

Law on national security: institution, branch, legal regime?

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Abstract.

The subject of this article is the ontological status of the body of legal norms regulating social relations in the area of national security, set in the international legal acts, acts of strategic planning, federal and regional laws and bylaws of different levels. The author carries out a methodological analysis of scientific publications in the field of the general theory of law, scrutinizes the methodological categories of “legal Institution”, “branch of law”, “legal regime”, uses systematic interpretation, as well as applies formal-legal and logical

analysis of the provisions of normative legal acts that regulate social relations in the area of national security. The author determines a vast number of normative legal acts related to national security. The analysis of scientific literature allowed revealing the problematic status of norms contained in the aforementioned acts, along with the idea of scholars that they comprise the institution or branch of law. An opinion is advanced that this discussion is substantiated by seeking grounds for systematization of the body of legal norms that regulate social relations in the area of national security. The conclusion is made on the objective difficulties of such systematization. It is underlined that substantiation of systematicity of legal norms depends on subjective and objective criteria; although currently, the body of norms on national security does not comply with any of them. Two author suggests two solutions to alleviate the urgency of the problem: pluralistic approach, and reference to the category of "legal regime". Considering the dualistic static-dynamic interpretation, the methodological advantages of the latter are justified.

Keywords: maintaining of national security, national security system, system of law, legal regime, branch of law, systematic criteria, complex legal institution, National Security Strategy, constitutional law, legal tools

This article written in Russian. You can find full text of article in Russian [here](#) .

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