

DEVELOPEMENT OF LEGAL BASIS FOR THE USE OF PRIVATE MILITARY COMPANIES WITHIN THE FRAMEWORK OF FOREIGN POLICY OBJECTIVES OF THE RUSSIAN FEDERATION: A CORRELATION ANALYSIS

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Abstract

This article presents an analytical examination of the views held by the military and political leadership of the Russian Federation regarding the use of private military companies (PMCs) as instruments for advancing the country's foreign policy objectives.

The analysis establishes that the majority of Russian national security scholars and experts regard the Federation's military command-and-control system as insufficiently adapted to the demands of modern network-centric warfare and therefore in need of comprehensive modernization. This modernization, they argue, should extend centralized command and control not only over Russia's security and defense forces but also over civil society structures and commercial institutions.

The study further demonstrates that a range of strategic planning and legal documents of the Russian state envision the deployment of both regular and irregular armed formations to achieve its external policy goals. A clear correlation is observed between successive legislative initiatives aimed at regulating PMC activities and the key milestones in the evolution of these entities.

It is determined that all legislative efforts to legalize the operations of PMCs in the Russian Federation have been inherently reactive, designed primarily to pre-empt potential public discontent over legally ambiguous issues — including, but not limited to, questions of social entitlements, liability for offenses, and accountability for criminal conduct.

The findings indicate that the formal codification of PMC activities has been deliberately postponed relative to their practical deployment in conflict zones, thereby avoiding the creation of legal precedents that could formally integrate these entities into the state's military command structure. In conclusion, the paper argues that since the use of conventional armed forces is strictly regulated at both the national and international levels, the resource potential of PMCs offers a mechanism for circumventing international legal constraints. Russia's doctrinal approach to the use of force thus conceptually legitimizes the transfer—or deliberate obscuring—of state responsibility for the escalation or initiation of hostilities onto sub-conventional actors.

Key words: national security, special services, hybrid threats, private military companies, asymmetric warfare, Russia.

Introduction

Strategic planning in the field of national security represents a distinct domain of research within political science and public administration. The process of conceptualizing doctrinal and policy documents in this sphere follows its own procedural logic and constitutes a continuous analytical

effort essential for the rigorous assessment of emerging challenges and threats to state interests.

It should be noted that the specific features of the strategic planning process in the Russian Federation remain insufficiently studied, both globally and in Ukraine. Most scholarly and expert analyses tend to be confined to commentaries on officially released documents or to analytical findings concerning the discourse on the employment of nuclear weapons and hybrid technologies as instruments of foreign policy influence (Evans A., Wolkov N., Harward C., Hird K., Barros G., 2024; *SIPRI Yearbook*, 2024). Even amid a full-scale war, the academic community devotes inadequate attention to the personal networks and institutional architectures shaping the adoption of Russia's strategic documents, as well as to the tools used by the adversary to calibrate its power projection. Consequently, the issue of early identification of such instruments and the detection of threats to Ukraine's national interests becomes particularly relevant.

Private military companies (PMCs) have proved to be among the most effective instruments of Russian influence. Over the past decade, they have been systematically employed by Russia's political and military leadership to advance Moscow's strategic interests in target states while minimizing overt Kremlin involvement.

However, the methodological frameworks for assessing the impact of these entities on the security environment of target countries—and their instrumental role in achieving Russia's foreign policy objectives—remain underdeveloped.

It is argued that any rigorous analysis must begin with a comprehensive examination of a state's strategic doctrinal documents on national security, identifying the key provisions that define the government's officially sanctioned mechanisms for realizing its declared objectives within a given conceptual paradigm.

For most international actors, such parameters are constrained by international law—a limitation that cannot be assumed for regimes that proclaim the transformation of the existing global order as a primary foreign policy objective.

In the case of the Russian Federation, scholars predominantly focus on deconstructing the discursive parameters of its principal strategic documents that define the threshold conditions for nuclear employment as an instrument of geostrategic coercion (Yarmolenko V., 2021; Evans A., Wolkov N., Harward C., Hird K., Barros G., 2024; *SIPRI Yearbook*, 2024; *Ob Osnovakh gosudarstvennoi politiki...*, 2020).

While acknowledging the importance of analyzing these existential threats, academic inquiry should also pivot toward the early detection of covert instruments of influence employed by the adversary on the international stage and toward defining—and, where necessary, expanding—the operational boundaries for the calibrated use of conventional, asymmetric, and hybrid tools in pursuit of state objectives.

Accordingly, the objective of this article is to conduct a correlational analysis of the conceptual framework of the Russian Federation's military and political interests, together with the political, legal, and institutional substantiation of the phenomenon of private military companies, in order to determine the functional role of PMCs within Russia's system of military-political instruments of influence.

Results and Discussion

While NATO concentrated on enhancing its counterterrorism and counterinsurgency capabilities in the post-Cold War era, the Russian Federation—within the framework of its efforts to revitalize the security and defense sector—consistently invested in and modernized its apparatus of political warfare, encompassing contemporary organizational architectures, policy instruments, doctrinal constructs, and tactical paradigms (Trevithick, 2017). Furthermore, the Kremlin rapidly assimilated cutting-edge technologies—cyber capabilities, social media platforms, mobile communications, and

others—into its political warfare arsenal, leveraging a wide array of proxy entities as force multipliers (Graja, 2019). As a result, Moscow secured an asymmetric advantage over NATO, particularly across the conceptual continuum between peace and war.

The following section surveys Russia's strategic planning documents that authorize the deployment of regular and irregular armed formations to advance its foreign policy objectives.

Within this framework, attention is first directed to the National Security Strategy of the Russian Federation (*Strategiia natsional'noi bezopasnosti Rossiiskoi Federatsii*, 2021). As an expanded iteration of its 31 December 2015 predecessor, the 2021 Strategy outlines Russia's ambition to engineer a multipolar world order against the backdrop of the declining appeal of the Western development paradigm and the erosion of collective Western leadership. These developments, according to the Strategy, have resulted in the emergence of new regional and global power centers and a redefinition of the rules and principles governing the international system. One of Russia's key foreign policy objectives is thus to strengthen its position as a center of contemporary global influence, including through the enhancement of its domestic capabilities (*Strategiia natsional'noi bezopasnosti Rossiiskoi Federatsii*, 2021).

In alignment with the Military Doctrine, the National Security Strategy enumerates a range of threats and challenges to national security, including:

- the portrayal of the Russian Federation by certain states as a strategic threat or military adversary;
- the orchestration of state-sponsored subversive activities aimed at catalyzing disintegration processes across the CIS region;
- concerted efforts to isolate Russia and sever its ties with traditional allies;
- the imposition of punitive sanctions against Russia and its partner states;
- the exploitation of the information domain to interfere in Russia's internal affairs;
- attempts by unfriendly actors to erode the traditional values of Russian society;
- the distortion of global historical narratives to undermine Russia's international standing; and
- the external instigation of protest movements within Russia through the manipulation of adverse socio-economic conditions (*Strategiia natsional'noi bezopasnosti Rossiiskoi Federatsii*, 2021).

The Strategy further stipulates that the achievement of Russia's defense objectives shall be pursued through the continuous modernization of the country's military organization, updating the modalities and methods of employing armed forces to safeguard national interests both within and beyond its borders. The Kremlin proclaims its prerogative to employ both symmetric and asymmetric measures to deter or preempt hostile actions by foreign states that may threaten Russia's sovereignty and territorial integrity (*Strategiia natsional'noi bezopasnosti Rossiiskoi Federatsii*, 2021).

The principal foreign policy imperatives derived from this document include:

- providing security and defense assistance to allied and partner states, including the neutralization of external interference in their domestic affairs;
- protecting the rights and interests of Russian citizens and corporate entities abroad; and
- fostering military-political and military-technical cooperation with foreign governments (*Strategiia natsional'noi bezopasnosti Rossiiskoi Federatsii*, 2021).

Empirical evidence indicates that these objectives are actively pursued through the operationalization of private military companies (PMCs) and their capabilities.

Notably, the updated 2021 Strategy omits any explicit reference to Ukraine's internal political dynamics or to the ongoing conflict in its eastern regions. By contrast, the 2015 edition accused the United States and the European Union of facilitating an "unconstitutional coup d'état

in Ukraine,” which, according to the document, deepened societal divisions, provoked armed confrontation, and transformed Ukraine into a persistent flashpoint of instability on Russia’s borders (*Strategiia natsional'noi bezopasnosti Rossiiskoi Federatsii*, 2015).

Regarding the political legitimization of force, the 2023 Foreign Policy Concept of the Russian Federation (*Kontseptsiiia vneshnei politiki Rossiiskoi Federatsii*, 2023) represents a pivotal doctrinal text. Although the discussion of its revision began in December 2021, Russia’s full-scale invasion of Ukraine and the subsequent shifts in the international security architecture prompted a comprehensive recalibration of the document. President Vladimir Putin formalized the updated Concept by presidential decree on March 31, 2023.

The 2023 Concept is grounded in a civilizational paradigm, positioning Russia as a distinct global center of power. For the first time, it seeks to present Russia as a unique cultural and civilizational entity whose “millennia of statehood,” “decisive role” in World War II, and substantial military, resource, and economic capacities collectively justify its claim to autonomous global leadership. Within this framework, Russia is portrayed as both a Eurasian and Euro-Pacific great power, tasked with uniting the cultural and civilizational community of the *Russkiy Mir* (“Russian World”).

The Concept outlines several strategic imperatives for Moscow:

- strengthening Russia’s geopolitical influence;
- state-led promotion of Russian linguistic and cultural identity;
- protection of the rights and interests of the Russophone diaspora through the global dissemination of *Russkiy Mir* doctrines.

As noted by Russian scholar Igor Zevelev (2016), between 2012 and 2016 the Kremlin effectively merged conceptual constructs from national identity, cultural policy, defense and security, and international relations, resulting in an “irrational fusion of national identity narratives with both external and internal security discourse.”

Consistent with its previous editions, the updated Concept mandates the development of information security architectures to counter foreign informational and psychological operations, especially those aimed at undermining domestic political stability or eroding “traditional spiritual values” (*Kontseptsiiia vneshnei politiki Rossiiskoi Federatsii*, 2023).

Despite Moscow’s formal adherence to international legal principles such as sovereignty, territorial integrity, and non-intervention, the Concept nevertheless articulates strategic intentions that contradict these norms. It pledges comprehensive support to Russia’s allies and partners—including quasi-state entities—to bolster their security and facilitate voluntary alignment with Moscow, irrespective of international recognition or institutional affiliation. Furthermore, it calls for securing legal recognition of Russia’s jurisdiction over occupied territories and codifying its state and maritime borders under international law.

While the Concept reaffirms Russia’s right to self-defense and its commitment to avert the unlawful use of force, it simultaneously asserts the Kremlin’s prerogative to employ “symmetric and asymmetric measures”, including military, military-technical, and hybrid actions, against foreign actors that threaten Russia’s sovereignty or territorial integrity (*Kontseptsiiia vneshnei politiki Rossiiskoi Federatsii*, 2023).

The document also prioritizes countering “color revolutions” and external interference in the domestic affairs of Russia’s allies within the post-Soviet space.

Particular attention must also be given to the 2014 Military Doctrine, which superseded its 2010 version and articulated a broad spectrum of threats and risks confronting Russia. The Doctrine acknowledges that while large-scale conventional warfare has become less probable, military risks have migrated into the information domain and the domestic sphere. It identifies as key threats:

- NATO’s expansion and interventionism;

- covert efforts by foreign organizations to destabilize legitimate governments, particularly through information and communication technologies (*Voennaia doktrina Rossiiskoi Federatsii*, 2014).

Although foreign states are not explicitly named, analysts widely interpret the document as an implicit reference to Ukraine's Euromaidan protests and alleged Western interference (Pynnoniemi, 2018). The Doctrine describes modern conflict as an integrated application of military and non-military means, including special operations forces, externally funded NGOs, irregular militias, and private military companies—collectively aimed at destabilizing political systems. Traditional force projection, it concludes, has been largely supplanted by indirect and asymmetric tools, exerted simultaneously across all dimensions of the target environment (*Russia's National Security Strategy*, 2017).

A comprehensive review of Russia's doctrinal corpus thus reveals Moscow's aspiration to consolidate its status as a sovereign center of global power through reinforcement of its military, resource, and economic potential and by wielding both symmetric and asymmetric instruments to achieve its strategic objectives. Yet these documents notably omit any explicit enumeration of the specific forces or capabilities intended for mobilization.

Equally significant is Federal Law No. 252-FZ of 9 November 2009, "On Amendments to the Federal Law 'On Defense'," enacted in the aftermath of the 2008 Russo-Georgian conflict. This law establishes mechanisms for the rapid extraterritorial deployment of Russian Armed Forces and broadens the statutory grounds for such operations. Under presidential directive, these formations may be tasked with:

- repelling armed attacks against Russian forces or state agencies stationed abroad;
- countering aggression against foreign states that request Russian assistance;
- protecting Russian citizens overseas from hostile acts; and
- combating piracy and ensuring maritime security (*O vnesenii izmenenii...*, 2009).

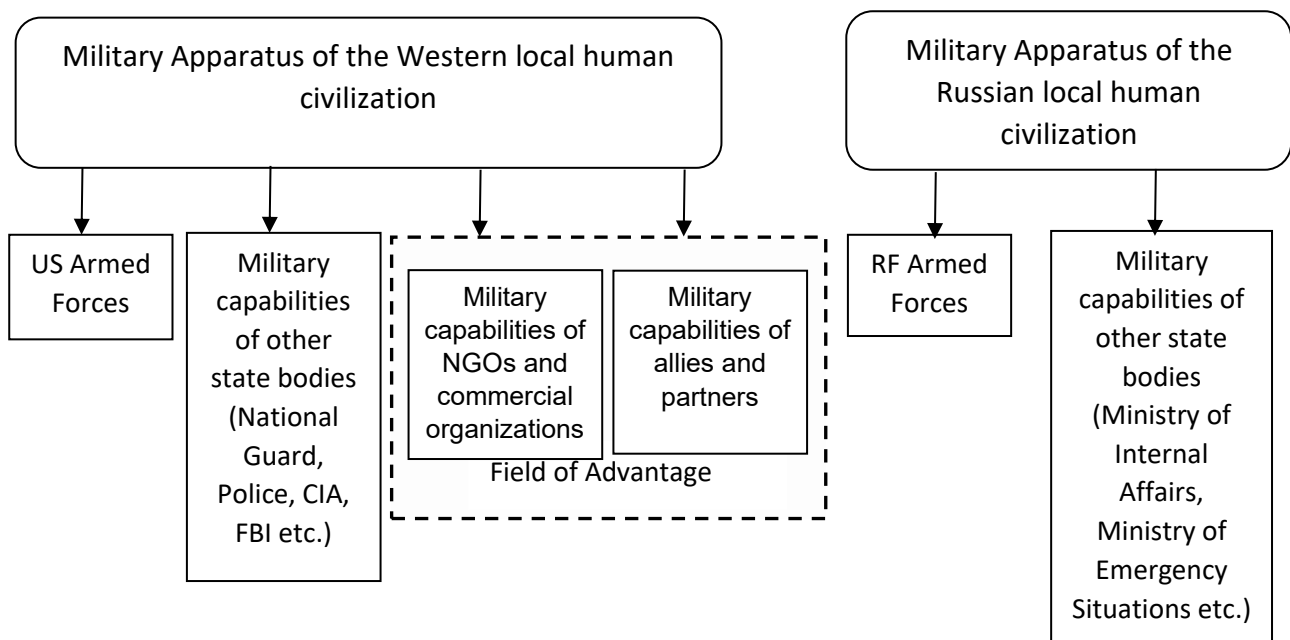
Before the adoption of this law, Russian legislation permitted the deployment of armed forces abroad only within the framework of international treaties and counterterrorism operations. The enactment of this statute thus represents a crucial step in realizing Russia's geopolitical ambitions to assert itself as a global center of power—an aspiration first articulated in President Putin's "Munich speech" (Putin, 2007).

In addition to these legislative and doctrinal foundations, the 2016 joint study "Strategic Planning in International Relations" by the Moscow State Institute of International Relations (MGIMO) and the Almaz-Antey Air and Space Defense Concern offers a valuable analytical complement (Podberezkin et al., 2016). The study delineates theoretical foundations for strategic forecasting methodology in international affairs and foreign policy planning, identifying the principal global trends and outlining strategies for strengthening Russia's national security under projected international developments.

In its applied section, the authors assess the capabilities of states and coalitions and the civilizational and national resources at their disposal. They forecast an intensification of global confrontation—potentially including a military component—by the mid-21st century. Of particular relevance is their argument that a defining trend of contemporary international relations is the rise of transnational actors, such as private military companies, capable of performing state-like functions. These entities, the authors argue, will increasingly act as both independent power brokers and "cloud adversaries," operating covertly against one state with the backing of another (Podberezkin et al., 2016).

Comparing the military architectures of Russia and the collective West (see Diagram 1), the researchers conclude that the West's decisive advantage lies in its "reserve potential"—a constellation of non-state actors (PMCs, professional associations, universities, social networks, and

foundations) that collectively generate a strategic “field of advantage” (Podberezkin et al., 2016).



Picture – Comparison of the Western and Russian military apparatus (Podberezkin A. I. i dr., 2016)

Thus, scholars contend that the Russian Federation’s military command-and-control architecture remains inadequate to meet the challenges of contemporary network-centric warfare and must undergo comprehensive modernization. This modernization, they argue, should aim to strengthen centralized command not only over Russia’s security and defense forces but also over commercial structures and civil society institutions (Podberezkin et al., 2016).

In this regard, particular attention should be paid to the address delivered by former State Council member Vladimir Zhirinovskiy during Vladimir Putin’s meeting with State Duma deputies in Yalta (temporarily occupied Crimea) on August 14, 2014. In his speech, Zhirinovskiy emphasized the prospect of creating and deploying volunteer formations in eastern Ukraine to counter the Armed Forces of Ukraine, including units composed of convicts currently serving sentences in Russian penal institutions (*Prorocheskaya rech'...*, 2014).

It is noteworthy that intensive debate over the legislative regulation of private military companies (PMCs) had already begun in April 2012, following then–Prime Minister Vladimir Putin’s annual government address for 2011, during which he characterized PMCs as “an instrument for advancing national interests without direct state participation” (*Predsedatel' Pravitel'stva Rossiiskoi Federatsii...*, 2012). That statement served as a catalyst for the drafting of an appropriate legal and regulatory framework.

By October 2014, the State Duma of the Russian Federation had received four draft bills regulating the activities of private military companies (*Proekt Federal'nogo zakona No. 62015-6, 2012; Proekt Federal'nogo zakona No. 630327-6, 2014; Proekt Federal'nogo zakona No. 952777-6, 2015; Proekt Federal'nogo zakona, 2018*). Each draft specified distinct operational parameters, including the establishment, registration, and recruitment procedures of PMCs, as well as their powers, accountability mechanisms, and conditions for dissolution.

As demonstrated in Table, these legislative initiatives correspond closely to the landmark events that have shaped the evolution and institutionalization of private military formations in the Russian Federation.

Table – The nexus between legislative initiatives to regulate PMCs in the Russian Federation and the landmark milestones in their evolution

Events	Legislative initiatives
11 Apr. 2012 – Prime Minister Vladimir Putin’s annual government report for 2011, in which he called PMCs “an instrument for advancing national interests without direct state participation” (Predsedatel’ Pravitel’sstva Rossiiskoi Federatsii..., 2012).	24 Apr. 2012 – lodging of a draft of the Federal Law No. 62015-6 “On State Regulation of the Establishment and Operation of Private Military Companies” by State Duma Deputy O. Mitrofanov (Proekt Federal’nogo zakona no 62015-6, 2012).
14 Jul. 2014 – Wagner PMC shots down Ukrainian military transport aircraft Il-76MD in the vicinity of Luhansk.	22 Oct. 2014 – lodging of a draft of the Federal Law No. 630327-6 “On Private Military and Security Companies” by State Duma Deputy G. Nosovko (Proekt Federal’nogo zakona no 630327-6, 2014).
19 Oct. 2015 – first losses (casualties) of Wagner PMC in Syria	14 Dec. 2015 - lodging of a draft of the Federal Law No. № 952777-6 “On private military and security activity” by State Duma Deputy G. Nosovko (Proekt Federal’nogo zakona no 952777-6, 2015).
07 Feb. 2018 – US AF defeated Wagner units in the vicinity of Deir ez-Zor, Syria	February 2018 – lodging of a draft of the Federal Law “On private military and security activity” by State Duma Deputy S. Mironov (Proekt Federal’nogo zakona, 2018).
March 2022 – Wagner PMC is engaged in assault operation against Ukrainian Armed Forces	March 2022 – subsequent lodging of a draft of the Federal Law “On private military and security activity” by State Duma Deputy S. Mironov (Proekt Federal’nogo zakona, 2018).

Therefore, it appears that the statutory regulation of private military companies (PMCs) was deliberately kept misaligned with the realities of their deployment in conflict zones so as to avoid creating formal precedents for their integration into the state’s official military structure. All legislative initiatives in this domain have been reactive in nature, seemingly intended to pre-empt potential public backlash over legally contentious issues such as social entitlements, compensation mechanisms, and liability for criminal or unlawful conduct.

Nevertheless, each of the aforementioned draft laws was rejected by the Russian government and other state institutions—including the Ministry of Defense, Ministry of Foreign Affairs, Office of the Prosecutor General, and Ministry of Justice—as well as by the country’s key security agencies, such as the National Guard and the Federal Security Service (FSB) (Imangulova & Seitlieva, 2022). These entities invoked constitutional provisions establishing a state monopoly on the legitimate use of armed force (*Konstitutsiia Rossiiskoi Federatsii*, 1993) and warned of potential national security risks arising from clauses that would have permitted foreign nationals to serve in Russian PMCs (*Proekt Federal’nogo zakona No. 952777-6*, 2015). Such provisions, they argued, could be exploited by terrorist organizations, organized crime networks, or foreign intelligence services to undermine Russia’s national interests.

Conclusions

At present, the Russian Federation lacks a dedicated statutory framework governing the activities of private military companies (PMCs). The sole normative act that references PMCs is the Military Doctrine of the Russian Federation, which designates the operations of foreign private military companies in territories adjacent to Russia and its allies as a principal external military threat, and characterizes the participation of irregular armed formations and PMCs in hostilities as a defining feature of modern armed conflict (*Voennaia doktrina Rossiiskoi Federatsii*, 2014).

Furthermore, on October 5, 2023, during the Valdai International Discussion Club, President Vladimir Putin asserted that Russia neither possesses nor has ever possessed private military companies, attributing this absence to the lack of corresponding legislation (*Putin zaiavil...*, 2023).

Consequently, the legal codification of PMC activities has been deliberately postponed relative to the realities of their practical deployment in contested theatres of operation. This approach appears intended to prevent the establishment of official precedents that would formally integrate such entities into the state's military structure. In effect, this sustained ambiguity has produced a hybrid instrument of external political influence.

Since the employment of conventional armed forces is strictly regulated by both international and domestic law, the use of PMCs enables the Russian state to circumvent these legal constraints. Russia's doctrinal approach to the use of force thus institutionalizes the possibility of transferring or obfuscating state accountability for the escalation or initiation of hostilities by attributing such actions to sub-conventional actors.

A comprehensive examination of Russia's strategic documents and public statements by its political and military leadership indirectly confirms that, as part of its preparations for external aggression and territorial expansion, the Russian government has viewed the capabilities of private military companies as an integral component of the nation's overall military potential.

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Competing interests

The authors declare that they have no competing interests.

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