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State policy in the field of information security providing in Ukraine

Abstract

Peculiarities of the process of formation of state policy in the field of ensuring information security of Ukraine in the conditions of a transformational society have been studied. The concepts of “information policy,” “information security,” “state policy in the field of ensuring information security” are defined. The relationship between the state’s information security and the state’s national security has been established. The trends of the process of formation of information security in Ukraine and the peculiarities of its provision are formulated. An analysis of the main legal acts that determined the process of formation of state policy in the field of information security in Ukraine was carried out. It is substantiated that the main progress in the development of state policy in the field of ensuring information security of Ukraine came after the beginning of the hybrid war of the Russian state against Ukraine.

Keywords: state policy, information security, national security, information policy, information

Introduction

The information revolution, which has been going on for several decades, has caused powerful civilizational shifts in all spheres of social life. Information has become not just a means or a convenient method of action; it has turned into a living space for modern man and society, containing not only new opportunities but also significant

dangers. Essential foundations of contemporary social life – ideals, values, worldview orientations of people, stable political systems and modernizing systems, local cultures and new globalized formats of cooperation – are affected by informational influences.

The information policy of the world leading countries implies a set of strategic principles for the responsible state bodies' actions in the planning and control of the processes aimed at obtaining, storing, and distributing information. In addition, developed countries are currently intensifying the activities of state mechanisms in the direction of relations legislative normalization in the state information space. For this purpose, such states approve unique normative legal acts regarding the implementation of the state information policy priority principles. In the conditions of today's global geopolitical confrontation, the protection of the domestic information space and ensuring national security in the information sphere remains an urgent issue for Ukraine, especially in the conditions of the transformational hybrid threats spread, which are mainly spread by the aggressor state.

This problem became especially acute after the full-scale invasion of the Russian state on the territory of Ukraine on February 24, 2022, and the conduct of a hybrid war with the systematic use of political, socio-economic, informational, and psychological levers and means. Destructive propaganda both from outside and inside Ukraine exploits social contradictions, inflames social enmity, provokes conflicts, and undermines social unity.

Based on the modern realities of Ukraine functioning, ensuring information security is determined by such challenges as a difficult situation in the national information sphere, which is associated with both significant informational influence and interference of the Russian media; large-scale dissemination of disinformation about Ukraine by the Russian mass media; execution by the Russian state of a special information task aimed at discrediting and creating a negative international image of Ukraine in the world; existing technical problems of Ukrainian electronic media broadcasting in certain regions of the country and the world.

Analysis of the research and publications

The problematic issues of ensuring information security and the search for optimal ways to improve priority foundations in this area were highlighted in their scientific works by M. Dmytrenko,¹ R. Shapoval.² The institutional dimension of Ukraine information security was investigated by K. Zakharenko.³ Certain aspects of state policy in

¹ Dmytrenko, M. (2017). Problematic issues of information security of Ukraine. *International relations. Political science series*, 17, 236–243.

² Shapoval, R., and Klochko, V. (2014). Improving the formation and implementation of state policy in the field of information security of Ukraine. *Our right*, 6, 5–9.

³ Zakharenko, K. (2021). *Institutional dimension of information security of Ukraine: transformational challenges, global contexts, strategic orientations* (Doctoral dissertation, Ivan Franko National University, Ministry of Education and Science of Ukraine). Lviv.

the field of ensuring information security were studied by M. Havryltsiv,⁴ V. Novytskyi,⁵ and T. Tkachuk.⁶

Purpose and research methods

The goal is to study state policy in the field of information security in Ukraine.

The following research methods were applied such as: structural-functional (the role and place of state information security in the national security system of the state were determined), systemic (state policy in the field of information security in Ukraine is determined by domestic and foreign political, economic, military, cultural, etc. factors), legal analysis (applied to analyze the content of legal norms that regulate state policy in the field of ensuring information security in Ukraine) in the process of writing the paper.

State information policy is considered a particular type of political activity in the modern political process. The main approaches to the problem of state information policy formation were formed in the XIX century and received a new push for development in the 1960s in connection with the developed countries entry into the stage of the information society, when mass media turned from a tool for reflecting reality into a tool for shaping reality.

According to H. Pocheptsov, information policy should be regarded as a set of principles, approaches, and defining laws of the information sphere functioning.⁷

V. Fomin and A. Ros note that the essence of information security in the state's national security system is the desire of each state to realize and protect its national interests aimed at the formation and accumulation of national information potential in the conditions of world information processes globalization.⁸

At the same time, the main goal of state policy in the field of information security is to manage real and potential threats while creating the necessary conditions to meet the information needs of people and citizens and realize national interests. As noted by R. Shapoval and V. Klochko, state policy in the field of ensuring information security in Ukraine is the state-legal institutions activity regarding the management of real and potential threats/dangers to meet the informational needs of people and citizens, as well as to realize national interests. Thus, state information policy and state policy in the field of ensuring information security are correlated as a whole

⁴ Gavryltsiv, M. (2020). Information security of the state in the national security system of Ukraine. *Juristic scientific journal*, 2 200–203.

⁵ Novytskyi, V. (2022). Strategic principles of ensuring information security in modern conditions. *Information and law*, 1(40), 111–118.

⁶ Tkachuk, T. (2017). State policy in the field of ensuring information security at the modern stage. *Bulletin of the Uzhhorod National University*, 2(46), 39–42.

⁷ Pocheptsov, H., and Chukut, S. (2008). *Information policy: study guide*. Kyiv: Knowledge, 12.

⁸ Fomin, V., and Ros, A. (1999). The essence and relationship of the concepts "information security," "information war" and "information struggle." *Science and defense*, 4, 24.

and a part.⁹ Information security is ensured by the implementation of a unified state policy in the information sphere, a system of measures of an economic, political, and organizational nature that are adequate to threats to national security, as well as the state's capabilities to manage relevant risks. The information security system is a tool for implementing state policy in information security. The main purpose of the system is to achieve the goals of national security in the information sphere, and therefore, its main function is to ensure the balanced existence of the individual, societal, and state interests in this sphere.

From the scientific point of view of E. Arkhipov and A. Chernychenko, state policy in the field of ensuring the information space security acts as an essential process aimed at the development of organizational and technical components and the regulatory framework of this direction. Therefore, ensuring security in the information environment of any state is a vector of public authorities activity based on the norms of current legislation and international law.¹⁰

Considering the above, we can state that the state policy in the field of ensuring information security has three main vectors. These include protection of information rights and human freedoms, state security in the information field, the safety of the national information market, the state's economic interests in the information sphere, and the support of national producers of information products.¹¹

Information security is a complex, systemic, and multi-level phenomenon. Its state and prospects development are directly influenced by external and internal factors, the most important of which are: 1) the political situation in the world; 2) the presence of potential external and internal threats; 3) the state and level of the country's information and communication development; 4) domestic political situation in the state. At the same time, information security is a complex, dynamic, and integrated social system, the components of which are subsystems of the individual, the state, and society security. It is the interdependent, systemic informational unity of the latter that constitutes a qualitative framework designed to protect the vital interests of individuals, society, and the state to ensure their competitive and progressive development.¹²

The process of forming state policy in the field of information security in Ukraine begins with the regulatory and legal settlement of this issue. One of the first important political and legal decisions in the organization of the secure information space of Ukraine was the adoption of the Law of Ukraine *On Information* as of October 2, 1992. The document adopted at the initial stage of the existence of Ukrainian statehood covered "deep layers of information relations, regulating them at a general, supra-sectorial

⁹ Shapoval, R., and Klochko, V. (2014). Improving the formation and implementation of state policy in the field of information security of Ukraine. *Our right*, 6, 6.

¹⁰ Arkhypova, Ye., and Chernychenko, A. (2018). Providing information security in public authorities as the general needs of today. *State and regions. Series: Public Administration*, 2(64), 233.

¹¹ Kormych, B. (2003). *Organizational and legal foundations of information security policy of Ukraine: monograph*. Odesa: Legal Literature, 146.

¹² Zolotar, O. (2018). *Human information security: theory and practice: monograph*. Kyiv: "Artek" Publishing House LLC, 154–155.

level.”¹³ The law has become a certain guideline for understanding the basics in matters of information creation, collection, receipt, storage, use, dissemination, protection, and defense of information.

Despite some of its shortcomings, domestic scientists highly appreciate this decision, which for the first time at the highest legislative level defined key concepts of information and its types, state information policy, modes of access to information, information protection, guarantees of information sovereignty of Ukraine, and many others.¹⁴ In the end, the Law established the provision of information security in Ukraine among the main directions of the state information policy, disclosed the types of information activities, and defined the basis of the state information policy.

The new version of the 2011 Law was designed to provide an updated legal basis for the formation and implementation of state information policy, as well as for strengthening information security. After the events of 2014, the Law again underwent partial changes, primarily related to the already mentioned humanitarian component (issues of the language of information, historical evaluations in the mass media, access to archival documents, etc.).¹⁵

With the adoption of the Constitution of Ukraine on June 28, 1996, the provision of information security is defined by Art. 17 of the Constitution of Ukraine as “the most important function of the state,” where the latter acts as the main subject of information security policy. The main rules regarding activities in the information sphere, i.e., “creation, receipt, use, distribution and storage of information and protection of the rights of subjects of information relations,” are contained in 32 and 34, as well as several others (10, 15, 17, 23, 28, 29, 31, 32, 40, 50, 53, 54, 55, 57) of the articles of the Constitution of Ukraine.¹⁶ The next step in normalizing information security was the adoption of the National Security Concept of Ukraine on January 16, 1997, which defined information security as an information sphere in the system of state national security policy, that is, the sphere of information circulation.¹⁷ A similar approach was enshrined in the Law of Ukraine *On the Basics of National Security* dated June 19, 2003, and the Law of Ukraine *On the Basic Principles of Information Society Development in Ukraine for 2007–2015* dated January 9, 2007. In particular, in the latter, the concept of information security is equated with the security of information resources and is interpreted as “a state of protection of the vital interests of a person, society and the state, in which harm to the state is prevented due to: incompleteness, untimeliness and implausibility of the information used; negative information impact; negative

¹³ On information: Law of Ukraine dated October 2, 1992. URL: <http://zakon.rada.gov.ua/laws/show/2657-12>, [accessed: 01.06.2023].

¹⁴ Petrytskyi, A. (2013). Information legislation of Ukraine: current problems and ways to solve them. *Bulletin of the Mariupol State University. Series: Law*, 5, 65.

¹⁵ On information..., op. cit.

¹⁶ Constitution of Ukraine (June 28, 1996). URL: <http://zakon5.rada.gov.ua/laws/show/254k/96-вр>, [accessed: 02.06.2023].

¹⁷ On the concept (fundamentals of state policy) of national security of Ukraine: Resolution of the Verkhovna Rada of Ukraine dated January 16, 1997. URL: <http://zakon4.rada.gov.ua/laws/show/3/97-%D0%B2%D1%80>, [accessed: 02.06.2023].

consequences of the use of information technologies; unauthorized distribution, use, violation of integrity, confidentiality and availability of information.”¹⁸

Separation of information security into a separate sphere became possible with the adoption of the Doctrine of Information Security dated July 8, 2009, which defined its objective as ensuring the information security of the individual, society, and the state. The basic directions in the field of ensuring information security in Ukraine were established as informational-psychological, technological, and information protection, the implementation of which involved the combined efforts of the state, civil society, and all citizens. In addition, the formulation of the vital interests of the state and the principles of ensuring the information security of Ukraine became clearer.¹⁹

Summarizing this stage of normalization of Ukraine’s information security sphere, some scientists outlined its general trend: following Ukraine’s independence, norms were adopted mainly regulating issues of technical protection of information, structural and organizational relations in the field of informatization. However, as the information society began to take shape and the humanistic perspective on this issue expanded, information legislation also began to focus more on information security.²⁰ So, at the end of the first decade of the 2000s, the legal regulation of information security problems began to develop more actively and cover a wider range of issues, ultimately prescribing the value-meaning aspects of the problem.²¹

With the beginning of the hybrid war of the Russian state against Ukraine in February 2014, there was a need for radical changes in the information security system of Ukraine, improvement of regulatory and legal support, and prevention and neutralization of potential and real threats to national security in the information sphere.

This was because an important component of the hybrid war was the invasion of the Russian state both on the territory and in the information and communication space of Ukraine to demoralize society and strengthen discontent and protest moods, inducing panic, influencing political and socio-economic processes through the information sphere in our country, discrediting government decisions and undermining the authority of the legitimate Ukrainian government, etc. For this, a wide variety of tools is used to manipulate public opinion: interference in the functioning of information and telecommunication systems and networks, cyber-attacks, influence on mass communication media, and manipulation of public opinion.

As M. Dmytrenko rightly observes: “The nature and peculiarities of the conduct of the Russian-Ukrainian war show that its goal is to change the self-identification of

¹⁸ On the Basic principles of Information Society Development in Ukraine for 2007–2015: Law of Ukraine dated January 9, 2007. URL: <http://zakon.rada.gov.ua/laws/show/537-16?find=1&text=%E1%E5%E7%E>, [accessed: 29.05.2023].

¹⁹ About the Information Security Doctrine of Ukraine: Decree of the President of Ukraine dated July 8, 2009. URL: <http://zakon2.rada.gov.ua/laws/show/514/2009>, [accessed: 02.05.2023].

²⁰ Sopilko, I. (2014). The role of the information security doctrine of Ukraine in the implementation of the state information policy of Ukraine. *Journal of East European Law*, 2, 36–42.

²¹ Zakharenko, K. (2021). Institutional dimension of information security of Ukraine: transformational challenges, global contexts, strategic orientations..., op. cit.

the population and turn the eastern region of our country into a 'grey zone,' which will leave the Russian Federation with the levers of its influence due to the constant threat of spreading instability throughout Ukraine. This is a war not for territories, but for the worldview, thoughts and souls of people. And since control over the information infrastructure provides grounds for the formation of public opinion, which always first manifests itself in certain beliefs, and only then in concrete actions, then in the conditions of a competitive struggle, control over the information sphere turns into one of the main resources of power."²²

In these conditions, to stabilize the situation, the main plan of measures was implemented by the decision of the NSDC dated May 28, 2014, *On measures to improve the formation and implementation of state policy in the field of information security of Ukraine*.²³ By the decision of the National Security Council, the Cabinet of Ministers of Ukraine was instructed to develop and submit to the parliament draft laws on amendments to the laws of Ukraine on countering informational aggression of foreign states. This included, in particular, defining a mechanism for countering negative informational and psychological influence, such as by banning the retransmission of television channels, as well as regarding the introduction for foreign mass media of a system of informing and protecting journalists who work in places of armed conflicts, terrorist acts, and liquidating dangerous criminal groups. In addition, it was necessary to develop a draft strategy for the development of the information space of Ukraine. It aims to develop and implement complex organizational, informational, and explanatory measures to support the implementation of state policy in the field of ensuring information security, as well as to strengthen control over compliance with legislation on psychological and cyber security. The Cybersecurity Strategy of Ukraine dated March 15, 2016, has been developed by the specified action plan. The development and security of cyberspace, the introduction of e-government, and the guarantee of the security and stable functioning of electronic communications and state electronic information resources should be components of state policy in the development of the information space and the formation of the information society in Ukraine,²⁴ as outlined in the Doctrine of Information Security of Ukraine dated February 25, 2017.²⁵

The doctrine was adopted to clarify the principles of forming and implementing state policy in the information sphere, primarily in countering the destructive informational influence of the Russian state in the conditions of the hybrid war unleashed by it. Although the document does not define a key category – information security,

²² Dmytrenko, M. (2017). Problematic issues of information security of Ukraine, pp. 240–241. ..., op. cit.

²³ On measures to improve the formation and implementation of state policy in the field of information security of Ukraine: Decree of the President of Ukraine dated May 1, 2014. URL: www.president.gov.ua/documents/4492014-17157, [accessed: 22.05.2023].

²⁴ On the Cybersecurity Strategy of Ukraine: Decree of the President of Ukraine dated March 15, 2016. URL: www.president.gov.ua/documents/962016-19836, [22.05.2023].

²⁵ On the Information Security Doctrine of Ukraine: Decree of the President of Ukraine dated February 25, 2017. URL: www.president.gov.ua/documents/472017-21374, [accessed: 02.06.2023].

the analysis of the main “priorities of the state policy in the information sphere to ensure information security” makes it possible to single out those components that the legislator invests in the content of this complex phenomenon. It is about an integrated system of information threat assessment and prompt response to them; a clear system of powers of responsible state regulatory bodies; “transparent mechanisms for detecting, recording, blocking and removing information from the information space of the state,”²⁶ which threatens the life and health of citizens, promotes war, national and religious enmity, violation of territorial integrity, etc.; clear mechanisms of “regulation of the work of telecommunications enterprises, printing enterprises, publishing houses, television and radio organizations, television and radio centres and other enterprises, institutions, organizations, cultural institutions and mass media”; educational work among the troops and the population; full coverage of the territory of Ukraine with digital broadcasting; an effective and efficient system of strategic communications, etc.

In addition to the priorities of state policy in ensuring information security, the Doctrine defines Ukraine’s national interests in the information sphere and threats to their implementation.

The document also defines the mechanism of its implementation. In particular, the Council of National Security and Defense of Ukraine is designated as the coordinating body for the activities of executive authorities in ensuring national security in the information sphere. The Cabinet of Ministers of Ukraine is authorized to ensure the implementation of the information policy of the state, finance programs related to information security, and direct and coordinate the work of ministries and other executive authorities in this area. The doctrine also assigns several tasks to the Ministry of Information Policy of Ukraine, the Ministry of Foreign Affairs, the Ministry of Defense, the Security Service of Ukraine, the State Service for Special Communications and Information Protection, intelligence agencies, and the National Institute for Strategic Studies. The Ministry of Culture of Ukraine, the State Agency of Ukraine with cinema, the National Council of Ukraine for Television and Radio Broadcasting, and the State Committee for Television and Radio Broadcasting of Ukraine have their competence.²⁷

In the conditions of the aggressive hybrid war of the Russian state against Ukraine, the confrontation in the information sphere became more and more relevant. The Russian side is conducting an anti-Ukrainian information campaign in several directions, which is intended to: popularize the ideas of a federal state system of Ukraine as an alternative to the collapse of the state; ensure a continuous flow of manipulative disinformation about events in Ukraine and its occupied territories; introduce division into the environment of Ukrainian ruling circles, including by publishing provocative and destructive materials, criticizing central authorities that “ignore the interests of the regions,” compromising public and political figures, inspiring mass protests; create in Ukraine, under the guise of representative offices of European organizations controlled by the Russian side, public structures to carry out active work in the

²⁶ Ibid.

²⁷ On the Information Security Doctrine of Ukraine..., op. cit.

information-analytical and humanitarian spheres, serving the geopolitical interests of the Russian Federation, etc.²⁸

To adequately respond to the spread of hybrid threats in Ukraine at the end of 2021, the Information Security Strategy was approved at the state level as a fundamental document that defines the tasks and ways of the state's activities to prevent crisis phenomena in the domestic information space, strengthening information security and its components. It is expected that the practical implementation of this Strategy should strengthen the state's capabilities to ensure its information security and protection of the information space. This document identifies Russia and its information policy as the main threat to Ukraine's security. The strategy is planned to be implemented by 2025.

"The purpose of the Strategy is to strengthen the state's capabilities to ensure information security, protect the information space, support social and political stability with informational means and measures, defend the state, protect state sovereignty, territorial integrity of Ukraine, the democratic constitutional system, ensure the rights and freedoms of every citizen."²⁹ The goal will be achieved by taking measures to deter and counter threats to the information security of Ukraine and neutralizing information aggression, including special information operations of the Russian side, aimed at undermining the state sovereignty and territorial integrity of Ukraine, ensuring the information stability of society and the state, creating an effective system of interaction between by state authorities, local self-government bodies and society, as well as the development of international cooperation in the field of information security based on partnership and mutual support. The strategy defines a clear list of priority goals: countering disinformation and information operations, primarily by the aggressor state, directed against Ukraine; ensuring comprehensive development of Ukrainian culture and affirmation of Ukrainian civic identity; raising the level of media culture and media literacy of society; ensuring compliance with a person's rights to collect, store, use, and disseminate information, freedom of expression of one's views and beliefs, protection of private life, access to objective and reliable information, as well as ensuring the protection of journalists' rights; informational reintegration of Ukrainian citizens living in the temporarily occupied territories and adjacent territories of Ukraine into the all-Ukrainian information space; development of the information society and raising the level of dialogue culture; creation of an effective system of strategic communications.³⁰

Conclusions

Information security as a social phenomenon has a complex structure, including domestic and foreign political, economic, technological, military, and other elements.

²⁸ Novytskyi, V. (2022). Strategic principles of ensuring information security in modern conditions, p. 115..., op. cit.

²⁹ Information security strategy: Decree of the President of Ukraine dated December 28, 2021, No. 685/2021. URL: <https://www.president.gov.ua/documents/6852021-41069>, [accessed: 01.06.2023].

³⁰ Information security strategy..., op. cit.

Therefore, its research requires a comprehensive approach. The information security system of the state is an integral part of the overall national security system and is a set of state authorities, non-state structures, and citizens, which must coordinate activities to ensure information security based on uniform legal norms, and effectively resist information threats under modern conditions.

An effective state information policy must solve tasks that involve the harmonious provision of information security for the state, individuals, and society.

The war of the Russian state against Ukraine puts on the agenda the necessity of forming an effective system of information security capable of adequately responding to civilizational and geopolitical challenges.

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