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INSTITUTIONS OF STATE REGULATION OF CORRUPTION PREVENTION IN THE SYSTEM OF ENSURING ECONOMIC SECURITY IN UKRAINE

Abstract. The definitions of “economic security” and “state regulation” are given. In our opinion, under the economic security of the state, one should understand the multifactorial system, the main purpose of which is to ensure sustainable economic development from negative external and internal influence. It is proved that state regulation of the economy is a deliberate and active influence of state and supranational authorities on the functioning and development of of an integral economic system.

The institutions of state regulation, through which influence on economic safety of the country is carried out, is defined. The main principles and methods of state regulation are characterized. It is established that the principles of state regulation of the economy are realized through certain methods, which constitute a set of specific regulatory means of influence on the object of interest for

solving concrete tasks. The methods have a certain status of compulsory use, they show us the patterns of state-regulatory relations. In addition, the classification of methods of state regulation, which includes direct, indirect, legal, administrative and economic methods, is given.

The legal basis for the implementation of state regulation in ensuring the economic security of the state is determined. It involves the adoption of laws and legislative acts of the Verkhovna Rada of Ukraine, the issuance of presidential decrees, as well as the elaboration of a mechanism for their implementation and control. Characterized regulatory and legal regulation of ensuring economic security of the state. It is established, in addition to the methods of state regulation of combating corruption in the sphere of economic security of Ukraine, there are entities that are guided by the relevant regulatory and legal acts. The role of state bodies in preventing corruption in Ukraine is investigated.

Keywords: economic security, state regulation, the principle of efficiency, the principle of justice, the system principle, the principle of adequacy.

ІНСТИТУЦІЇ ДЕРЖАВНОГО РЕГУЛЮВАННЯ ПРОТИДІЇ КОРУПЦІЇ У СИСТЕМІ ЗАБЕЗПЕЧЕННЯ ЕКОНОМІЧНОЇ БЕЗПЕКИ УКРАЇНИ

Анотація. Надано дефініції поняттям “економічна безпека” та “державне регулювання”. На нашу думку під економічною безпекою держави варто розуміти багатофакторну систему, головною метою якої є забезпеченні сталого економічного розвитку від негативного зовнішнього та внутрішнього впливу. Доведено, що державне регулювання економіки являє собою цілеспрямований та активний вплив державних та наддержавних органів управління на функціонування та розвиток цілісної економічної системи.

Визначено інституції державного регулювання, через які здійснюється вплив на економічну безпеку країни. Схарактеризовані основні принципи та методи державного регулювання. Встановлено, що принципи державного регулювання економіки реалізуються через певні методи, які становлять сукупність конкретних регулюючих засобів впливу на заінтересований об’єкт для вирішення конкретно поставлених завдань. Методи мають певний статус обов’язковості для застосування і демонструють закономірності державно-регуляторних відносин. Крім того, наведено класифікацію методів державного регулювання, яка включає прямі, непрямі, правові, адміністративні та економічні методи.

Визначена правова основа здійснення державного регулювання в забезпеченні економічної безпеки держави. Вона передбачає прийняття законів і законодавчих актів Верховної Ради України, видання указів Президента, а також вироблення механізму їх реалізації та контролю. Схарактеризоване нормативно-правове регулювання забезпечення економічної безпеки держави. Встановлено, окрім методів державного регулювання протидії корупції у сфері економічної безпеки України присутні суб’єкти, які керуються відповідними нормативно-правовими актами. Досліджено роль державних органів у запобіганні корупції в Україні.

Ключові слова: економічна безпека, державне регулювання, принципи ефективності, принцип справедливості, принцип системності, принцип адекватності.

ИНСТИТУЦИИ ГОСУДАРСТВЕННОГО РЕГУЛИРОВАНИЯ ПРОТИВОДЕЙСТВИЯ КОРРУПЦИИ В СИСТЕМЕ ОБЕСПЕЧЕНИЯ ЭКОНОМИЧЕСКОЙ БЕЗОПАСНОСТИ УКРАИНЫ

Аннотация. Представлены дефиниции понятиям “экономическая безопасность” и “государственное регулирование”. По нашему мнению под экономической безопасностью государства следует понимать многофакторную систему, главной целью которой является обеспечение устойчивого экономического развития от негативного внешнего и внутреннего воздействия.

Доказано, что государственное регулирование экономики представляет собой целенаправленное и активное воздействие государственных и надгосударственных органов управления на функционирование и развитие целостной экономической системы.

Определены институты государственного регулирования, через которые осуществляется влияние на экономическую безопасность страны. Охарактеризованы основные принципы и методы государственного регулирования. Установлено, что принципы государственного регулирования экономики реализуются через определенные методы, представляющие собой совокупность конкретных регулирующих средств воздействия на заинтересованный объект для решения конкретно поставленных задач. Методы имеют определенный статус обязательности для применения и они демонстрируют закономерности государственно-регуляторных отношений. Кроме того, приведена классификация методов государственного регулирования, которая включает прямые, косвенные, правовые, административные и экономические методы.

Определена правовая основа осуществления государственного регулирования в обеспечении экономической безопасности государства. Она предполагает принятие законов и законодательных актов Верховной Рады Украины, издание указов Президента, а также выработка механизма их реализации и контроля. Охарактеризовано нормативно-правовое регулирование обеспечения экономической безопасности государства. Установлено, кроме методов государственного регулирования противодействия коррупции в сфере экономической безопасности Украины присутствуют субъекты, руководствующиеся соответствующими нормативно-правовыми актами. Исследована роль государственных органов в предупреждении коррупции в Украине.

Ключевые слова: экономическая безопасность, государственное регулирование, принцип эффективности, принцип справедливости, принцип системности, принцип адекватности.

Problem statement. Under modern conditions of market transformations, an important aspect of the formation of a stable rule-of-law state with sustainable economic development is the existence of a mechanism for preventing and combating corruption. Achieving success in this process is an important prerequisite for the formation of public trust in authorities, the growth of the economic potential of the state, and the improvement of the welfare of Ukrainian citizens. Corruption in all its manifestations poses a real threat to the economic security of the state, meanwhile reducing its competitiveness. To regulate this process, the state directly affects both the destruction of corruption and the protection of the economic security of the state.

Analysis of recent research and publications. The works of such scientists as A. Baranovsky, P. Bernatsky, K. Blishchuk, E. Buchwald, A. Vasina, L. Gerasimenko, I. Gubareva, M. Dzyubenko, T. Zhelyuk, G. Kaletnik, A. Korystin, A. Kubay, S. Lazarenko, A. Mazur, A. Melnik, S. Morecnyi, S. Onishko, M. Pendyura, T. Popovich, T. Posnova, N. Slovak, G. Starostenko, V. Tambovtsev, A. Tretyak illustrate the anti-corruption state regulation mechanism in the system of economic security ensuring in Ukraine.

The purpose of the article to reveal the essence of such concepts as “economic security” and “state regulation of the economy”; identify the main components of the state regulation mechanism of the economy; characterize the principles of state regulation; determine state regulation methods; characterize the regulatory and legal regulation of ensuring the economic

security of the state; study the role of state bodies in the prevention of corruption in Ukraine.

Presentation of the main material. The economic security of the state is a multifunctional and multifaceted category that affects all spheres of public life. The experience of many world countries shows us that only a reliable and effective mechanism for ensuring economic security can serve as a guarantor of the country’s sovereignty and independence, its sustainable and stable social and economic development. Just because of the importance of this issue and for a better understanding, the notion of “economic security” has to be defined.

G. Starostenko, S. Onishko and T. Pospinova argue that *economic security* is a complex multifactorial dynamic system, expressed in its scale, structure and technical level, under which it is able to create material and financial resources that are sufficient, firstly, to protect national interests in the internal political, international, information, environmental spheres, in the sphere of human health, protection from terrorism, corruption, etc., and secondly, to ensure the level and quality of life of the population, that guarantees to support social peace and social stability; it creates the conditions for economic growth as well [1].

S. Tambovtsev notes that under *economic security* of any system, it is necessary to understand a set of properties of the state of its production subsystem, which provides the possibility to achieve the goals of the entire system [2].

However, Korystin A. believes that *economic security* should be interpreted

as ensuring the ability of the country to survive in case of natural and environmental disasters or in the face of national and global economic catastrophes [3].

M. Pendyura says that *economic security* of the state is not only one of the most important components of an integral system of national security as a complex of protection of national interests, but also a decisive condition for the observance and realization of national interests [4, p. 13].

Researchers E. Buchwald, N. Golovatska and S. Lazurenko suggest to consider the *economic security* of the state as the most important qualitative characteristic of the economic system, its determining ability to maintain normal living conditions of the population, and sustainable provision of resources for the development of the national economy [5, p. 27].

In our opinion, the *economic security* of the state should be understood as a multi-factor system, the main goal of which is to ensure sustainable economic development from negative external and internal impacts. Considering the importance and necessity of this issue, state regulation is an indispensable condition for normal and continuous functioning of the economic security of the country.

Thus, state regulation of the economy is a purposeful and active influence of state and supranational governmental authorities on the functioning and development of an integral economic system (and consequently, on its expanded reproduction) by using economic laws and solving economic contradictions by means of a certain set of forms and methods [6].

This influence is realized through a certain mechanism of state regulation, which includes the following main components: goals, tasks, principles, functions, subjects and objects, methods, forms of state regulation. To prevent unsystematic and destructive interference in the economic mechanism of management, state regulation is based on the following principles (see Fig. 1).

The figure below illustrates the principles of state regulation:

- efficiency – implies final economic effect, neutralization of monopolies and cyclicity, rational tax policy;
- justice – adjustment of the system of redistribution and material benefits to prevent society's sharp stratification by income;
- priority of the right over the economy – through the appropriate legislative regulation, the transformation of state property into private ownership is carried out, a class of entrepreneurs is formed and an appropriate basis for market relations is created;
- stability – provides equalization of the ups and downs of the business cycle, creation of additional jobs, support of economic growth for a long period;
 - systematic – assumes a comprehensive approach to solving economic, social, external economic and other problems;
 - adequacy means that the state regulation system of the economy and the ways of its application must correspond to the realities of a specific stage of the state's socioeconomic development, take into account its interests in the context of trends that show changes in regional and global markets;



Fig. 1. Principles of state regulation¹

- optimal combination of administrative, legal and economic levers guarantees the formation of a rational production structure at the macroeconomic level;
- graduality and continuity require, when moving from an administratively command system of state regulation to a new one depending on the introduction of economic regulators as the objective prerequisites, first of all, for the completion of the processes of denationalization, privatization and macroeconomic stabilization;
- unity of strategic and current state regulation provides an opportunity to comply with the economic and social strategic course,

which is supposed by state, sectoral, scientific and technical, etc. programmes;

- compliance with the requirement of material and financial equilibrium ensures the reality of regulatory measures from the standpoint of the existing resource potential of the society [7].

The state regulation principles of the economy are realized through certain methods, which are a combination of specific regulatory means of influence on an interested entity to solve specific tasks. The methods are of a certain status of mandatory application; they show us the patterns of state-regulatory relations (Fig. 2).

With the figure below, the methods of state regulation are represented. According to the classification characteristics, they are divided into:

¹ Compiled by the author on the basis of the source [7].

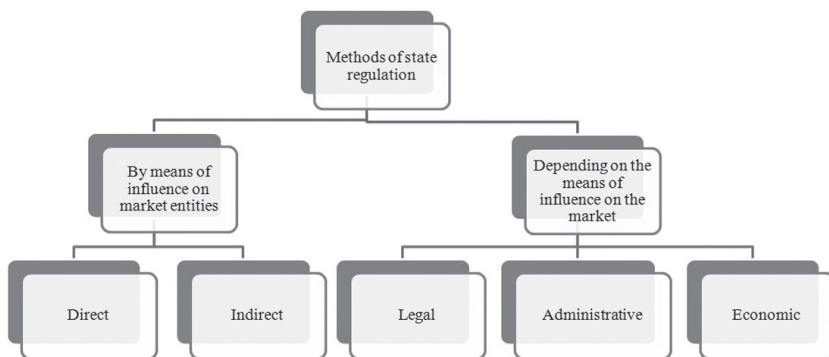


Fig. 2. Methods of state regulation²

– by means of influence on market entities:

- direct – used for direct government intervention in the economic processes and economic activities of the entities [8];
- indirect – prices, customs regulations, benefits, taxation, currency restrictions;

– depending on the means of influence on the market:

- legal – provide for the adoption of laws and legislative acts of the Verkhovna Rada of Ukraine, for presidential decrees, as well as the development of a mechanism for their implementation and control [9, p. 311];
- administrative – methods of direct impact, which directly affect the functioning of market entities. These include the definition of strategic objectives of economic development and their reflection in indicative and other plans, targeted programmes; state orders and contracts for certain product types supply,

works, services; state support of programmes, orders and contracts; regulatory requirements for quality and certification of technology and products; legal and administrative restrictions and prohibitions on the production of certain product types; licensing of operations for goods export and import [10, p. 21];

- economic – a system of means and methods of direct influence on social and economic development. Economic methods of regulation include forecasting, planning, programming, material incentives and sanctions, financing and lending, etc. [9, p. 311].

We believe that it is appropriate to consider legal methods, since they constitute the legal basis for ensuring the economic security of the state. These include:

- the Constitution of Ukraine;
- Codes of Ukraine (Criminal, Criminal Procedural, “On Criminal Offenses”)
- Laws of Ukraine (“On Amendments to Certain Legislative Acts of Ukraine Regarding Responsibility for Corruption Offenses”, “On Purge of

² Compiled by the author on the basis of the source [7].

Authorities”, “On Preventing Corruption”, “On National Anti-Corruption Bureau of Ukraine”, “On Civil Service”);

– Decrees of the President of Ukraine (“On the National Council on Anti-Corruption Policy”, “Issues of the Public Control Council under the National Anti-Corruption Bureau of Ukraine”);

– Resolutions of the Cabinet of Ministers of Ukraine;

– orders of the ministries.

The Constitution of Ukraine regulates relations in the sphere of management, in particular; in accordance with Article 18, foreign policy activity of Ukraine is aimed at ensuring its national interests and security by maintaining peaceful and mutually beneficial cooperation with members of the international community on the basis of universally recognized principles and norms of international law [11; 27–29].

The Criminal Code of Ukraine (hereinafter referred to as the Criminal Code) has an objective to legally support the protection of human and civil rights and freedoms, property, public order and public security, the environment, the constitutional order of Ukraine against criminal encroachments, to ensure peace and security of mankind, and prevent crime. According to Article 354 of the Criminal Code, a proposal or promise to an employee of an enterprise, institution or organization, who is not an official or a person working for an enterprise, institution or organization, to give them or a third person an undue advantage; or the employee who does not perform any actions using the provision he holds, or a person working in favor of the enter-

prise, institution or organization, who promises to provide such a benefit in the interests of a third person, a fine of one hundred to two hundred and fifty non-taxable minimum incomes or public works for up to one hundred hours, or corrective labor for up to one year, or deprivation of liberty for up to two years, or imprisonment for the same period are imposed on them [12].

In accordance with Article 131 of the Code of Criminal Procedure of Ukraine (hereinafter – the Criminal Procedure Code), the measures to ensure criminal proceedings are summons from an investigator, a prosecutor, a court and a compulsory attendance; imposition of pecuniary punishment; temporary restriction in the use of special law; removal from office; temporary suspension of the judge from carrying out justice; temporary access to stuff and documents; temporary seizure of property; seizure of property; detaining a person; preventive measures [13].

Article 1 of the Code of Administrative Offenses of Ukraine (hereinafter referred to as the Code of Administrative Offenses) states that the task of this document is to protect the rights and freedoms of citizens, property, the constitutional order of Ukraine, the rights and legitimate interests of enterprises, institutions and organizations, the established law and order, to strengthen law, prevent offenses, educate citizens in the spirit of following the Constitution and laws of Ukraine, of respecting the rights, honor and dignity of other citizens, the rules of coexistence, fulfilling duties and responsibility before the society. It is indicated in Article 172 of this document, that the violation of statutory restrictions on the receipt of

gifts entails a fine amounting one hundred to two hundred non-taxable minimum incomes with the seizure of the gift [14].

Besides, Article 38 of the Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine Regarding Responsibility for Corruption Offenses” states that when a person violates the statutory restrictions whether on the use of official powers and related opportunities with an undue profit in the amount not exceeding one hundred non-taxable minimum incomes or in connection with the promises/offers of such benefits to themselves or others, it entails a fine of one hundred and fifty to five hundred non-taxable minimum incomes with the seizure of illegally obtained unlawful material benefit [15].

According to the Law of Ukraine “On Purge of Authorities”, Article 1 states that the purge of authorities (lustration) is the prohibition to individuals to hold certain positions (to be in office) (hereinafter — posts) (except for elected posts) in the state authorities and local self-government bodies, which is established by the Law or a court decision [16].

In accordance with the Law of Ukraine “On Prevention of Corruption”, Article 4 states that the National Agency for Prevention of Corruption (hereinafter referred to as the National Agency) is the central body of executive power with a special status that ensures the formation and implementation of state anti-corruption policies [17].

Article 16 of the Law of Ukraine “On National Anti-Corruption Bureau of Ukraine” states that the National Bureau perform operational search

measures to prevent, detect, suppress and solve criminal offenses attributed by the law to its investigative authority, as well as during operative-search cases demanded from others law enforcement bodies; carry out pre-trial investigation of criminal offenses attributed by the law to its investigative authority, and also carry out pre-trial investigation of other criminal offenses in cases defined by law; take measures for the search and seizure of funds and other property that may be subject to seizure or special seizure in criminal offenses attributed to the investigative authorities of the National Bureau, carry out activities for the storage of non-arrested funds and other property; interact with other national and local authorities and other entities to perform their duties; carry out information and analytical work to identify and eliminate the causes and conditions that contribute to the commission of criminal offenses attributed to investigative authority of the National Bureau; ensure personal safety of the National Bureau employees and other persons defined by law, protection from unlawful attacks on persons participating in criminal proceedings in criminal offenses under investigation; provide confidential and voluntary cooperation with individuals reporting on corruption offenses; report on their activities in the manner prescribed by this Law, and inform the public about the results of their work; carry out international cooperation within their competence in accordance with Ukrainian legislation and international treaties of Ukraine [18].

According to Article 8 clause 9 of the Law of Ukraine “On Civil Service”, a civil servant must comply with the

requirements of the legislation in the field of preventing and combating corruption [19].

In accordance with the Decree of the President of Ukraine “On the National Council on Anti-Corruption Policy,” it is stated that in accordance with its main tasks, the National Council carries out a comprehensive assessment of the situation and trends in the field of preventing and combating corruption in Ukraine, analyzes national anti-corruption legislation and measures on its implementation; monitors and analyzes the effectiveness of the implementation of the anti-corruption strategy, makes proposals to improve the interaction of authorities responsible for its implementation; participates in the preparation of bills in the field of prevention and combating corruption that are introduced by the President of Ukraine for consideration in the Verkhovna Rada of Ukraine; prepares proposals for bills, drafts of other regulatory and legal acts in the field of preventing and combating corruption; participates in the preparation of the messages of the President of Ukraine to the people, annual and extraordinary messages to the Verkhovna Rada of Ukraine on the internal and external situation of Ukraine regarding the implementation of the anti-corruption policy; organizes the study of public opinion on issues considered by the National Council, provides coverage of the results of its work in the mass media; contributes to scientific and methodological support on prevention and combating corruption, conducting analytical studies, developing methodological recommendations in this area; prepares proposals for increasing the effectiveness of the inter-

national cooperation of Ukraine in the field of preventing and combating corruption [20].

According to the Decree of the President of Ukraine “Issues of the Council of Public Control under the National Anti-Corruption Bureau of Ukraine”, it is stated that the main tasks of the Council of Public Control are: to exercise civil control over the activities of the National Anti-Corruption Bureau of Ukraine; facilitate interaction of the National Anti-Corruption Bureau of Ukraine with public associations, other institutions of civil society in the field of combating corruption [21].

In addition to the anti-corruption state regulation methods in the sphere of economic security in Ukraine, there are entities that are guided by the relevant regulatory and legal acts. The main entities are:

- the prosecutor’s office oversees the pre-trial investigation and maintenance of public prosecution in court [22];
- the Security Service of Ukraine identifies corruption crimes and refers them to investigative bodies [23];
- the General Inspectorate of Internal Investigations exercises powers for pre-trial investigation of criminal offenses committed by prosecutors, conducting official investigations of prosecutors and employees of prosecutor’s offices [24];
- the highest anti-corruption court of justice in accordance with certain law principles and procedures of legal proceedings is aimed at protecting the individual, society and the state from corruption and related crimes and judicial control of pre-trial investigation of these crimes, observance of rights, free-

doms and interests of persons in criminal proceedings [25];

- the police investigate small corruption crimes, corruption administrative offenses [26].

Thus, the conducted research indicates that there is no coherent mechanism on state regulation of counteracting corruption in the economic sphere today, which in turn leads to a decrease in anti-corruption activity in the country. Of course, it should be noted that the appropriate legal and regulatory support for this issue has been created; there are competent entities in this area, but at the same time, the methods and punishments for committing crimes in the field of economic security should be more stringent and fair.

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