a new impetus to the development of the idea of ensuring the security of the state. Kant (1999) and other authors, basing on the study of their predecessors, continued to develop ways and means of securing peace in Europe. Their projects were based on the recognition of the need to create an integration European association, built on a federal or confederative basis. Accordingly, so-called sovereign states should enter such an association, voluntarily abandoning the implementation of key sovereign rights and transfer their implementation to beyond-state authorities. Under the conditions of not finished establishing of national statehood in the overwhelming majority of European countries, national governments could not take such radical steps. Since the establishment of the national centralized state, which defining feature is the sovereignty, the problem of ensuring national security becomes its main concern. It was just in this period within the frames of the theory of sovereignty developed by Hobbes (1991) the problems of security and survival of the state, society and individual, through the prism of their interaction have been studied. In his opinion, fear of threats to one's own security forces a person to live in society and to seek in it the means of collective defense against these threats, that is, safe conditions of development and life. State power is intended to serve people, its main objective is, above all, the security of citizens, for the sake of which the state has to perform such functions as: management of provinces, colonies or cities; Trade organization; advisory function; instruction of the people; administering justice.

Significant contribution to the development of the category of security at the end of the XVIII century had been made by Humboldt (1908) who also believed that the main purpose of the state is to ensure the safety of the subjects. If the state does not do this, and transfers this obligation on them, then such a state is disabled. However, he rightly noted that the state is obliged to protect not only the security of its subjects, but also its own security. Humboldt (1908) was one of the first who noted that the scope of the concept of security is extensive and diverse, has objective and subjective aspects. Starting from the XVIII century in the work of the police state, two areas have already been identified, firstly, security (security police) and, secondly, welfare (welfare police). Thus, at the turn of the XVIII and XIX centuries, the awareness of the fact that the threat to the state may come from both the outside and from the inside had been clearly understood. Accordingly, protection of the state can be provided not only by the security forces within the framework of the function of ensuring the country's defense capability, but also with the help of well-balanced socioeconomic policy, which provided for the emergence in the future of such a component of national security as economic security.

The transition from the concept of security to state security was implemented at the beginning of the XIX century in France, from where it had spread through all over Europe. This concept in the early twentieth century had been interpreted as protection (defense) of the state

system, territorial integrity, defense power, state and official secret information from internal and external threats, that is, the protection of values without which the state faces the loss of sovereignty, and therefore the destruction.

The next historical stage in the development of the security idea was the realization that self-preservation of sovereign states and the development of relations between them require inter-state cooperation as an additional tool for the provision of internal well-being and external security. This cooperation required more stable and reliable inter-state connections, which bilateral agreements did not always provide. As a result of awareness of such a need in the second half of the XIX century there was a tendency towards the development of institutional cooperation on the basis of multilateral agreements, which caused the emergence and development of administrative unions. They had a contractual nature and permanent bodies, which, as a rule, carried out information and mediation functions. Since their activities did not affect the sphere of politics and defense, and thus did not constitute any threat to the maintenance of state sovereignty, their development did not meet any obstacles.

Creation of administrative unions has revealed the problems of ensuring state security that had not been previously examined. First, only such so-called civilized states could be members of such unions, which in effect meant the division of all states into civilized, respectful and respect for each other according to the right of civilized peoples, and the rest of the states in respect of which this right may not be respected, which posed a threat to their safety. Secondly, there was the awareness that the level of state security was conditioned not only by the state of the armed forces, but also by its economic potential. State membership in the administrative unions of the economic, scientific and technical direction can increase its competitiveness in comparison with non-member countries, which affects the state's ability to defend its national interests. Thirdly, participation in administrative unions involves the readiness of the state to compromise and surrender that directly affects the problem of sovereignty ensuring. The security task of the state, depending on the internal and foreign policy situation, at different times had been solved in different ways. It should be noted that the solution of this problem is not always possible, even for the most powerful states. Therefore, in addition to a set of measures aimed at ensuring their own security, states started the creation of military-political alliances as an additional way to protect state sovereignty. The beginning of the XX century was marked by the creation of two similar units: the Entente and the Tripartite Alliance, whose confrontation led to the First World War, the consequences of which, even for the victorious states, had extremely negative consequences. As Chkheidze (1927) noted, the main result of this war was the self-destruction of Europe as a world hegemon. This exacerbated the problem of ensuring state security.

Started in the XIX century, the movement towards institutionalization of interstate cooperation reached the culmination with the creation of the League of Nations in 1919, the organizational and legal structure of which resembled the concept of the federation of Free states suggested by (Kant, 1999). The analysis of The Covenant of the League of Nations 1925 gives reason to believe that the creation of the League was to provide not only the security of the participating States, but also to promote the maintenance of the world order. Participation of the League in the implementation of the function of providing defense capabilities of States raised the question of the consequences of membership in it onto the sovereignty ensuring. Despite the fact that the League was not a state, it implemented a number of rights exercised only by sovereign states.

The main activity of the League was the maintenance of international peace and security, the implementation of which involved the issue of ensuring the state sovereignty and security of both

the member states and the rest of the world. It was assumed that the League would warn the wars by: consolidating the duty to recognize and ensure the territorial integrity and political independence of the member states; restriction of national armaments (Article 8); peaceful resolution of interstate conflicts; enforced (through joint action) of international commitments made by member states. The League's implementation of this function was intended to contribute to the security of at least its members, and therefore to guarantee their sovereignty. However, in reality, Member States did not seriously perceive the security assurances contained in the Covenant, relying solely on their capabilities in ensuring the security. In fact, the League was not capable of implementing the security function of its members, because it was unable to develop a collective security mechanism in Europe that could unite the efforts of Europeans to jointly eliminate the threat to peace and end any aggression. The lack of a real mechanism that could ensure the security of the member states indicates the fact that the appeal to the Council of China (1932) and Abyssinia (1935) did not lead to the fulfillment of the obligations of members of the League in accordance with Art. 10 of the Covenant.

The League of Nations ceased to exist in 1946 after the creation of the United Nations, whose main objective was to maintain international peace and security, under which the international community understood such a quality of international relations, which is due to a certain level of interstate legal relations. To achieve this, the United Nations has the right to take collective action to prevent and eliminate the threat to peace and to stop acts of aggression or other violations of peace (Article 1 of the Charter). UN peacekeeping operations, which are not provided for by the Charter, are an important instrument for the maintenance of peace and international security, and therefore their adoption requires the adoption of a special resolution by the General Assembly. Analyzing the experience of peacekeeping operations, Khokhlysheva (2003) comes to the conclusion, which agrees with the majority of researchers, according to which the development of the main trends and conceptual rationale for understanding the world order in the XX century did not lead to a universal paradigm that could stimulate peacekeeping activities globally. The reason for this situation lies in the adoptively changeable value-interpreted the problem of war and peace itself, as well as the misapplication of peacekeeping ideas by major powers and military-political blocs to justify their national interests. Thus, although the mechanisms and technological tools of peacekeeping are sufficiently developed, the actual practice of peacekeeping operations was quite controversial, both in terms of the legitimacy of its application, and the scale of operations and their consequences. This situation is due to the lack of a clear legal framework for peacekeeping, the use of double standard practices and the UN's inability to effectively apply existing mechanisms for conflict resolution, and thus to carry out functions related to the maintenance of international peace and collective security.

Although compared with the League of Nations, the United Nations has made progress in ensuring the security of Member States, but the effectiveness of its activities is seriously criticized. The statistics provide grounds for arguing that international (UN) and regional (OSCE, EU) intergovernmental associations are still far from ensuring effective respect for the sovereignty and territorial integrity of member states, effectively contributing to their national security and maintenance peace in the world, as a result of which the national governments continue to carry the main burden of ensuring sovereignty. A number of foreign authors believe that the feature of the era of international organizations is their ability to directly or indirectly influence the sovereignty of the state. According to Delbruck (2001), membership in an international organization means a significant limitation of the sovereignty of Member States from a legal point of view.

The dogma of sovereignty during the twentieth century has repeatedly been criticized by such well-known international lawyers as Bityak (2010) and many others. It is necessary to agree with the thesis of Brierly (1958), who believes that during the XX century in international law, in fact, there was a transition from the recognition of the inviolability of the principle of sovereignty to the practical recognition of the priority of the security of the people, an individual. This creates not only a theoretical, but also a practical problem, as new approaches contradict the principle of respect and inviolability of sovereignty. The practical consequence of changing priorities in international law have become more frequent interference in the internal affairs of States, undertaken without the sanction of the UN Security Council or on its grounds, but with the actual release of the limits defined by its resolution. It should be noted that the critical limit outside of which the destruction of sovereignty occurs is the loss of the state's ability to independently determine its own legal status. Only a strong sovereign state can guarantee citizens a decent and safe life, and therefore the protection of sovereignty is a major task not only for the state but also for society and every citizen.

2. New time arrivals and Strategy of national sovereignty and security

A qualitatively new page in ensuring the security of the state, and hence state sovereignty began in the early 50's of the twentieth century from the theoretical developments of US national security policy. This experience was further perceived by the rest of the world. From that time on, the vision of national security issues becomes doctrinal. This means that the state's activities in the field of national security are not chaotic, but according to the strategy, as a specially developed official document, based on the doctrine of national security - that is, a set of interrelated ideas in the management of trends, real and predictable, for protection permanent interests of society and state. The collapse of the USSR has given rise to the problem of the formation and implementation of the own national security policy of newly independent states (Oppenheim, 1948).

A considerable number of important normative legal acts, which define the normative bases of ensuring sovereignty, were quickly adopted in major part of the former Soviet States. Their system reproduces the structure of the national security itself and its division into subspecies. The study of theoretical and methodological problems of forming a normative and legal base on issues of ensuring national security allows us to identify the following disadvantages: the absence of a generally accepted scientifically substantiated conceptual-categorical apparatus; imperfection of theoretical and methodological principles for the development of legal acts; uncertainty of the hierarchy of normative legal acts in the sphere of national security, priority during their development; the debatable nature of their content and structure. The analysis of the strategies (doctrines, concepts) of national security of newly independent states and the leading countries of the world makes it possible to conclude that the doctrinal vision of national security involves the number of structural elements:

First, the fundamental (established) national interests, which are commonly understood as those directly affecting the sovereignty and territorial integrity of the state, ensure non-interference in the internal affairs of other states, and hence the condition of the existence of the state as an independent and self-sufficient subject of international law; Secondly, the mission of the country at a certain historical stage (the actual doctrine reflecting national interests in their particular understanding of the supreme bodies of state power). This element is not defined by every state, but only those ones that are positioning themselves as a global or regional leader (at the present stage it is the USA, Russia, France, Great Britain, China). The implementation of such a mission is not only

rational - one of the goals of its implementation is glory, which is the recognition of your superiority by other peoples. Thirdly, the definition of potential threats to the state, the list and degree of danger for each state has an individual character, which does not mean the impossibility of identifying certain universal threats to all countries (for example, military threat, terrorism, cybercrime, drug trafficking, etc.);

Fourth, the list of potential antagonists (enemies) of the state. Today, individual states or their unions, as well as separate military-political, religious, separatist, extremist and other groups, or even individuals, can be considered as such enemies; Fifthly, the specific target set, developed and implemented not only by the highest state authorities empowered to develop a national security policy, but also all the other actors (both governmental and non-governmental) national security. Proceeding from the above, one can formulate the following definition: national security is a state of protection of vital interests of a person and a citizen, a society and a state that ensures the sustainable development of society, the achievement of national goals, the preservation of fundamental values and traditions, the timely detection, prevention and overcoming of real and potential threats to national interests. This definition differs from other definitions in that it focuses on the conditionality of security by national goals, values and traditions, which ensures the preservation of national identity, which is closely linked with their sovereignty of the state. It should be emphasized that today national security is reduced not only to the protection of the vital interests of the individual, society and the state from internal and external threats, but also envisages activities aimed at ensuring sustainable development, without which the state loses its competitiveness in comparison with other countries, generating the problem of inability to respond adequately to new threats and challenges. That is, the modern understanding of national security should be understood not only as a state of security, which is achieved as a result of the possession and use of weapons, but also as a condition that is achieved as a result of the general development of society and the state.

The development of the doctrine of national security and the adoption of an appropriate strategy on its basis is of fundamental importance for the state's sovereignty, since it objectively impedes the search for inefficient strategies: the development of a national security strategy takes into account the diplomatic, economic, demographic, scientific, technical, and military capabilities of the state. The highest state bodies, responsible for the development and implementation of national security policy, depending on the level of development of each of the types of their potential and balance, basing on the analysis of national interests and the assessment of the reality of threats, determine the hierarchy of priorities in formulating the objectives of security policy, as well as their framework. An important consequence of the doctrinal approach to the formation of a national security policy was the clear differentiation of security objects, which predetermined the differentiation of security in species and the determination of the relationship between them. This made it possible to more clearly trace the relationship between national security and sovereignty (Sitnik, 2004).

3. National military sovereignty and security

For a long time, the security policy was intended to provide guarantees of inviolability of such fundamental interests of the state as sovereignty and territorial integrity. It was not by chance that in the XVIII-XIX centuries security begins to be characterized as a state one, since the main focus was on safeguarding the interests of the state. At the same time, along with the notion of state security, there was the notion of public security, the activity of which was coordinated with the

activity to ensure the security of the state, but it was not included in its content, existing autonomously. The introduction of national security policy in the XX century resulted in the expansion of a range of objects of protection, which included a person, society and the state. Actually, this approach is not shared by all scholars. Novitsky (2008) believes that such an understanding of national security does not correspond to reality, since the protection of the individual, society and state cannot be on the same level - as species of one kind, as types of national security. The position of Novitsky (2008) though he is entitled to exist, but cannot be accepted. His thesis that the official definition of national security cannot be the methodological basis for the theoretical definition of a phenomenon, since, on the contrary, only a methodologically and theoretically correct definition should be the basis of an official document, it is quite right, but the author does not take into account that definitions and statements given in The National Security Strategy and Concept of National Security of Russia are the result of a doctrinal interpretation of the concept of security, which is formulated on the basis of an analysis of the works of domestic and foreign specialists. Consequently, the definition of national security, enshrined in the official documents of many countries, is based precisely on the theoretically sound views of lawyers and political scientists.

The current perception of national security implies its consideration as an integrated, systemic phenomenon, the content of which is revealed through a set of interacting and interconnected elements - subspecies of security (public, military, economic, information, etc.). The formulation of such an approach to the understanding of national security involves the transition to more modern views on ensuring national security, which envisages its consideration as a social state that ensures the dynamic development of all aspects of the life of the individual, society and the state. In addition, one should proceed from the assumption that the state as a system consists of a number of subsystems (economic, political, social, spiritual, etc.), in each of which contradictions are formed and developed around core values. These contradictions cause the formation of sources of danger for the state, man and society. In order to monitor these processes, to manage them and purposefully influence them, the state classifies the whole set of relations in groups that have their essential characteristics, patterns of development, which are subjected to system analysis. Hence appears the need to classify relations in the field of security on species.

National security and its subsections (public, state, humanitarian, and military, economic, informational) are correlated as a whole and a separate objects. Such a vision of the relationship between them follows from the analysis of the provisions of State Strategy and National Security of many countries. It is pointed out, practically everywhere, that Military Doctrines are the basis for the development of specific programs as part of the national security policy. Thus military security is considered as a component of national security. The legitimacy of this approach indicates the differentiation of national security on subspecies, which is enshrined in many official documents of various states. It should be emphasized that the number of security subsystems that reveal the content of national security for different states and at different periods of history may be uneven. Their number and content depend on what stage of development the state is, what it considers as an object of security, as it interprets national interests and threats to them.

Despite the fact that the person, society and the state are recognized as equivalent objects in terms of their significance, and moreover, the security of the person is formally in the first place, and the state - in the last, de facto should admit that the largest part of the structure of national security are those security subsystems that are directly or indirectly aimed at ensuring the security of the state, protecting its sovereignty and territorial integrity, defense, sustainable development. The priority of such a direction of the national security policy as ensuring the sovereignty of the

state is due to the fact that the main component of national interest is the imperative of self-preservation of the state, which is supplemented by security issues from external threats, protection of the economic and political positions of the state in relations with other states, increase of its influence in international politics. A weak state is unable to guarantee the implementation of human rights and freedoms within the country and protect the rights of its citizens outside its borders. This does not mean that the protection of human rights is of secondary importance - history shows that the lack of their proper protection, the inability of the authorities to guarantee the complex of its inalienable rights and freedoms becomes an obstacle to the establishment of a civil society and the development of a democratic, rule-of-law state in which it is attained a harmonious balance of interests of man, society and state. The emphasis on ensuring the security of the state, manifested in the protection of its sovereignty, territorial integrity, security and economic power, in the case of a democratic and lawful state does not entail any threat to the interests and security of its citizens. On the contrary, the activity of the authorities, institutions of civil society and every citizen in particular, aimed at strengthening the power of his own state, turns to the individual for his ability to ensure the proper level of guaranteeing his rights and freedoms in the middle of the country and abroad, both in daily life and in extraordinary situations (Khokhlysheva, 2000).

If we analyze the classification of the components of the national security policy, then it becomes clear that in addition to public safety, which focuses on the protection of human rights, as well as the interests of society as a whole, the remaining subspecies (state, military, economic, informational, etc.) are aimed primarily at ensuring the sovereignty of the state in general, and particular sovereign rights, with the help of which each of its aspects is revealed. The complex of sovereign rights, the implementation of which strengthening the state security, which means the state of protection of the constitutional system, sovereignty, independence and territorial integrity of the state, include the right to independently determine the principles of the constitutional system, the introduction of amendments to constitutional and current legislation, the introduction of a system of state bodies, citizenship, establishment of administrative-territorial division, definition of the regime of activity of non-governmental organizations, etc. Martens (1898) offers a more successful definition: state security is the protection of state sovereignty, constitutional order, territorial integrity, economic, scientific and technical and defense potential from external and internal threats, intelligence, terrorist and other illegal encroachment of special services of foreign states, as well as organizations, individual groups and individuals for vital interests.

Morozov (1999), analyzing the problem of state security, concludes that difficulties with the protection of the constitutional order of certain states may be due to the vulnerability of their political system from internal and external anti-constitutional encroachments. A particular danger is the external vulnerability associated with the use by certain countries the separate technologies in forming in countries of interest to them, the political regimes depending on external states with controlled in future, regimes and authorities. The result of controlled outside the election campaigns and color revolutions have been political crises, the loss of political independence in the formal preservation of sovereignty and the degradation of democratic institutions. Given the importance of the object of protection for the life of society and the very existence of the state, encroachment on the foundations of the constitutional system and state security are traditionally regarded as criminal offenses, which entail a strict responsibility (Platonov, 1856).

Military security is aimed at promoting the implementation of a complex of such sovereign rights of the state, as the right to create armed forces, declaring war and peace, participating in military-political alliances or refusing such participation and proclaiming non-aligned status or permanent neutrality, the right to freely choose and to change ways to ensure its security, whether

or not to allow the armed forces of other states to enter their territory. It should be noted that, depending on the level of power, the state can set various goals in the achievement of military security. The range of goals can vary from trying to get under the protector of the great powers until the announcement of extremely ambitious (actually aggressive) military programs. In this regard, it should be recognized that, depending on its content, the state security policy (let us note that this observation is also legitimate in relation to other subsectors of national security), a certain state affects not only the state of ensuring its own sovereignty, but also indirectly on the content and direction of the security of others states, and hence the level of their sovereignty. This influence can be both, positive and negative. In the latter case, it is an aggressive defensive policy of individual states. The systemic interpretation of the US National Security Strategy allows us to conclude that America considers not only its right, but also the duty (mission) to interfere in the internal affairs of sovereign states under the slogan of fighting tyrants and terrorists, as well as preventing, constraining or to stop the attempts of their enemies to get dangerous technology. To do this, the United States reserves the right to take steps to eliminate such threats before they are fully operational (Krivchikova, 1965).

4. Economic basis for state sovereignty and security

Despite the importance of military security policy, it should be remembered that its unconditional priority in the structure of national security can lead to the militarization of the economy, the arms race, the deformation of relations in other spheres of life that can arrive in the formation of new sources of danger, as well as insufficient provision of other subspecies in national security, first of all economic. Therefore, the question arises about achieving an optimal balance between different subsystems of national security, which would allow taking into account the interests of various security objects, proceeding from the system of values to be protected, the existing real potential of the state and the threats directed at it. An extremely important component of the national security policy is economic security, which is designed to ensure the state's sovereignty in the economic sphere, independence, competitiveness, stability, the ability of the national economy to develop, and also to a revival in the conditions of the economic and financial crisis. Economic security is aimed at providing a wide range of sovereign rights of the state, which in the scientific literature and in separate decisions of the Constitutional Court of the Russian Federation are often associated with the concepts of economic, financial, tax sovereignty. This is explained by the fact that economic security, on the one hand, is part of the national security, and on the other hand, it can also be divided into components: financial, energy, food security, etc.

To the main sovereign rights that reveal the content of the category economic sovereignty, we propose to include: the sovereign right of the state to dispose of its resources; the right to determine the bases of its economic policy, in particular the free definition and implementation of financial and trade policies, the right to regulate the activities of foreign companies, foreign investment, the right to nationalize foreign ownership; the sovereign right to enter into intergovernmental associations (for example, the EU) and international organizations (IMF, SC, IBRD, WTO) of economic interests; the right to be an equal participant in international economic relations, the right to respect for national economic interests, the right to participate in solving international economic problems, especially those affecting national interests. Our proposed approach to defining the content of the category economic sovereignty is shared by other authors.

The analysis of normative acts devoted to issues of national security and economic security provides grounds for determining the main tasks facing the state in the framework of the policy of

economic security at the present stage: protection of vital interests of the state in the issues of resource (first of all, energy), technological and innovative provision national economy as a precondition for its successful functioning and development; construction of internal immunity and achievement of the state of internal protection from both external and internal factors, capable of destabilizing the country's economic and financial system; ensuring balanced and dynamic development of all components of the national economy; creation of conditions for ensuring the competitiveness of the state in the world and regional markets; promotion of social and economic well-being of both society and individual citizen; food security. It should be accepted with the conclusion of Chernichenko (2001), who believes that the mechanism of legal provision of economic security of the state should consist of two groups of measures: protective measures against the factors of negative impact on the economy and offensive measures for the realization of economic interests. It should be noted that at the present stage, the solution to these problems even economically developed countries are not able to find by their own, and requires international cooperation, for example, within the framework of the EU, and globally - within the framework of the WTO, the IMF, the Security Council. An analysis of the activities of these intergovernmental economic associations allows us to state that today they serve as the main instrument for ensuring the country's economic security against threats of external nature. Really, participation in these organizations provides for a certain self-restraint of the state in accordance with the requirements of their charters, which attaches importance to the problem of ensuring economic and financial sovereignty and economic security of the state.

Between the economic security of a state, a legal entity and an individual, there is a close relationship. So, creating a favorable business climate, encouraging entrepreneurship, limiting monopoly, the state contributes to the functioning of the mechanism of economic security. Equally important from the point of view of ensuring the economic security of the state should recognize the creation of conditions for the implementation of economic security of the individual. It is well known that the more people in society who can independently provide the proper level of their own welfare and the well-being of their family, the less will the state spend on social assistance, which will reduce the burden on the budget. In addition, only a society based on a numerous middle class can contribute to the development of a democratic, rule-of-law state, the emergence of a market economy that in itself serves as a condition for ensuring national security.

5. Information sovereignty and security

The process of the information revolution, the development of which is facilitated by globalization, led to the emergence of such a component of national security as information security. The separation of this subspecies is due to the fact that the information is capable of changing, transforming the state legal system. Information security is aimed at providing information sovereignty, which is understood to mean the sovereign right of the state to formulate and implement information policy within the national information space. At the same time, the current laws in many states provide for another interpretation: the right of the state to control and regulate flows of information coming from outside the state in order to secure citizens' rights and guarantee national security, stating that the basis of information sovereignty make up only national information resources. It is well known now that Internet resources played a decisive role in the success of the Arab revolutions. The importance of consolidating the state's right to exercise such control indirectly indicates, for example, the signing by the US President Obama of a number of orders regulating the use of cyberattacks and other computer-based operations as weapons to protect

the interests of America around the world resulting from the success of numerous cyber-attacks against its state, financial and military institutions. These documents are analogous to the directives governing the use of conventional weapons as well as nuclear weapons, which allows for the inclusion of computer attacks in the US general military strategy.

The vulnerability of information sovereignty forces governments to pursue policies aimed at ensuring information security. It is clear, the higher the part of the activity of individuals, organizations and the state in the information sphere, the more important are the security problems that the state encounters. The introduction of modern information technologies in all spheres of life has significantly increased the dependence of the state, society and each person on the reliable functioning of information infrastructure, truthfulness of information, its protection against unauthorized modification, and illegal access to it. Information sphere, acting as a system-forming factor of society's life, actively influences the state of all components of national security.

6. Humanitarian security and policy

Humanitarian security is a new subspecies in the structure of national security, which is aimed at ensuring the state's sovereignty in the humanitarian sphere. It is designed to ensure the protection of the goals, national ideals, values and traditions that underlie the national culture, their development and reproduction. Sovereignty in the humanitarian sphere implies the realization of the right of the state to independently determine the dominant ideology and the constructed model of constitutional development on it, develop the principles of humanitarian policy. According to some authors, humanitarian security also implies the sovereign right of the state to independently establish the principles of limiting personal freedom in order to balance personal values with general social and state values, that is, to ensure harmonious coexistence of ideas about personal freedom and social need, which will contribute to the strengthening of civil peace and accord in the state. Regarding this position, it should be noted that it contradicts the prevailing views. Romanov (2001), touching on the problem of the relationship between sovereignty and human rights, asked the question: can the human rights phenomenon be considered a universal constant for all mankind, or are the cultural, national, and religious peculiarities of certain countries of primary importance? Depending on the answer to this question, a vision of the relationship between these fundamental categories is formed. If Western countries recognize the universal character of fundamental human rights, then in other countries they are sometimes perceived as a political tool used by the West to interfere in the internal affairs and justify the practice of violating the sovereignty of other states.

The separation of the complex of sovereign rights in the humanitarian sphere, which are to be protected, takes place in the XX century under the influence of unprecedented in the history of ideological and civilizational confrontation. The collapse of the Soviet Union dismissed tension in the area of ideological confrontation, but did not eliminate civilization face-off. S. Huntington notes that the main differences between peoples have cultural, not ideological, political or economic character, since people self-determination, based on their own history, religion, language, system of values and institutions.

7. Conclusions

The analysis of the components of national sovereignty and security makes it possible to formulate the conclusion that the structure of the theory and practice of national security is

characterized by the following laws of organization and functioning: the unity of natural, technological, humanitarian, economic and military-political security. This conclusion follows from a systematic interpretation the achievement of an effective interaction between the security of the individual, the society and the state, between different subsystems of national security, as well as between national, regional and international security, can only be achieved on the basis of the consistent implementation of the principles of equality of rights to security and solidarity by all actors of the security, partnership, transparency, respect for the legitimate interests of the other party, and in relation to ensuring national, regional and international security procuring state sovereignty.

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