



право» / Т.В. Руда; Київ. нац. унів. ім. Т. Шевченка. – К., 2012. – 21 с.

3. Треушников М.К. Судебные доказательства : [монография] / М.К. Треушников. – [3-е изд., испр. и доп.]. – М. : Городец, 2004. – 272 с.

4. Цивільне процесуальне право України : [підруч. для студ. юрид. спец. вищих закладів освіти] / [В.В. Комаров, В.І. Тертишніков, Є.Г. Пушкар та ін.] ; Нац. юрид. акад. України ім. Ярослава Мудрого. Акад. правових наук України ; за ред. В.В. Комарова. – Х. : Право, 1999. – 590 с.

5. Штутин Я.Л. Предмет доказывания в советском гражданском процессе / Я.Л. Штутин. – М. : Госюриздат, 1963. – 186 с.

6. Справочник по доказыванию в гражданском судопроизводстве / под ред. И.В. Решетниковой. – 5-е изд., доп. и перераб. – М. : Норма, Инфра-М, 2011. – 496 с.

7. Про практику застосування судами законодавства при вирішенні спорів, що виникають із кредитних правовідносин : Постанова пленуму Вищого спеціалізованого суду України з розгляду цивільних і кримінальних справ від 30.03.2012 р. № 5 // Закон і Бізнес. – 2012. – № 18.

8. Брагинский М.И. Договорное право / М.И. Брагинский, В.В. Витрянский. — М. : Статут, 2002. – Кн. I. : Общие положения. – 2002. – 848 с.

9. Про затвердження Інструкції про касові операції в банках України : Постанова Правління Національного банку України від 14.08.2003 року № 337 // Офіційний вісник України. – 2003 р. – № 37.

10. Рішення Іллічівського міського суду Одеської області від 27 травня 2014 року по справі № 501/122/14-ц [Електронний ресурс]. – Режим доступу : <http://www.reyestr.court.gov.ua>.

11. Постанова Верховного Суду України від 25 квітня 2012 року по справі № 6-20цс12 [Електронний ресурс]. – Режим доступу : <http://www.reyestr.court.gov.ua>.

12. Інформаційний лист щодо застосування окремих норм цивільного законодавства : Інформаційний лист Вищого спеціалізованого суду України з розгляду цивільних і кримінальних справ від 15.05.2012 р. № 648/0/4-12 // Закон і Бізнес. – 2012. – № 22 (1061).

ON THEORETIC GROUNDS IN THE PRESENT-DAY TREATMENT OF FINANCIAL SECURITY AS A CATEGORY UNDER CONDITIONS OF IMPROVEMENT AS FOR FINANCIAL-LOYAL REGULATING

Iryna ROMANIUK,

applicant candidate of Law Sciences
PHEE Lviv University of Business and Law

Summary

The protection of national interests in the financial sector is geared to financial security. The article reviews the main trends interpretation category financial security in connection with urgently needed inclusion to conceptual-categorical apparatus finance. In view of this article in a scientific generalization theoretical frameworks of interpretation category of financial security in terms of improving financial regulation. In our opinion, to develop recommendations for the introduction of financial legislation provisions that would help strengthen the real financial security and protection of Ukraine's national interests is necessary to identify the content of financial security as a category of finance.

Key words: financial security, finance, financial regulation, conceptual and categorical apparatus finance.

Аннотация

В статье рассматриваются основные тенденции интерпретации категории финансовой безопасности в связи с крайней необходимостью включения в понятийно-категориальный финансовый аппарат. Цель настоящей статьи состоит в научном обобщении теоретических рамок интерпретации категории финансовой безопасности в плане улучшения финансового регулирования. На наш взгляд, для разработки рекомендаций по внедрению положений финансового законодательства, которые помогли бы укрепить реальную финансовую безопасность и защиту национальных интересов Украины, необходимо определить содержание финансовой безопасности как категории финансов.

Ключевые слова: финансовая безопасность, финансы, финансовый регулирования, концептуальные и категоричен финансов аппарата.

Problem definition and its relationship with scientific and practical tasks.

With the rapid growth of the challenges facing the financial law at the growing threats to the financial security of the state, new cross-disciplinary problems. Now the theory of financial security within the financial and legal doctrine in Ukraine has become a much more common compared with foreign countries. In part, this attention of the scientific community is related to the difficulties suffered by our country in the financial sector are partly the cause of this objective processes of social relations in the field of public finance, which require adequate financial regulation. Security of public finances of actual threats requires close attention to the quality of the financial regulatory and legal framework of social relations in this area. Rapid social development in public finance requires meticulous attention to the problems that still were

outside the field of finance problem. The financial and economic crisis of modern times should be improved financial regulation to prevent harm to national security in the financial sector. Therefore particularly acute problem of an adequate level of financial and legal regulation of relations connected with the provision of financial security. To solve it necessary to justify the theoretical frameworks of interpretation category of financial security in terms of improving financial regulation.

Analysis of recent research and publications. Above certain aspects of improving financial regulation to ensure financial security worked domestic and foreign scientists E. S. Dmitrenko, P.V. Tsybmal, A. Timofeev and I.R. Bazhutina, N. Kazantsev, S. Nischymna, A.M. Kalantay, S.I. Pyrozhkov, L. Nechyporuk, N.V. Arhireyska, V.V. Gerasimov, Kuryakov S., A. Sukhorukov, R. de



Brown, L. Zinhal, John S. Coffey and others. These works reasonably certain aspects of financial security threats against which it is advisable to direct efforts in the management of financial security measures and means to ensure financial security. Along with this has not yet produced a single view of the theoretical basis of the modern interpretation of financial security as a category of finance due to the increasing urgency of the problem of financial and legal regulation.

The aim of the paper is to summarize the scientific theoretical frameworks of interpretation category of financial security in terms of improving financial regulation.

The main material research and explanation of scientific results. Noting the relevance of legal justification for the search in the direction of regulatory measures to ensure financial security, O. Baranowski said: "The concept of financial security as widely as their own interpretation and Finance ... So, Financial security is an extremely complex multi-level system. formed by a number of subsystems, each of which has its own structure and logic of development. However, today in Ukraine created a legislative framework (not developed nor adopted a concept and strategy) formation of financial security. The existing legal acts are no mechanisms for the implementation of national security policy, not system-defined components of regulation and control, does not provide a classification of specific dangers, threats and challenges, along with the needs, values and interests that they infringed too little specific guidance performers " [1, P. 5–6]. Similar position adheres to and prof. E.S. Dmitrenko, noting that there is an urgent need to develop a theory of financial security and regulate social relations in this area by adopting the Concept of financial security of Ukraine and the Law "On financial security" to create in the Verkhovna Rada of Ukraine Committee on Financial Security, define body with the authority to develop strategies to ensure financial security, the National Program for financial security [2, P. 442]. The need to improve the regulatory and legal support for the implementation of measures to strengthen the financial security of the state and emphasizes prof. P.V. Tsymbal,

noting that the terms of enhancing legal support and implementation of financial security is to develop a strategy for financial security of Ukraine, the creation of a reliable system of financial control, the only public information base of financial institutions, the conditions for an increase in real incomes [3, P.44]. Above this problem are designed and Russian scientists. In particular, A. Timofeev and I.R. Bazhutina believe that the new geopolitical conditions, competition urgent task is to develop a state strategy to ensure financial security [4, P. 60].

In foreign scientific thought now question the financial security of the state is not well developed. Preferably this individual aspects that affect the security of public finances affect foreign scientists within research dedicated to public financial regulation. For example, in the work of Riccardo De Caria. Some Issues purpose of government regulation of financial markets. In the context of the security of the financial system R. de Kari emphasizes the purposes of state regulation as to ensure elimination falling markets, mitigate risk and protect consumers of financial services and investors [5, P. 3]. Studies relating to government regulation of the financial system is found in a collection of papers "Understanding the economic rationale for legal services regulation - A collection of essays", which states, inter alia, the importance of regulation of financial services and the need to improve its effectiveness, the importance of ensuring stability [6] and protection against risks [7, pp. 16].

Actual problems of government regulation of financial markets is devoted L.Zingales, which examines the characteristics and effects of state intervention (government regulation) in the financial system. In fact, the study lays the foundation for the transition from teaching about financial security of the state (public finance) to the sphere of private finance [8]. Some information on the state regulation of the financial system may be gleaned from the work of John C.Coffee [9]. It should be noted that neither in this nor in other works analyzed the term "financial security" has not been taken, which leads to speculation about a definite advantage in the development of domestic financial

and legal science in matters relating to government regulation of social relations in the financial sector related to national security in the financial sector and financial security in particular.

However, the financial and legal doctrine of in accordance with the needs to improve the legislation becoming more radical voice. Also, Prof. N. Kazantsev, exploring finance institutions and some aspects of financial security (fiscal, monetary, fiscal, etc.) said: "The limited results of reforming Russia's financial and legal and related administrative and legal system that occurs now - the imperative consequence of incomplete government actions embodied in formal and mandatory rules in the semantic form of discretionary rulings stating various concepts and programs that have become virtually the sole and exclusive instrument to regulate economic development. A combination of imperative legal form and legal content is discretionary quality of the act in that area, which can be adjusted only public law imperatives. The consequence is imperative failure that results in lack of content and constructive action by the impossibility of reforming the introduction of measures of legal liability for failure to concepts and applications, and especially for the improper performance of them " [10, P. 113].

In our opinion, to develop recommendations for the introduction of financial legislation provisions that would help strengthen the real financial security and protection of Ukraine's national interests is necessary to identify the content of financial security as a category of finance.

The scientists who developed the issues of financial security offered by definition of the term and concept for financial security components that differ significantly variability. In our opinion, the lack of uniqueness in the interpretation of financial security is primarily associated with interdisciplinary substance category. However, while financial security as a category of Finance researched quite substantially, as a category finance financial security paid enough attention. Today, due to lack of legislated definition of "financial security" category of financial security rarely seen within the financial and legal science. However, experts acknowledge



Finance belonging to this category, conceptual and categorical apparatus finance. In a significant number of scientific papers find guidance on forming normative grounds consolidate financial and legal institution of financial security. Variety understood categories of financial security leads to terminological confusion, competition in economic law and jurisprudence include financial security as a subject of study. We believe that clarity in the discussion outlined box you can enter in case of separation of stable elements of financial security category and then generate recommendations to draft laws and legislative nature which have helped to clearly say the consolidation of financial security as an institute Finance.

According Methodological guidelines on the calculation of the economic security of Ukraine (2013), financial security is a "state of the financial system in which financial conditions are necessary for sustainable socio-economic development, provided its resistance to shocks and financial imbalances, the conditions for maintaining the integrity and unity of the financial system". The components of financial security determined by banking security, security of non-banking financial sector, debt, fiscal, monetary and monetary security [11]. This characteristic of financial security concept represents the social relations that arise in the area of public finances, including the social importance of financial security, introduces the theory of financial security new concepts - financial shock and imbalance. For comparison, the Guidelines on the assessment of the economic security of Ukraine, prepared in 2003, the Department of Economic Security of the National Institute for International Security National Security Council under the editorship of Academician S.I. Pyrozhev proposed definition of financial security as a condition of financial, monetary, fiscal, monetary, banking and tax system that can ensure the effective functioning of the state, supporting its economic stability in the global environment [12, P. 16]. The draft Concept of financial security of Ukraine group of authors headed by prof. O.I. Baranovskiy proposed to define financial security as a component of economic security that

characterizes the state of security critical (key) interests of the state, regions, business organizations and individuals in the financial sector from exposure to a wide range of negative factors (threats) [13, P. 1]. As part of the economic security of the state is considering financial security A. Marina. She believes that financial security is characterized by the balance and stability of the financial system and its ability to ensure the availability of sufficient financial assets for sustainable development of the state and society in terms of the risks, threats, destabilizing factors [14, P. 22]. L.V. Nechyporuk sure financial security of the state is an important component of the economic security of the state, and is based on the independence, efficiency and competitiveness of the financial and credit sector. Recognizes L.V. Nechyporuk in determining financial security and the concept of threats and national interests, "Ensuring financial security requires determination and continuous monitoring of the major internal and external negative factors (threats) that affect the protection of national interests in the financial sector" [15, P. 286–287]. To some extent, this approach divides N.V. Arhireyska who believes that financial security is expedient to determine how the activity of risk management and protection of national interests against external threats and internal finance for sustainable development in the current and strategic perspective [16, P. 85]. V. Gerasimov, S.V. Kuryakov note that financial security involves state independent financial and economic policy in line with national interests, aimed at ensuring economic growth and the creation of an effective system of state regulation, which should ensure the functioning of not only the elements of the financial system of the state, but also related parts of the government [17, P. 96–67].

The position on the crucial role of financial interests in the process of providing financial security A. Sukhorukov and A. Ladyuk. They however noted that financial security is the protection of the interests of the state in the financial sector, or a state budget, tax and monetary systems, under which the state can effectively generate, to prevent impairment and rational use of financial resources for the

country's socio-economic development and servicing of financial obligations [18, P. 16]. According to E.A. Klokova, financial security is a concept that includes a set of activities, methods and means of protecting the economic interests of the state at the macro level, corporate structures, financing of economic agents at the micro level. Financial security continues E.A. Klovov reflects the state of readiness and financial system for the timely and reliable financial security economic needs in the amount sufficient to maintain the desired level of economic and military security of the country [19, P. 44–45]. Includes concept needs proper interpretation categories of financial security prof. V. Truntsevskyy, noting that financial security - a "living conditions and development of object relations and the process of its creation and support; capacity (property) finance guaranteed to meet the relevant requirements, continuously developing and functioning with minimal risk of potential violations" [20, P. 12].

According to A.N. Kalantay, financial security is the protection of financial interests at all levels of financial relations and a degree of independence, stability and resilience of the financial system under the influence of destabilizing factors (threats) of internal and external origin and the ability of the financial system of the state to provide effective the economic system and its sustainable growth [21]. According to N.A. Budarinoyi, financial security - the state of financial and credit sphere of the state, which is characterized by balance and quality of financial instruments to the stability of the internal and external negative factors, the ability to provide sufficient amounts of funds for all entities and financial criteria Safety is the stable and sustainable development of the monetary, banking, budget, tax and investment systems [22, P. 83–84]. A similar opinion follows Tkalenko S., believing that financial security is such as financial and credit sector, characterized by balance, resistance to internal and external negative influences, the ability to ensure the effective functioning of the national economic system and economic growth [23, P. 103]. In this regard, it is worth noting the way in which financial security



describes prof. V.G. Boronos, as a level of financial relationships and processes in the economy, in which are necessary conditions for stable operation of economic entities and to ensure a holistic development of the financial system to neutralize internal and external threats [24, P.61]. According to M. Yermoshenko, financial security is a state of financial and credit sector, which is characterized by balance and quality system aggregate financial instruments, technologies and services that threats resistance, ability to protect national financial interests, ample financial resources for all subjects facilities management and population. In general, financial security, says M.M. Yermoshenko is the effective functioning of the national economic system and social development [25, P. 105].

R.B. Berkimbayev believes that financial security is to ensure that this development of the economy, the financial system and financial relations and processes in the country, which would have created the required (acceptable) financial conditions and resources for social and economic stability and development of society as a whole, preserve the integrity and unity of the financial system to efficiently curb internal and external threats to the state [26, P. 199]. J.E Goloshchapov define financial security as a condition of the financial system in which the state guarantees safe operation of all elements of the financial mechanism of the country and provides the necessary and sufficient condition for financial stability and the possibility of reflection of external and internal threats to financial security [27, P. 25].

Nuzhnov E.V. identifies financial security and safety of the financial security and believes that it is a set of targeted measures of fiscal and monetary policies implemented to achieve the stability of the financial system and creating a favorable investment climate. However, with the system approach E.V. Nuzhnov consider financial security as the preservation and strengthening of interconnections, ensuring the existence and development of each subsystem in the interests of the financial system as a whole [28, P. 224]. V.G. Boronos by analyzing a number of approaches to the interpretation of the concept of financial

security says: "Thus, from the standpoint of versatile approach for financial security mean a set of conditions of the financial system, which provided: a certain level of independence, stability and resistance to impact on its external and internal disability factors; protection of the financial interests at all levels of economic relations; effective functioning of the national economy and sustainable economic growth" [24, P. 62].

Findings from this study and recommendations for further research in this direction. Hence in modern scientific thought can be traced a number of patterns, which indicate that the scientific validity of the epistemological foundations of the transition from the interpretation of the category of financial security to the development of recommendations for improving national legislation in the field of financial security. We believe that attempts to explain the essence of the notion of financial security and development of an appropriate terminology that existed in science does not give effective results due to methodological apparatus used outdated. New challenges facing legal science requires selection and new methods of solving scientific problems, determining the prospects for further research in this direction. So in order to justify financial security as a category of finance and provide recommendations for improving the financial administration laws regarding term financial security appropriate to continue scientific research in this area from the standpoint of science finance.

One of the pressing problems that undermine the possibility of effective financial and legal regulation of relations connected with the provision of financial security is the limited use of financial and regulatory legal acts of the term "financial security", no fixed principle of financial security and liability for acts or omissions that led to the violation of financial security. Despite the high prevalence of objective social relations on the provision of financial security in the process of formation, distribution and redistribution of public funds, and there are a number of legal acts governing these relationships are still in scientific thought are virtually no guidelines on the inclusion of financial security to the categorical apparatus finance, the

law on the relevant institution finance, appropriate amendments to the financial regulations and regulations.

As established by analyzing scientific sources, currently there is no single approach to the allocation of financial security on an industry basis on budget, tax, debt and other types of security, which together are called the components of financial security. It is proved that the rationale for this division and the establishment of scientific truth is only possible through the use of advanced methods of knowledge suitable for use in solving scientific problems of jurisprudence with interdisciplinary.

List of reference links:

1. Baranowski O.I Financial security in Ukraine (assessment methodology and tools support): monography. – K. : KNTEU, 2004 – 759 p.
2. Dimitrenko E. Legal liability of finance in the legal mechanism to ensure the financial security of Ukraine: monograph / E.S. Dimitrenko. – K. : Yurinkom Inter, 2009 – 592 p.
3. Tsymbal P.V Legal support for financial security / P.V Tsymbal, A. Ivanov // Financial security in the system of national interests: problems and prospects: Proceedings of the International Scientific Conference (Poltava, 18–19 April 2012). – Poltava : PoltNTU, 2012 – P. 42–44.
4. Timofeev Y. A. Financial Safety - main element of economical security of the country / Timofeev Y. A., Bazhutyna S. P. // Journal of Udmurt University. – 2005. – № 6–1. – P. 60–68.
5. Caria R., What is Financial Regulation Trying to Achieve? [Electronic resource] / Caria, Riccardo de // Hayek Society Journal. – 2011. – Vol. 9. – Mode of access <http://ssrn.com/abstract=1994472>.
6. Alex R. Legal Services Board discussion of A Report by Dr Christopher Decker & Professor George Yarrow [electronic resource] / Alex Roy // Understanding The Economic rationale for Legal Services Regulation – A Collection of Essays // Legal Services Board. – 2011. – P. 5–10 – Sleep.
7. Laurel T. Understanding the Economic Rationale for Legal Services Regulation: The Importance of



Interdisciplinary Dialogue / Laurel S. Terry // Understanding the economic rationale for legal services regulation – A collection of essays // Legal Services Board. – 2011. – P. 11–18. – Sleep.

8. L. Zingales, The Costs and Benefits of Financial Market Regulation [electronic resource] / Zingales Luigi // ECGI - Law Working Paper. – 2004. – № 21. – Mode of access <http://ssrn.com/abstract=536682>.

9. Coffee JC Law and The Market: The Impact of Enforcement Regulation [electronic resource] / Coffee, John C. // Columbia Law and Economics Working Paper. – 2007. – № 304. – Mode of access <http://ssrn.com/abstract=967482>.

10. Kazantsev H. M. Institutes and Finance Law / Kazantsev H. M. // Magazine of Russian law. – 2005. – № 9 (105). – C. 97–114.

11. Order of the Ministry of Economic Development and Trade of Ukraine “On approval of guidance on the calculation of the level of economic security of Ukraine” from 29.10.2013 № 1277 [electronic resource]. – Access <http://document.ua/pro-zatverdzhennjametodichnih-rekomendacii-shodorozrahunku-doc168080.html>.

12. Guidelines on the assessment of the level of economic security of Ukraine / main ed. C. I. Pyrozhkov. – K. : NIPMB, 2003. – 42 p.

13. Baranowski O.I. Concept of financial security of Ukraine (project) [electronic resource] / O. Baranowski, Blashchuk J.O., Puzyak M. & others. – Access <http://www.google.com.ua/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0CCsQFjAA&url=http%3A%2F%2Fufin.com.ua%2Fkonceptcia%2F008.doc&ei=b79gU5a9NaTRywO-ZSeCQ&bvm=bv.65636070,d.bGQ>.

14. Marina A. The financial security of the country in terms of financial integration: conceptual position // Herald ONU. I. Mechnikov. – 2013. – Vol 18–Vol. 2/1. – P. 22–25.

15. Nechyporuk L.V. Increased threats to the financial security of the state in terms of financial globalization / L.V. Nechyporuk // Scientific Papers of the National University of State Tax Service of Ukraine. – 2012. – № 1. – P. 281–298.

16. Arhireyska H. Main areas to ensure the financial security of Ukraine

[Electronic resource] / H. Arhireyska // Journal of the Academy of Customs Service of Ukraine. – 2012. – № 1. – P. 83–87. – Mode of access: http://nbuv.gov.ua/j-pdf/vamsue_2012_1_15.pdf.

17. Gerasimov V.V. Financial security in terms of development of federal relations in Russia / Gerasimov V. Century. Kuryakov P. // Journal Povolzhskoy Academy gosudarstvennoe service. – 2002. – № 3. – P. 93–101.

18. Sukhorukov A. Financial Security State / A. Sukhorukov, O.H. Ladyuk. – K. : Centre educational literature, 2007. – 189 p.

19. Klokov E. A. Financial safety of state: essence and Modern risks / Klokov E. A. // Scientific Journal of Omsk Academy Ministry of Internal Affairs of Russia. – 2010. – № 2. – P. 43–47.

20. Truntsevskyy Y. Financial Safety: concept and Types Financial crimes / Truntsevskyy Y. // Journal of Finance University. – 2007. – № 2. – P. 11–22.

21. Kalantay A. M. The role and place financial security in the context of national interests / A. M. Kalantay. – 2012. – № 1. – P. 143–153.

22. Budarina H. The financial security of Ukraine during the economic uncertainty of the global financial system / H. Budarina // Herald of Mariupol State University. – 2013. – Vol. 5 – P. 77–83. – (Series: “Economics”).

23. Tkalenko P. The financial security of the state in the increasingly globalization [Electronic resource] / P. Tkalenko // International economic policy. – 2013. – Vol. 1 – P. 101–122. – Mode of access: http://nbuv.gov.ua/j-pdf/Mep_2013_1_7.pdf.

24. Boronos V. Indicators of financial security in the management of innovative economic development: an analysis of systematic relationships [Electronic resource] / V. Boronos // Economic Space. – 2013. – № 73. – P. 56–65. – Mode of access: http://nbuv.gov.ua/j-pdf/ecpros_2013_73_8.pdf.

25. Yermoshenko M. M. Financial security state: national interests, the real threat, strategy support: monography / M. M. Yermoshenko. – K. : KNTEU, 2001. – 309 p.

26. Berkymbaev R. Financial security of local government - the basis of national security / Berkymbaev R. – 2007. – Vol. 4. – № 16-1. – P. 198–201.

27. Goloshchapova Zh. Financial economic security as an economic category / Goloshchapova Zh. // Bulletin of the Kyrgyz-Russian Slavic University. – 2013. – T. 13. – № 10. – P. 24–26.

28. Nuzhnov Y. Current issues of financial security in the insurance / Nuzhnov Y. // European perspectives. – 2012. – № 4. – Chapter 2. – P. 223–228.