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Aleksandrova O.

*Ph. D. in Economics, Associate Professor,
Ukrainian State University of Railway Transport, Kharkiv, Ukraine;
e-mail: alexlena06@gmail.com; ORCID ID: 0000-0002-3141-9686*

Kosych M.

*Ph. D. in Economics, Associate Professor,
Ukrainian State University of Railway Transport, Kharkiv, Ukraine;
e-mail: mariprof78@gmail.com; ORCID ID: 0000-0002-7210-0938*

Kurman T.

*Doctor of Law, Associate Professor,
The Yaroslav Mudryi National Law University, Kharkiv, Ukraine,
e-mail: reksik9@gmail.com; ORCID ID: 0000-0002-0632-2487*

PUBLIC AND LEGAL REGULATION OF ECONOMIC SECURITY AS A COMPONENT OF NATIONAL SECURITY

Abstract. At the current stage of social and economic development the issues of the national security and its public and legal regulation, both externally and internally, are becoming more urgent. The national security supports the very existence and development of man, society and state. And the balanced state policy as well as the efficient legal regulation plays an important role in this process. The fundamental principles of the legal and regulatory environment in Ukraine are defined by the Constitution of Ukraine, the Law of Ukraine on National Security, and other legal-regulatory and international acts.

And the most significant component of the national security is the economic security influencing all life spheres of a person and the whole society. The economic security is the basis of economically effective state and a necessary condition for its sustainable development. The economic security is provided at the national and international levels. At present the economic security is primarily defined by internal threats, such as uneven economic development of some territories, decline in certain industries, low living standards, etc. The analysis of the social and economic state of Ukraine clearly demonstrates that reasons for threats to the economic security of the country are of a regional nature. The appropriate level of security can be maintained by a complex system of measures aimed at improving macroeconomic performance of the country, which positively influences the local social and economic systems.

An appropriate level of the economic security can be reached by implementing a system of organizational and legal measures, including economic, legal, organizational and managerial, which are enforced by competent authorities and local governments by means of various forms and methods of the state legal regulation in order to ensure rights of man and citizen, improve the living standards, and achieve sustainable development of the state.

Keywords: economic security, national security, public and legal regulation, food safety, sustainable development.

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Александрова О. Ю.

*кандидат економічних наук, доцент,
Український державний університет залізничного транспорту, Харків, Україна;
e-mail: alexlena06@gmail.com; ORCID ID: 0000-0002-3141-9686*

Косич М. В.

*кандидат економічних наук, доцент,
Український державний університет залізничного транспорту, Харків, Україна;
e-mail: mariprof78@gmail.com; ORCID ID: 0000-0002-7210-0938*

Курман Т. В.

*доктор юридичних наук, доцент,
Національний юридичний університет імені Ярослава Мудрого, Харків, Україна;
e-mail: reksik9@gmail.com; ORCID ID: 0000-0002-0632-2487*

ДЕРЖАВНО-ПРАВОВЕ РЕГУЛЮВАННЯ ЕКОНОМІЧНОЇ БЕЗПЕКИ ЯК СКЛАДНИКА НАЦІОНАЛЬНОЇ БЕЗПЕКИ

Анотація. На сучасному етапі соціально-економічного розвитку світу особливої актуальності набувають питання забезпечення національної безпеки та її державно-правового регулювання як на внутрішньому, так і на зовнішніх рівнях. Стан забезпечення національної безпеки у державі впливає на саме існування і розвиток людини, суспільства, держави. Важливу роль у цьому процесі відіграють виважена державна політика та ефективне правове регулювання. Основні положення правового забезпечення національної безпеки в Україні визначаються Конституцією України, Законом України «Про національну безпеку України», іншими нормативно-правовими і міжнародними актами.

При цьому найбільш вагомим складником безпеки національної вбачається економічна безпека, що відбивається на усіх сферах життєдіяльності людини й суспільства у цілому. Економічна безпека є основою економічно дієвої держави та необхідною умовою її сталого розвитку. Розрізняють національний і міжнародний рівні економічної безпеки. Сьогодні на перший план для визначення рівня економічної безпеки виходять внутрішні загрози: нерівномірність економічного розвитку територій, занепад окремих галузей економіки, низький рівень життя населення тощо. Вивчення соціально-економічного стану в Україні засвідчує, що причини загроз економічній безпеці держави мають яскраво виражений регіональний характер. Для підтримки належного стану безпеки потрібно формувати цілісну систему заходів з максимізації макроекономічних показників діяльності держави, що, як наслідок, позитивно вплине й на стан соціально-економічних систем різних територіальних рівнів.

Для досягнення належного рівня економічної безпеки доцільне запровадження системи організаційно-правових заходів, під якими слід розуміти комплекс дій економічного, правового, організаційно-управлінського характеру, що здійснюються компетентними органами державної влади і місцевого самоврядування шляхом використання різноманітних форм і методів державно-правового регулювання з метою гарантування прав людини і громадянина, зростання рівня та якості життя населення, сталого розвитку держави.

Ключові слова: економічна безпека, національна безпека, державно-правове регулювання, продовольча безпека, сталий розвиток.

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Introduction. The beginning of the 21st century witnessed the streamlining of the security processes both nationally and internationally. The solution to these problems can provide sustainable economic and social development, peaceful coexistence, growth of the welfare of the community, immunity to internal and external threats, decrease of disparities in living standards and economic performance in globalization. All these problems are closely connected with the concept of security which has entered the lexicon of the economic and legal study. Nowadays we witness a rise in the role which internal and external negative factors play in the system of public and legal regulation of Ukraine's economic security.

Analysis of research and statement of the task. A great number of leading scholars have studied the issue of the national security as a whole and the economic security as its component. Among them are V. Gayets, D. Keibl, V. Muntiyany, G. Pasternak-Taranushenko, M. Pavlovsky, M. Yermoshenko, B. Danilishin, L. Chernyak, and others.

Thus, economists are concerned about the theoretical and methodological foundations of the national security (V. Gayets, D. Keibl, V. Muntiyany); they reveal the structural components of the economic security system (V. Gayets, Z. Zhivko, V. Muntiyany); analyze the economic security of

branches of economic activity (M. Kyzym, T. Klebanova, A. Stepanenko); substantiate the need to ensure the state economic security through introduction of scientific-technological and investment-innovative components (L. Abalkin, Z. Varnaliya, B. Pshik, O. Chernyak); and study the social and humanitarian factors of the economic security of the state (G. Pasternak-Taranushenko, M. Pavlovsky, M. Yermoshenko, B. Shevchyk).

Besides, it should be noted that some innovative studies substantiate the need for prevention of a negative impact of the state management to the economic security of Ukraine, development of the state regulation mechanisms on the basis of open qualitative information [1, p. 187—188]; improvement of the techniques for calculation of a level of the economic security in Ukraine and approval of its mandatory status [2, p. 318]; increased social and economic responsibility in the nonpublic economic sector in order to improve the economic security of Ukraine [3, p. 83].

The legal foundation of the national security is the scope of study for specialists in legal studies and philosophy, namely V. Antonov, Yu. Barabash, V. Bilous, Ye. Bilousov, V. Bogdanovich, O. Bodruk, V. Gorbunin, O. Daniliyan, O. Dzioban, A. Vozzhenikov, R. Botvinov, Ye. Kobko, Yu. Kovbasyuk, V. Manilov, M. Panov, S. Pogrebnyak, B. Rodionov and others. However, these studies deal primarily with the development of the concept positions of the national security theory, the constitutional and legal principles of the national security, the economic and legal measures to ensure the security, or only with the issues of defence and methodology. And the problems of the state legal regulation of the economic security as a component of the national safety has not been the subject of the independent comprehensive research in the modern legal doctrine, which proves the relevance of this research.

The purpose of the article is to describe a model of efficient public and legal regulation of the economic security as the central link of the national security both internally and externally.

Research findings. It is a generally accepted approach to distinguish between absolute and relative security. Thus, the absolute security means a total absence of risks in real time and for the future. This approach excludes a very probability that destabilizing factors will appear. Unlike the absolute security the relative security means protection against various risks and existence of an effective monitoring and countermeasure system. However, in reality we can see another type due to a number of destabilizing factors.

According to some researchers [4] the evolution of the concept of national safety is characterized by the following traits. Firstly, over the last years it embraced a broader array of different issues. Until recently security experts focused on the problems of military confrontation and energy crises; but today the international community is addressing the threats within the boundaries of countries. These threats include mass unemployment, interreligious conflicts, economic, ecological and food crises. This demonstrates a growth of threats to peace and security of humankind arisen from non-military sources due to unstable economic, social and human life.

Secondly, the well-being of individuals has become more dependable on security that the state can ensure. This security can only be formed through the sustainable social and economic development, which guarantees higher living standards leading, in turn, to improved national security.

Thirdly, a trend in the globalized world is the international cooperation (unlike the traditional focus on competitions and conflicts), and only joint efforts can guarantee an appropriate development of economic, legal and social relations [5]. It is no coincidence that partnership aimed at sustainable development has been announced as one of the Sustainable Development Goals (SDGs) at the Summit on Sustainable Development in the document «Transforming our world: 2030 Agenda on Sustainable Development» (2015). Thus, the threats of today are international; they are the same for most countries (e.g. COVID-19, food and ecological crisis, etc.). And in order to decrease the influence of these threats for today and for the future, there is a need to focus on the international cooperation and collaboration by taking into account personal experiences. Besides, we should consider combination of some factors which support an appropriate security (national and economic) with international contacts (direct foreign investments, population migration, commercial operations, etc.).

Forth, the concept of security is closely connected with globalization and regionalization processes which support and provide it.

All the above-mentioned demonstrate a specific role of the national security as a category which characterizes the social state and considerably influences the international relations.

In the modern world the national security is a specific branch of political science and political activity; and its value is growing. It is the national security level that determines the very existence and development of man, society, and country. The globalization processes, unity of the world with simultaneous national diversities, revolution in the military sphere have given rise to a change in threats for humanity, some races and states; this requires innovative approaches to the global, international and national security [6; 7].

The fundamental principles of legal support of the national security in Ukraine are defined by the Constitution of Ukraine; in accordance with Article 92 Clause 17 the basis of the national security is defined exclusively by Ukrainian laws [8]. The legal foundation of the national security is the Law on National Security of Ukraine [9], other laws and international treaties approved by the Verkhovna Rada of Ukraine, and also normative and legal acts issued for their execution.

Article 17 of the Constitution of Ukraine states that «the sovereignty and territorial indivisibility of Ukraine, its economic and informative security are the most important functions of the State and a matter of concern for all Ukrainian people». Part 1 Article 1 Clause 9 of the Law on National Security of Ukraine defines the term «national security» as protection of the state sovereignty, territorial integrity, democratic constitutional system and other national interests of Ukraine against the real and potential threats. According to Part 1 Article 1 Clause 10 of the above-mentioned law, the national interests of Ukraine are vitally important interests of person, society and state, which provide the state sovereignty of Ukraine, its progressive democratic development, and safe living conditions and well-being of its citizens. And in accordance with Part 3 Article 3 Clause 2 of this law, sustainable development of the national economy, the public society and the state in order to provide better living standards are the fundamental national interests of Ukraine. Thus, the legal category «national security of Ukraine» is the general category by meaning and includes such components as economic security, political security, ecological security, food security, etc.

The state can exist and function if its economic system ensures an efficient cooperation of its own production sector (including agriculture), financial institutions, management system, social and ecological sectors. Generally, the national security is specified by such development of all spheres of the economic system, at which the state can ensure sustainable development of economic, political, strategic and social goal in order to guarantee natural and constitutional rights of citizens, appropriate living standards and well-being for all levels of the population, spiritual, moral and national unity. If certain actions in the framework of the internal and external policy threaten the existence of the state, its political and economic independence, are aimed against achievement of a common goal and do not serve the national interests, such actions should be regarded as those which threaten the state national security.

The national security system is a unity of entities organized by the state (state bodies, civil institutions, officials, citizens and their unions) with common goals and tasks regarding the protection of national interests; their functions and mechanisms are defined in the legislation system of Ukraine [10].

As far as the national security includes many components, its level is characterized by an integral index which describes how national interests are taken into account in various spheres of social life of the country. It indicates the development of the country and significance of variable factors. The national security level gives the complex characteristics of how efficiently the neutralizing measures and mechanisms are implemented. The integrity of this concept is explained by its generalized assessment of performance and provision of complex security components (blocks) [11].

By considering the existence of this complex characteristic, most researchers divide it into components in their analysis. *Fig. 1* presents an excellent example of differentiation for the category «national security».

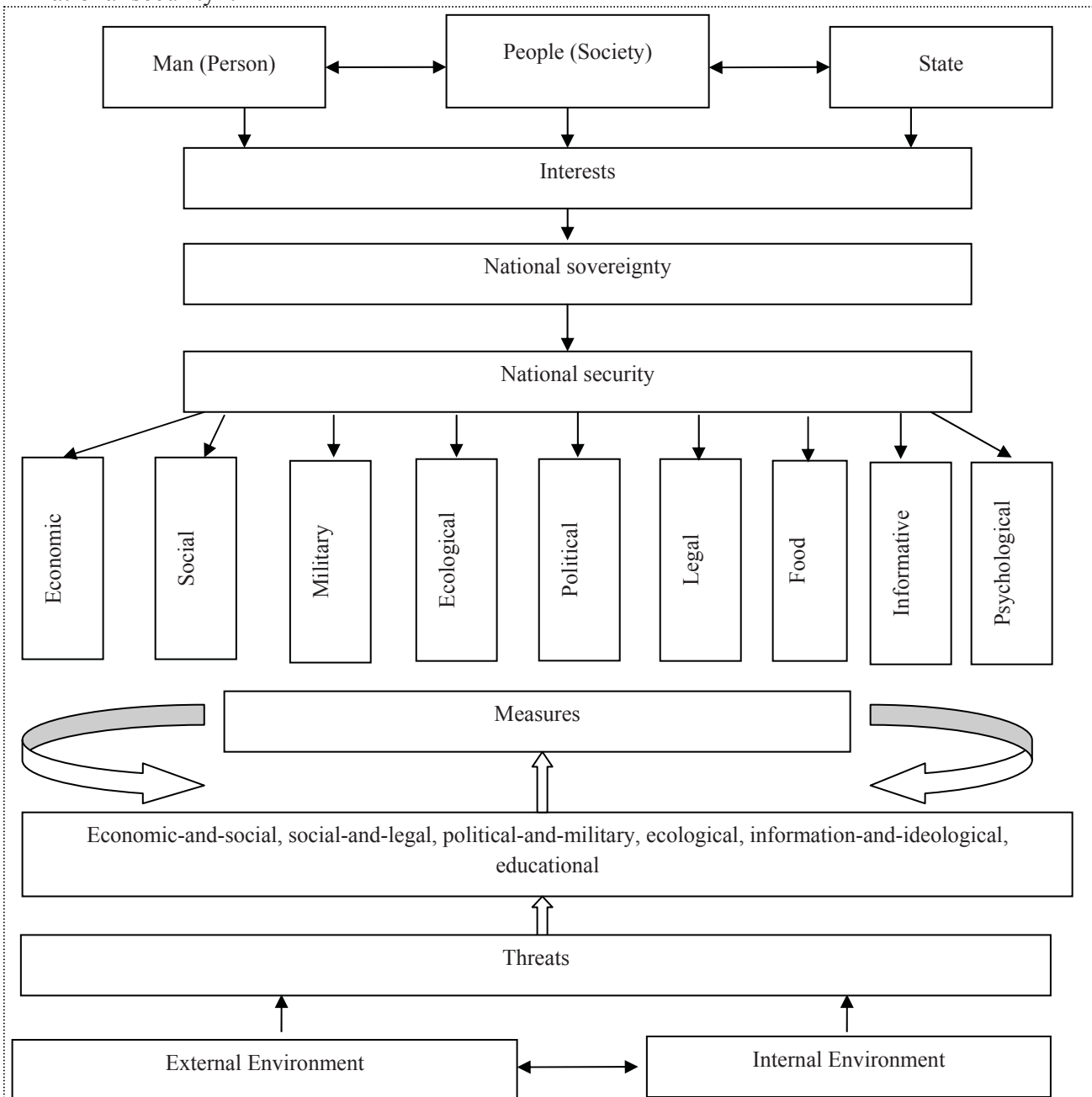


Fig. 1. Logical-and-structural diagram of the concept «national security»

Source: compiled by the authors.

The national security of Ukraine is ensured by conducting the effective state policy in accordance with duly accepted doctrines, concepts, strategies and programs in political, social, military, economic, ecological, scientific and technical, information and other spheres.

The central chain in the national security system is the concept «economic security» formed within the external and internal environment, under an influence of the system of threats and interests of the state, and the main goal of the implementation of the state policy is to ensure the sustainable development.

The economic security is the situation at which the state can provide good living standards for the population, support the sustainable development of the economy and improve the well-being of its population in the future [12].

According to V. Senchagov [13] the concept «economic security» is not tactical in nature. It has become part of a modern society and a state in many countries all over the world and now it is an integral part of their policies.

The economic security, unlike other types of security, includes and describes economic processes and allied phenomena. Thus, the military security characterizes which way the processes support the operation of the military complex, the economic security characterizes and defines the main features and patterns of economic processes and phenomena in any sphere of the economic activity (e.g., agriculture, production, transport, etc.).

At the same time, similar aspects of research in the economic, food, military and ecological security are to determine specific features of the financial security for the state and its regions, as well as for the spheres mentioned (ecological, food, military) [14]. The economic security deals only with economic issues, while the other types of security study primarily their specific issues (e.g., conversion of military facilities, food security).

The economic security is the fundamental basis of a state economic efficiency. Thus, only an efficient state can protect its national economic interests and guarantee the economic security under the conditions of fierce international competition (*Fig. 2*).

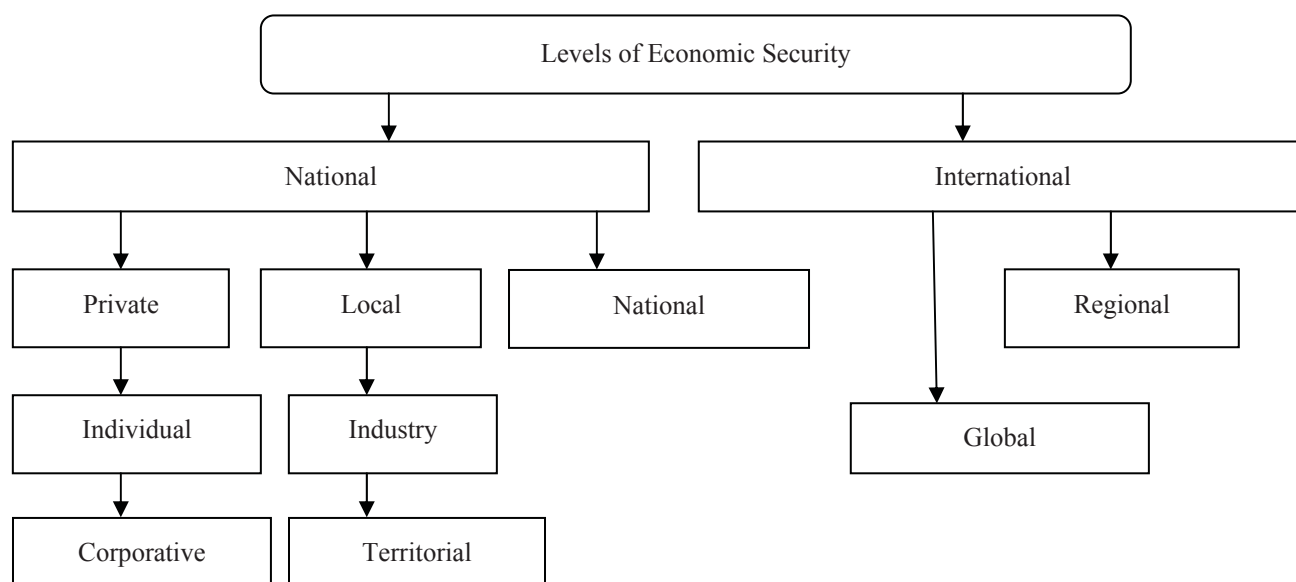


Fig. 2. Levels of economic security

Note. [15, p. 21].

In the domestic economy the security is connected with macro- and micro-economic growth, innate immunity and protection of the state and its regions against various destabilizing and destructive impacts. At the international level the economic security demonstrates competitiveness of the national economy in world markets, current stability and financial strength [16].

If not long ago the issues of the economic security were associated only with external factors, today the major threats to achieving a high level of the economic security are domestic, among which are uneven economic development of the territories (which may lead to strains of separatism), depression in some sectors of economy, low living standards of the population, etc.)

The analysis into the social and economic situation in Ukraine has demonstrated that the reasons for threats to the economic security of the country are predominantly of a regional nature. All of them, from formation of the value added tax and collection of taxes for local budgets to an unemployment level and arrears on salaries are regionally differentiated. Therefore, basically the economic and social development of the state must take into account the regional aspect and territorial features in the state policy implementation in all living environments.

An adequate level of the economic security is ensured by the state and is associated with implementation of the national interests (in accordance with the forms, tasks and contents defined)

and their protection from various threats at all levels of the state management. The national interests of Ukraine in context of sustainable development of the civil society and the state are set in the decree On Goals of Sustainable Development of Ukraine until 2030 signed by President on September 30, 2019 [17]. They include a gradual, comprehensive and sustainable economic growth; reduction of poverty and famine, food security, better nutrition, sustainable agricultural growth; healthy life and well-being for all citizens of all ages; transition to rational models of consumption and production; creation of a stable infrastructure, comprehensive and stable industrial and innovation development. The goals of sustainable development of Ukraine until 2030 are the guidance for drafting forecasts and program documents, legal regulations aimed at balanced economic, social and ecological indices of sustainable development of Ukraine.

The economic securing, which will provide balanced and sustainable development of Ukraine's economy, provides for the existence of such a social model in which the state acts as controlling and monitoring regulator, participant and subject. In the legal literature experts in the field claim that the economic legislation requires special attention in terms of the economic security of Ukraine. Ye. M. Bilousov believes that the state policy aimed at the economic security of Ukraine must also prioritize the following approaches: to harmonize the national legislation on the economic security; to standardize the national legislation according to the EU legislation; to optimize local economies of the state by means of improved excising regional economic development programs; to develop and adopt regional economic security programs, etc. [18, p. 7—8].

The major way to support the security at an appropriate level is formation of a comprehensive dynamic system which will provide efficient operation of the social-and-economic systems at all territorial levels. The basis of the system dynamics is formed by processes of maximizing macroeconomic indices for most components of the economic security. If such processes go, the economic systems of different hierarchical levels may accumulate the needed resource potential (financial, investment, social, etc.) and lead to formation of excellent conditions for sustainable economic and social development.

For example, an annual increase in investments will concentrate financial assets at a certain territory; these assets will be used for development of the economic complex, agro sphere, and social infrastructure. This will lead to implementation of the economic interests and neutralization of various threats. Otherwise, the difficult economic situation (low growth rates, considerable dynamic changes, dependence on autonomous variables) directly influences a level of the economic security.

Such comprehensive understanding of the economic security includes explanations of some experts and offers its own interpretation with a focus on resource potential; it can guarantee sustainable economic development and growth, as well as a balance of interests and threats. The concept of resource availability is clearly demonstrated in the agricultural sector.

Conclusions. The economic security is such a state of an economic entity or a system which is characterized by sustainable and resilient development, continuous increase of efficiency, consistent growth of the resource potential, and maintenance of the economic system integrity. According to the worldwide trends in the regional autonomy, there is an urgent need to distinguish the vertical hierarchy of the economic security. Such a division provides for local regulation laws needed for investigation into the state economic security.

The economic security can only be ensured through organizational and legal measures, i.e. a set of economic, legal, management practices implemented by competent state institutions and local governments through the legal state regulation system which guarantees human and citizen rights, appropriate living standards, and sustainable economic development [19, p. 253].

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