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STATE REGULATION OF FINANCIAL AND ECONOMIC SECURITY OF THE COUNTRY AND ITS IMPROVEMENT

Ольга Кубецька, Яна Палешко, Тетяна Остапенко. ДЕРЖАВНЕ РЕГУЛЮВАННЯ ФІНАНСОВО-ЕКОНОМІЧНОЇ БЕЗПЕКИ ДЕРЖАВИ ТА ЙОГО УДОСКОНАЛЕННЯ. Авторами сформовано визначення категорії «економічна безпека держави». Розглянуто питання забезпечення фінансово-економічної безпеки держави через розгляд нормативно-правових актів з метою вивчення рівня їх актуальності та пріоритетності, для забезпечення стабільного економіки розвитку держави, що надасть можливість мінімізувати ймовірність настання загроз національним інтересам і національній безпеці держави. Нормативно-правові акти авторами згруповано за напрямками діяльності держави (макроекономіка, наука і техніка, енергетика, фінанси, соціальна політика, зовнішня та внутрішня політики та ін.). Авторами визначено зміст категорій «внутрішні загрози» та «зовнішні загрози» країни. Виділено рівні поділу нормативно-правових актів забезпечення регулювання фінансово-економічної безпеки держави. Авторами наведено основні пропозиції, щодо вдосконалення нормативно-правового регулювання фінансово-економічної безпеки, а саме: пропонується пошук діалогу між законодавцем та суспільством з метою скорочення нерівності соціального та економічного характеру; пропонується перегляд кожної галузі законодавства не в сукупності, а окремо для приведення їх у відповідність до вимог Європейського Союзу у подальшому та ін.

Ключові слова: держава, регулювання, нормативно-правові акти, економічна безпека, загрози.

Problem statement. In the conditions of market economy, the economy of our country requires the formation of its own environment of the existence of institutions on the regulation of financial and economic security and, as a result, formation of an appropriate legal framework on the issue.

No country, in particular, our state regardless of its economic development, is immune to the aggression of another state, first of all, in economic understanding. Therefore, in the conditions of modern globalization the question of regulation of financial and economic security, both on the national and international legislative levels, is becoming extremely acute.

Analysis of publications that started solving this problem. The issue of state regulation of financial and economic security of the country has been researched by such Ukrainian

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scientists as: R.G. Maistro, T.V. Polozova [1], M.V. Kyryku, L.M. Akimova, Z.S. Varnalii, I.P. Shulha etc.

However, the scientific literature review makes it possible to claim that some theoretical issues, in particular, the regulatory framework of the financial and economic security of the country and its improvement requires its constant examination and clarification.

The article's objective is the identification of the adequacy and timeliness of the current regulatory and legal support of the financial and economic security of the country in face of modern challenges, the formation of proposals for its optimization.

Basic content. The economic security of the country is a state of the national economy, in which economic stability to internal and external threats is maintained, and the needs of an individual, society, and the country are met through the formation of effective legislation.

Internal threats can be described as weakening of innovations, ineffective management system of the state economy, etc. That is, threats that can be managed and controlled (eliminated or whose negative impact can be reduced, etc.).

External threats are those that cannot be influenced by the state, but the state is forced to respond and adapt to them (fluctuations of the foreign exchange rate; excess of capital outflow over its inflow; large volume of public debt, etc.).

Table 1

Regulatory and legal framework for the regulation of financial and economic security of the country (in directions)

Direction 1	Types 2
MACROECONOMICS	The Law of Ukraine "On National Security of Ukraine", the Law of Ukraine "On Prevention of Corruption", the Law of Ukraine "On Principles of State Anti-Corruption Policy in Ukraine (Anti-Corruption Strategy) for 2018-2020", the Law of Ukraine "On Prevention and Counteraction of Legalization (Laundering) of Crime, Terrorist Financing and the Proliferation of Weapons of Mass Destruction", the Law of Ukraine "On the Legal Regime of Emergency", the Law of Ukraine "On the State Bureau of Investigation", the Law of Ukraine "On National Police", the Law of Ukraine "On the Licensing System in the Field of Economic Activity", the Law of Ukraine "On Privatization of State and Communal Property", the Law of Ukraine "On Management of State Property Objects", the Law of Ukraine "On State Program of Civil Aviation Security", the Law of Ukraine "On Stimulating the Development of Regions", the Law of Ukraine "On Natural Monopolies", the Law of Ukraine "On Protection against Unfair Competition", the DECREE "On the Strategy of Sustainable Development "Ukraine – 2020", the DECREE "On the National Security and Defense Council of Ukraine", the DECREE "On Approval of the Instruction on the Organization of Non-public Investigative (Search) Actions and Use of Their Results in Criminal Proceedings", the DECREE "On Approval of the Instruction on Organization of Interaction of Pre-trial Investigation Bodies with Other Bodies and Units of the National Police of Ukraine in Prevention, Detection and Investigation", the DECREE "On Approval of Methodological Recommendations for Calculating the Level of Economic Security of Ukraine", the ORDER "On the Concept of Economic Security of Consumer Cooperation of Ukraine", the ORDER "On Approving the List of State Property Objects of Strategic Importance for the Economy and Security of the State", the PROVISIONS "On Approval of the Regulations on the State Audit Service of Ukraine".
FINANCES	The Law of Ukraine "On Banks and Banking", the Law of Ukraine "On Securities and Stock Market", the Law of Ukraine "On Accounting and Financial Reporting in Ukraine", the Law of Ukraine "On Financial Services and State Regulation of Markets for Financial Services", the Law of Ukraine "On Insurance", the Law of Ukraine "On Mortgage Bonds", the ORDER "Concept of national security in the financial sphere".
EXTERNAL AND INTERNAL POLICIES	The Law of Ukraine "On the Principles of Domestic and Foreign Policy", the Law of Ukraine "On Foreign Economic Activity", the Law of Ukraine "On Customs Tariff of Ukraine", the Law of Ukraine "On Cross-Border Cooperation", the Law of Ukraine "On Regulation of Commodity Exchange (Barter) Operations in the Field of Foreign Economic Activity".

Direction	Types
1	2
INVESTMENTS	The Law of Ukraine "On Investment Activity", the Law of Ukraine "On Joint Investment Institutions".
SCIENCE AND TECHNOLOGY	The Law of Ukraine "On Innovative Activity", the Law of Ukraine "On Scientific and Scientific and Technical Activity", the Law of Ukraine "On Priority Areas of Science and Technology", the Law of Ukraine "On Higher Education", the Law of Ukraine "On Science Parks", the Law of Ukraine "On Priority Areas of Innovation Activity in Ukraine".
ENERGETICS	The Law of Ukraine "On Energy Saving", the Law of Ukraine "On the Natural Gas Market", the Law of Ukraine "On Oil and Gas", the Law of Ukraine "On Business Associations", the Law of Ukraine "On Restoration of Debtor's Solvency or Bankruptcy", the Law of Ukraine "On Development and State Support of Small and Medium Entrepreneurship in Ukraine ", the Law of Ukraine "On Farming", the Law of Ukraine "On Holding Companies in Ukraine".
DEMOGRAPHICAL POLICY	The Law of Ukraine "On Childhood Protection", the Law of Ukraine "On Ensuring Organizational and Legal Conditions of Social Protection of Orphans and Children Deprived of Parental Care", the Law of Ukraine "On Immigration".
SOCIAL POLICY	The Law of Ukraine "On Indexation of Monetary Income of the Population", the Law of Ukraine "On Employment", the Law of Ukraine "On Non-state Pension Provision", the Law of Ukraine "On Labor Protection", the Law of Ukraine "On Compulsory State Pension Insurance", the Law of Ukraine " On State Social Assistance to Low-income Families», the Law of Ukraine "On the Basics of Social Protection of Persons with Disabilities in Ukraine", the Law of Ukraine "On Compulsory State Social Insurance in Case of Unemployment", the Law of Ukraine "On Amendments to Some Legislative Acts of Ukraine on Reforming Compulsory State Social Insurance and Payroll Legalization»
FOOD POLICY	The Law of Ukraine "On Agreements on Product Distribution", the Law of Ukraine "On State Support for Agriculture of Ukraine", the Law of Ukraine "On Grain and Grain Market in Ukraine", the Law of Ukraine "On Baby Nutrition", the Law of Ukraine "On Milk and Dairy Products", the Law of Ukraine "On drinking water and drinking water supply", the Law of Ukraine "On Basic Principles and Requirements for Food Safety and Quality".

The regulatory framework for regulating financial and economic security in general, and foreign economic security in particular, for today, as a whole, is created from several levels of legal acts: international legislative acts and national ones, such as: the Constitution of Ukraine, statutory and sectoral laws, by-laws, as well as some political and legal documents of a declarative nature. Legislation development and enforcement, that is, legal regulation – is one of the most important functions of the state, which, in fact, determines the role of the state in the market economy.

The grouping of normative legal acts according to the spheres of state functioning, which influence the level of security of the country as a whole, is presented in table 1 and in fig. 1.

In the Law of Ukraine "On the Basics of National Security of Ukraine" of June 19, 2003, in the list of threats to the national security of Ukraine, in particular, in the economic sphere, among other things, in regulatory and legal framework the following are outlined:

- weakening of state regulation and control in the sphere of economy;
- instability in the legal regulation of relations in the sphere of economy, including the financial policy of the state;
- lack of an effective financial crisis prevention program;
- predominance in the activity of management structures of personal, corporate, regional interests over national ones.

The analysis of the current normative legal acts of ensuring the regulation of the financial and economic security of the state allows to distinguish three basic levels (fig. 1):

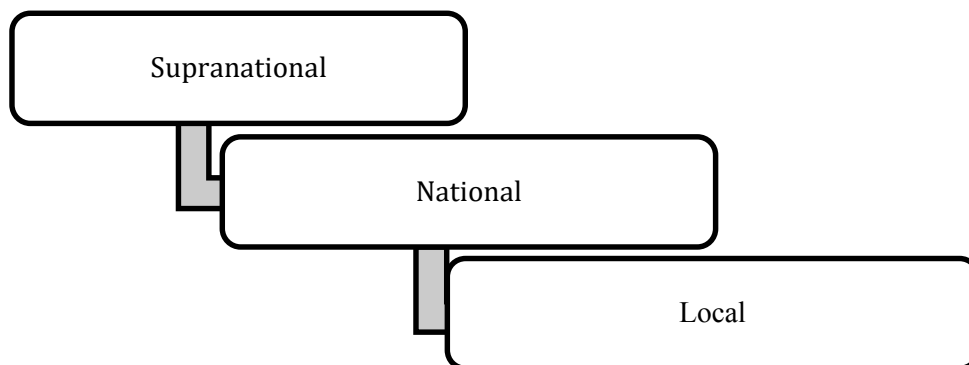


Fig. 1. Levels of normative legal acts separation on ensuring of state financial and economic security regulation

The main methodological and practical basis for regulating economic security is the Constitution of Ukraine, which states that its norms are norms of direct action:

- the provisions of Art. 17 of the Constitution of Ukraine, according to which the functions of ensuring the economic security of Ukraine are directly defined as one of the most important functions of the state;
- Art. 13 of the Constitution of Ukraine guarantees the equality of all subjects of property rights before the Law and provides rights protection of subjects of property and economic rights;
- Art. 42 provides protection of competition in business activity, restricts monopoly activity.

The constitutional principles of foreign economic activity have been developed in the Law of Ukraine "On the Principles of Internal and Foreign Policy". In Art. 2 paragraph 3 of the abovementioned Law of Ukraine is included into the range of principles of foreign economic policy, in particular:

- mutually beneficial cooperation between states;
- honest fulfillment of international commitments;
- priority of generally recognized norms and principles of international law over norms and principles of national law;
- timeliness and adequacy of measures, aimed to protect national interests, citizens and legal entities from real and potential threats to Ukraine.

Among the basic principles of our country's foreign economic policy in this Law, we can distinguish, in particular, those concerning the sphere of ensuring the foreign economic security of Ukraine, namely:

- ensuring national interests and security of Ukraine;
- use of international potential for the establishment and development of Ukraine as a sovereign, independent, democratic, social and legal state, its sustainable economic development;
- supporting the development of trade, economic, scientific, technical and investment cooperation of Ukraine with foreign countries;
- integration of the Ukrainian economy into the world economic system, expansion of international cooperation in order to attract foreign investment, new technologies and management experience in the national economy and in the interests of its reform, modernization and innovative development, etc.

In the Law of Ukraine "On the Basics of National Security of Ukraine" national security is defined as the protection of vital interests of the individual and the citizen, society and the state, which ensure sustainable development of society, timely detection, prevention and neutralization of real and potential threats to national interests.

The law also sets priorities for national interests, including: creating a competitive, socially oriented market economy and ensuring a constant increase in the standard of living and well-being of the population; integration of Ukraine into the European political, economic, legal space; development of equal mutually beneficial relations with other countries of the world in the interests of Ukraine (Art. 6), threats to the national interests and national security of Ukraine (Art. 7) and the main directions of the state policy on national security in the economic field.

The National Security Strategy of Ukraine defines the principles, priority goals, objectives and mechanisms of securing the vital interests of the individual, society and the state against external and internal threats.

Therefore, the domestic law reflects international legal standards. State institutions of the formation of normative legal acts (legislative field) are the bodies of legislative and executive power, as well as the President of Ukraine.

Improvement of legislation lies in the activity of law-makers in changing the state of the current legislation, which is carried out through the use of appropriate legal means and law-making technique; the result of such activity is the proper quality of legislation and the aim is the effectiveness of legislation [2].

The aforementioned normative legal acts of ensuring the financial and economic security of the state require: some improvement in terms of quality and efficiency; resolving the issue of revitalizing social dialogue between the legislator and society as an instrument through which social and economic inequalities can be reduced; review of each sector of legislation not in aggregate but separately to bring them in line with the requirements of the European Union in the future.

Conclusions. Thus, having considered the normative legislative acts of financial and economic security regulation at the state level, we come to the conclusion that the solution of this problem is possible only through applying a comprehensive approach that will allow to ensure the security of economic interests of all economic entities at various levels through optimization of legislation and its refinement as a key form of expression of such function of the state as regulation.

References:

1. Майстро Р.Г., Полозова Т.В. Напрями вдосконалення державного регулювання економічної безпеки України. URL: http://pev.kpu.zp.ua/journals/2019/1_12_uk/9.pdf.
2. Риндюк В.І. Удосконалення законодавства як правотворча діяльність. URL: http://www.visnyk-juris.uzhnu.uz.ua/file/No.34/part_1/11.pdf.

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1. Maistro, R.G., Polozova, T.V. (2019). Napriamy vdoskonalennia derzhavnoho rehulivannia ekonomichnoi bezpeky Ukrainy [Areas of improvement of state regulation of economic security of Ukraine]. URL : http://pev.kpu.zp.ua/journals/2019/1_12_uk/9.pdf [in Ukr.]

3. Ryndiuk V.I. (2015) Udokonalennia zakonodavstva yak pravotvorcha diialnist [Improvement of legislation as a law-making activity]. URL : http://www.visnyk-juris.uzhnu.uz.ua/file/No.34/part_1/11.pdf [in Ukr.]

Summary

The authors have formulated the definition of the category "economic security of the state". The issue of ensuring the financial and economic security of the state through the consideration of normative legal acts is considered with the purpose of studying the level of their relevance and priority, for ensuring a stable economy of the state development, which will allow to minimize the likelihood of occurrence of threats to national interests and national security of the state. The legal acts are grouped according to the directions of activity of the state (macroeconomics, science and technology, energy, finances, social policy, foreign and domestic policies, etc.). The authors define the content of the categories "internal threats" and "external threats" of the country. The levels of division of normative legal acts are provided for ensuring the regulation of financial and economic security of the state. The authors have presented the main proposals for improving the regulatory and financial regulation of financial and economic security, namely: the revitalization of social dialogue between the legislator and the society in order to reduce inequalities of social and economic character; it is proposed to review each sector of legislation not in aggregate, but separately to bring them in line with the requirements of the European Union in the future, etc.

Keywords: *state, regulation, regulations, economic security, beyond-thunderstorms.*