



VALUE CONCEPTS OF „ECONOMIC LAW AND ORDER” AND „ECONOMIC SECURITY” (PROBLEM)

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SUMMARY

The article investigates the research of the relationship between the concepts of «economic law and order» and «economic security of state». Studied scientific approaches to understanding and interpretation of the economic order, in the context of its relationship and interaction with the concept of «economic security of state». There is analyzed the basic means of ensuring economic security in terms of violations of commercial law and order in the light of economic and legal liability. The main legislative acts that are part of the economic and legal means to ensure economic security of state.

Keywords: economic security, economic order, economic and legal responsibility, economic system, economic organizations.

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Статья посвящена исследованию проблемы соотношения понятий «хозяйственный правопорядок» и «экономическая безопасность государства». Исследованы научные подходы к пониманию и раскрытию понятия хозяйственный правопорядок, в контексте его соотношения и взаимодействия с понятием «экономическая безопасность государства». Проанализированы основные способы обеспечения экономической безопасности в разрезе нарушения хозяйственного правопорядка через призму хозяйственно-правовой ответственности. Исследованы основные нормативно правовые акты, которые являются неотъемлемой частью хозяйственно-правовых способов обеспечения экономической безопасности государства.

Ключевые слова: экономическая безопасность, хозяйственный правопорядок, хозяйственно-правовая ответственность, экономическая система, хозяйственные организации.

According to part 2, Art. 5 Commercial Code of Ukraine [1], economic operators and other stakeholders relations in the economic sphere the activities within and in accordance with established legal economic order (commercial law and order) compliance with legal requirements. According to part 1, Art. 5 Commercial Code of Ukraine [1], the formation of legal economic order in the country based on the system optimally oriented combination of market self-regulation of economic relations of economic activity and regulation of macroeconomic processes from public authorities, subject to the constitutional requirements of economic responsibility of the state to the individual for their activities and determine Ukraine as an independent and sovereign, democratic, social and legal state. Therefore, in our opinion, compliance of the economic order, which

is regarded as the Commercial Code of Ukraine [1], is the foundation of all components of economic security.

Currently, the economic - legal science is almost no comprehensive approach to the definition of “legal economic order (economic law and order).” For example O.M. Vinnyk [2] provided a definition of this category, in particular in its view, the economic rules of law and order is a direct and control of economic activities. We believe that this concept should be considered a more expanded target providing objective of this category, thus, necessary to distinguish the main types of business relationships that with proper organization and management are economic order.

In scientific studies defined [2, 3] that according to the economic and legal concept, the economic relationship is the relationship between business entities and gov-

ernments, which are formed in the management and organization of economic activity. At the same subjects as commercial relations stand out:

- economic organizations that are open to the implementation of economic and operate as legal entities;
- public and private agencies, whose operation is aimed at managing the economy of the country (all ministries, state committees, business associations, government, local authorities, etc.);
- organizational units of commercial organizations with competence regarding the organization of economic activity;
- person - entrepreneur.

There are different classifications of economic relations, but we believe that support should be provided in Art. Commercial Code of Ukraine [1], following which, the area of economic relations in-



clude the economic and industrial, farm, organizational and economic relationship. Thus, economic and production relationship is property and other legal relations that may arise between businesspersons in the course of business. Organizational and economic relationship, according to the Commercial Code of Ukraine [1], is the relationships that are formed business entities and subjects of organizational and economic powers (by the government) during economic management. And internal business relationship is the relationship that formed between the structural units of businesses, business entities and legal relationship with their departments.

Another component of economic law and order is economic and legal responsibility in ensuring economic security for all components.

Study of different content characteristics of economic and legal responsibility in ensuring economic security for all components has made it possible to identify the main features of this categorical concepts including:

- the actual basis for the application of economic and legal responsibility in ensuring economic security is an offense against the economic order, which is a threat to economic security;
- the opportunity to use state coercion to impose on violators of economic and legal responsibility in ensuring economic security;
- the legal basis of economic and legal responsibility in ensuring economic security is not only a legal document that governs the implementation of commercial relations, economic and legal responsibility to protect against economic crime as the basis of economic threats, but also commercial con-

tracts entered into to your requirements and standards [2];

- an entity which can be applied economic sanctions are all members of commercial relations defined in Art. 2 of the Commercial Code of Ukraine [1], with the exception of consumers;

- economic and legal responsibility is a way of punishment for offenders and how to protect and restore the rights in violation of the economic order, ensure economic security at various levels [5, 6];

- imposing on offenders economic and legal responsibility reductions in the property of the latter, it has the appearance of additional problems in the implementation of management [5, 6];

- according to the general rule, the implementation of economic and legal responsibility implies a presumption of guilt obligated parties [5].

In view of the above, the proposed definition of economic and legal responsibility in terms of violations of economic order, as a threat to economic security. Thus, economic and legal responsibility is provided standards and requirements of commercial law and commercial contracts duty that may be assigned Governors party or relevant authorities (according to jurisdiction) in commercial relations by which economic offenses committed, executing it, in turn, affect the realization of economic interests and have property and organizational implications of the latter, and is aimed at restoring the economic interests of the eligible parties and ensure economic security at all levels.

As mentioned above, the regulations implementing economic and legal norms is an important component of economic and legal means to ensure economic security.

The main acts of Economic and legal norms of economic security is the Constitution of Ukraine [7], the Law of Ukraine "On National Security of Ukraine" dated 19.06.2003 № 964-IV [8], the Commercial Code of Ukraine [1] and all laws, governing the provision of all basic types of economic security and their components, including the Law of Ukraine "On foreign Economic Activity" from 04.16.1991 № 959-XII [9], the Law of Ukraine "On Banks and Banking" [10] The Law of Ukraine "On insurance" [11], the Budget Code of Ukraine [12], international treaties ratified by the Verkhovna Rada (Parliament) of Ukraine, other regulations.

According to the Law of Ukraine "On National Security of Ukraine" dated 19.06.2003. № 964-IV [13] developed a National Security Strategy of Ukraine "Ukraine in a changing world" [13] The concept of national security in the financial sector [14], programs and strategies that target defined principles and benchmarks to ensure economic security as a whole and for its individual species. In our view, the current legal regulation providing economic security is only a state of formation. The urgency of optimizing the legal framework in this direction driven by a continuation of the recession in the country in various fields, especially in the domestic economy and global levels.

To improve the regulatory framework governing the provision of economic security, first, requires the development of a single unified approach to the components of economic security and its threats. Gaps in this area include the following:

- national Security Strategy of Ukraine "Ukraine in a changing world" [13,14] contains the list of



national security, in which individual components of an isolated economic security and its types;

- in Ukraine, unlike other countries, such as Russia [15], there is no overall strategy to ensure economic security. The development of this Strategy would allow separation of the main types of economic security at various levels, the main types of threats and trends to overcome them;

- needs further development in commercial law relationship discussed above category of "economic law and order" in the category of "economic security" with the impact of economic and legal means in general the last.

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