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## METHODS AND MECHANISMS FOR ENSURING FINANCIAL AND ECONOMIC SECURITY OF UKRAINE

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**Abstract.** The issue of legal regulation of financial and economic security of Ukraine is extremely relevant. In our opinion, the most challenging issue in the system of legal regulation of financial and economic security is the issue of state intervention in the economy. The theoretical framework of this study is based on the work of scholars and an analysis of the potential of the state. The authors support the need to avoid state influence on economic processes. Relevance. The purpose of this study is to highlight the issues of legal regulation of financial and economic security in the context of modern challenges and threats to the sovereignty of Ukraine and to demonstrate the principles that ensure long-term financial stability of the national economy. Scientific novelty. The results of this study are intended to improve the financial and economic security mechanisms of the state by demonstrating measures to strengthen them through legal regulation. Conclusions. The article analyzes the results of scientific research on the issues of legal regulation of financial and economic security of Ukraine. The article promotes the idea of the state financial security regulating, that is regulated by the Law of Ukraine "On the Fundamentals of Financial Security", which would contain clearly defined approaches to the formation of financial security system of the state. The authors suggest the following steps to improve this strategy: the expediency of using appropriate programs with clearly defined sources and amounts of funding, stages of implementation and assigned persons, the expansion of the list of indicators of financial security, etc. The revision and improvement of the current legal framework for regulating financial and economic security and the substantiation of new indicators of financial security that are in line with EU practice are promising for further research. To overcome corruption, institutional measures are proposed, namely: further cooperation with the anti-corruption monitoring body of the Council of Europe and the adoption of European standards in the fight against corruption. In terms of structural measures, it is necessary to simplify the structure and reduce the number of bureaucratic apparatus, as well as to actively promote digital technologies, which will reduce the time for resolving any economic and bureaucratic issues and reduce the corruption component.

**Keywords:** experience of legal regulation of market economy, legal mechanism, strategy of financial and economic security, economic methods.

### Introduction

Economic security and especially financial security in the conditions of constant emergence and development of potential technical, environmental, energy, foreign economic, pandemic threats,

etc., becomes of great importance for the existence and development of the state, the well-being of its citizens and the efficiency of economic development. Economic activities need state support and protection, that is, legislative state policy (Hetmanets, 2020). “Ultimately, state power and national security, which guarantee social stability, independence and efficiency, are determined above all by the level of protection of the economy against financial threats” (Bandurka, 2021). In practical implementation, the term "financial and economic security" is used (Blikhar, 2021), (Balabanyts, etc., 2020).

Legal regulation of financial sphere is the regulation of social relations, and the mechanism of regulation involves legal norms, legal relations, legal responsibility, legal courage, etc. Finance is an important resource for the integrity of economic activity, and financial and legal regulation is aimed at ensuring legal order (Hetmanets, 2020).

In our opinion, solving the problem of state intervention in the economy is an urgent task in the system of legal regulation of financial and economic security. Therefore, it is necessary to strive for a reasonable combination of public administration and regulation simultaneously with the autonomy of business entities and their self-regulation (Danylova, 2020). In this context, states should not only focus on the self-regulation processes inherent in market relations. It should solve exactly those economic problems that cannot be solved by the market mechanism or that are not solved efficiently enough.

We believe that these problems can be solved by developing a unified national strategy for financial and economic security, amending existing legislation to address existing gaps and conflicts, and aligning these program documents with the strategic direction and fundamental principles of socio-economic development. We believe it is possible to do this. In practice, this means amending and elaborating the Ukrainian economic security strategy on the period till 2025 year, as confirmed by the Presidential Decree of Ukraine No. 347/2021 of August 11, 2021. This strategy should be supported by a relevant program with clearly defined sources and amounts of funding, stages of project implementation and responsible persons. It is obvious that this work should be based not only on the study of foreign experience in the legal regulation of financial and economic security, but also on the latest domestic scientific and practical research in this area. The aim of the study is to highlight the issues of legal regulation of financial and economic security in the context of current challenges and threats to the sovereignty of Ukraine and to illustrate the principles of ensuring the long-term financial stability of the national economy.

**Methodology.** The study is divided into three main components: a systematic analysis aimed at identifying the object and subject matter of the study; generalizations and conclusions regarding the prospects for legal regulation of financial and economic security; a presentation of national financial and economic security mechanisms; and a demonstration of measures to enhance them through legal regulation. All these three components of this study are the basis of the development and stability of the financial security of Ukraine. The study of these indicators helps to analyze the entire system for its modernization and the achievement of financial and legal security at the EU level.

**Theoretical framework.** The problem of the research is in the system of ensuring the quality of the economic security of the state, therefore it is relevant in the scientific discourse. A whole cohort of scientists and economists was engaged in the search for methods and ways of solving these problems in the system of restoring the stable development of the economy. It is worth highlighting: A. Balabanyts, O. Bandurka, V. Bilous, O. Burbelo and others (Balabanyts, 2020; Bandurka, 2021; Bilous, 2021; Blikhar, 2021; Bryhynets, 2021; Burbelo, 2020; Danylova, 2020; Iershova, 2021; Hetmanets 2021;) dealt with this problem in the context of managing financial and economic security of the state and searching for ways to prevent external and internal threats. The current legislation of Ukraine, namely the Law of Ukraine "On National Security of Ukraine" No. 2469-VIII dated June 21, 2018 (as amended on October 24, 2020) and National Security Strategy of

Ukraine "Human Security - State Security" as amended by the Decree of the President of Ukraine No. 392/2020 dated September 14, 2020 defines the main real and potential threats to national security of Ukraine at the current stage, including threats in economic sphere of the law. As noted by some researchers (Bilous, 2021), these documents analyze threats to economic security only within the framework of national security and do not systematize these threats by individual components of a nation's economic security. Based on a generalization of theoretical approaches to the definition of the concepts of "economic security" and "financial security" the essence of the complex concepts of "financial security" and "economic security" is revealed. The issues addressed in this paper require further research and recommendations on the issues set forth.

**Results and discussion.** Current proposals for improving legal regulation of financial and economic security in Ukraine are presented in the works of O. Hetmanets (2020, 2021), V. Bilous (2021) and O. Bryhynets (2021). In his work, O. Bandurka writes that complex socio-political and military situation in Ukraine is accompanied by an increase in the number of threats to economic security (Bandurka, 2021). In current legislation of Ukraine, the Law of Ukraine "On National Security of Ukraine" No. 2469-VIII dated June 21, 2018 (as amended on October 24, 2020) and National Security Strategy of Ukraine "Human Security - State Security" as amended by the Decree of the President of Ukraine No. 392/2020 dated September 14, 2020 are the basic laws in the field of national security. The main goal of the National Security Strategy is to ensure a high level of national national security, which guarantees the constant and stable development of Ukraine, competitiveness in the world. There are internal and external threats to economic security.

In the work of N. Iershova, O. Kryvytska and Yu. Kravchuk, the researchers conclude that the Law of Ukraine "On the Fundamentals of Financial Security" should be the main law regulating state financial security (Iershova, 2021). In the study of O. Hetmanets, it is noted that increasing the level of financial security of the administration itself is not enough, it is also necessary to take measures to prevent, stop financial and economic crimes (Hetmanets, 2021). For example, Zh. Zhang and J. Wang point out in their article that our country still lacks a clearly defined stability of ensuring the financial and legal regulation of the state budget, and in order to bring financial and legal aspect of the state budget into compliance with the requirements of modern development of Ukraine, it is necessary to make a number of changes to the State Budget Code (Zhang, 2019).

O. Burbelo's research systematically analyzes the state and development of national security system, taking into account international experience and the prospects of Ukraine's European choice. The relevance of this study is determined by the analysis of the period from the declaration of independence of Ukraine to the present, demonstrating the dynamics, changing priorities, the main goals that our state sets for itself in strengthening national security. The work also analyzes regulatory and legal aspects of state policy regarding the implementation of measures of environmental security, information security, ethnopolitical security, legal foundations of foreign policy on national security issues, ways to improve regulatory and legal framework of state policy in the field of national security (Burbelo, 2020).

In the article by O. Hetmanets "Financial and legal regulation of economic security", it is noted that today in Ukraine there is no regulatory and legal provision of financial security at all levels of the economy as a whole, therefore there is a need to develop and implement a law that will ensure the basic principles of countering threats in financial sector, expand the powers of the state to counter, which will lead to the prevention and elimination of threats in financial system (Hetmanets, 2020).

In his subsequent works, O. Hetmanets points out that ensuring the protection of financial system of the state in the conditions of existing internal and external threats requires the systematization of current legal acts on financial security through official incorporation (Hetmanets, 2021). As a result, official version of systematized legislation will create the basis for constant monitoring of economic and financial stabilization of the state, provide a reasonable assessment of financial situation and promote transparent financial policy. The existing system of regulatory and legal provision of tax

security in Ukraine is to some extent formed, but current legislative acts are not involved in specific mechanism of tax security of our state, for example, in current strategies or programs of social and economic development of the state, there is a lack of information about the results of their implementation (Bryhynets, 2021). Based on the analysis of foreign and domestic legislation in the field of state regulation of financial security, it is possible to propose conceptual directions for increasing the level of legal regulation in order to improve the life of Ukrainian society (Corruption perceptions index, 2020).

Zh. Zhang and J. Wang cite the example of Singapore, which has achieved unprecedented success in economic development due to the fact that the slogan: "The most important thing is to have a moral, impeccable central government" is the defining principle of this country's development. If the people in power don't set an example of high moral standards that are implemented at lower levels of power, it's hard to get anything done. The authors draw attention to the need to develop mechanisms to counteract the offshore practice of minimizing corporate income tax (Zhang, 2019). For example, in 2016, exports of goods from Ukraine to offshore jurisdictions and countries that allow the use of organizational and legal norms (ORNs) not subject to income tax (corporate income tax) amounted to US\$24 billion and exports of services to US\$5.6 billion. Exports represent an important part of the structure of export operations, accounting for 67% and 56% of exports of goods and services, respectively. At the same time, exports of goods through indirect contracts amounted to US\$20 billion, representing 83% of the value of exports to these countries.

Today, there is almost no relationship between the goals of the development of financial security system of the state and its socio-economic priorities. The current concept of national security in financial sphere is outdated and does not meet modern challenges and requirements that are put forward.

Thus, the study of the state of the problem of improving the mechanisms for countering threats to financial stability based of effective legal regulation shows that many scientists in Ukraine identify the main challenges and threats in the field of financial security. In our opinion, it is necessary to neutralize the influence of oligarchs on the law-making activity of the highest authorities of Ukraine; strengthen anti-corruption actions of law enforcement agencies (following the example of Singapore), etc.

According to the data of the international organization Transparency International, which publishes the Corruption Perceptions Index (CPI) of 180 countries of the world, in 2019, Ukraine took 126th place in this rating (Corruption perceptions index, 2019). In 2020, Ukraine moved to 117th place (Corruption perceptions index (CPI), 2020). At the beginning of 2019, Transparency International provided Ukraine with 12 recommendations that can improve the CPI rating in Ukraine. Thus, the organization noted that in order to increase its rating, Ukraine should form an independent and professional judicial system, etc. As of the end of 2019, our state has implemented (or partially implemented) only 6 of these recommendations. That is why the relevance of this topic at the current stage of the development of Ukraine is undeniable.

The year 2021 in Ukraine was colored by a series of events that attested to the strengthening of the fight against corruption and the improvement of financial and economic security legal regulations. Thus, the Law of Ukraine of January 28, 2021 "On the Economic Security Service of Ukraine" No. 1150-IX entered into force on March 25, 2021. The Bureau of Economic Security (BES) will be the new state agency in charge of combating economic crime; the BES will have powers equivalent to those of the Security Service and the Ukrainian Tax Police (State Fiscal Service). By order of November 24, 2021, the Cabinet of Ministers authorized the activities of the BES.

In order to ensure transparency and public control over the activities of the Economic Security Service of Ukraine, it is a favorable fact that, in accordance with Article 34 (paragraph 1), a 15-member Public Oversight Council is established on the basis of an open and transparent competition through online voting by the Ukrainian people in our opinion, the adoption of the Ukrainian Economic Security Strategy for the period until 2025, approved by Ukrainian Presidential Decree No. 347/2021

dated August 11, 2021, is another important event in the legislative process. Ukraine's Economic Security Strategy defines the ways to achieve the goals in the sphere of economic security and to implement the priorities of the national interest. To ensure the national interest, it is necessary to develop and implement a strategic policy in the sphere of economic security.

Challenges related to Russia's armed aggression play an important role in state security. The destruction of Ukrainian economy is a deliberate and purposeful action of the aggressor state and one of the methods of hybrid war. Economic instruments of influence, sanctions against Ukrainian goods and the use of influence on other states in order to force them to make decisions that contradict the main national interests of Ukraine are widely used.

The purpose of the Strategy is to define a strategic course in the field of economic security, aimed at implementing the Strategy of National Security of Ukraine "Human Security - State Security", approved by the Decree of the President of Ukraine No. 392 dated September 14, 2020. Current data on financial security for 2020-2021 are given in the Table 1.

**Table 1.** Financial Security Indicators

№	Index Name	Year		Critical Border	Target Value
		2020	2021		
1.	Ratio of state budget deficit to GDP, %	1.75	2.1	3	2-3
2.	Ratio of public debt and guaranteed public debt to GDP, %	60.5	50.5	60	50
3.	Gross external debt, % of GDP	89.6	77.2	70	40
4.	Change in the exchange rate of the hryvnia against the US dollar (average value for the period) compared to the previous year, %	105.3	96.7	90-130	96-104
5.	Ukraine's Gross International Reserves, months of import	3.5	4.6	3	5
6.	Share of long-term loans in total loans, %	21.5	24.04	25	60
7.	Share of non-performing loans, %	53.75	46.36	60	10

Source: Appendix to the Strategy of Economic Security of Ukraine for the period until 2025, approved by the Decree of the President of Ukraine No. 347/2021 dated August 11, 2021

In particular, Ukraine's "Law on the State Budget of Ukraine for 2020" approved a limit for the state budget deficit of UAH 94.3 billion. However, amendments to the Law, adopted in April 2020, raised the deficit limit to 298.4 billion UAH in order to balance budget indicators. At the same time, the amendments temporarily suspended (until January 1, 2021) the provisions of Ukraine's Budget Law that set the ceiling for the state budget deficit at 3.0% of GDP. In fact, the state budget for 2020 is a deficit of 217.1 billion UAH, which corresponds to 5.2% of GDP; the 2021 state budget approved by the Verkhovna Assembly on December 15, 2020, projects a deficit of 5.5% of GDP (Bandurka, 2021). The issue of placing the indicator "level of the shadow economy" in the section of macroeconomic security is relevant. According to the study of the International Association of Chartered Certified Accountants (IACCA) on the state and forecast of the development of the global shadow economy, Ukraine took the third place in the shadow economy, with a share of the shadow economy of UAH 1,085.31 million or 46.36% of GDP in 2016 to UAH 2,384.28 million (Iershova, 2021).

The greatly reduced list of target indicators for improving Ukraine's financial security and the absence of indicators such as the level of monetization of the economy, the ratio of international debt to GDP, the level of lending to the real sector of the economy, the ratio of lending to GDP, and total exports of financial resources to the rest of the country in billions of dollars, raise many

objections. It is clear that the Ukrainian Strategy for Economic Security until 2025 only partially solves the problem of strengthening the financial and economic security of our country. Moreover, there are other legal efforts of the state authorities in this direction. For example, on August 5, 2021, Law of Ukraine No. 1587-IX of June 30, 2021 "On Amendments to the Legislative Acts of Ukraine on Improvement of Organization of Corporate Governance in Banks" came into force. This law regulates regulatory activities of national banks, and brings Ukrainian legislation into compliance with EU standards on the organization of corporate governance and risk management in banks. September 10, 2021. The Ministry of Justice of Ukraine adopted Regulation No.3201/5 "On Approval of Regulations on Financial Supervision by Primary Financial Supervisory Bodies Regulated and Managed by the Ministry of Justice of Ukraine". The Regulation, which will enter into force on September 25, 2021, prescribes the procedure for notaries to carry out due diligence measures subject to primary financial monitoring and contains a list of information to be filled in the questionnaire to be formed as a result of the legal examination.

Changes in regulatory environment that occurred in the first half of 2021 and recommendations for further ensuring financial stability are provided in the Report on Financial Stability (Blikhar, 2021).

**Scientific novelty.** The results of our research will contribute to the improvement of the mechanisms of financial and economic security of the state and substantiate the measures to strengthen it by legal regulation methods. Namely: methods of state influence on entrepreneurship, economic infrastructure in order to improve the conditions of their functioning according to the directions of state economic policy. According to the means of influence, legal, advertising and administrative methods can be distinguished. It is also possible to determine the influence of direct and indirect methods that act directly on the functioning of the market and regulate the market indirectly, through the creation of an economic environment.

**Conclusions.** The study substantiates the main priorities of economic security, since this integral component is a significant part of national security, which in modern conditions is under the influence of many threats. A thorough analysis of scientific views on the key components in the field of economic security of the state is provided, as well as special attention is paid to the formation of the concept of economic security in the present. Clearly, ensuring long-term financial stability in Ukraine requires a coordinated effort by all financial market participants, including national banks, banks, non-bank financial institutions, other market regulators, and effective support from state authorities. This paper analyzes the results of scientific research on the issue of legal regulation of financial and economic security in Ukraine. It supports the idea of ensuring the financial security of the state, which is regulated and supported by Ukraine's Law on the Fundamentals of Financial Security. This law should include a clearly defined approach to the formation of a national financial security system. Positive changes in the regulatory environment of Ukraine's financial and economic sectors are studied, i.e., the development of Ukraine's economic security, the development of Ukraine's economic security strategy until 2025. Steps to improve the strategy are suggested, i.e., use of appropriate programs with clearly defined sources and amounts of funding, implementation stages and personnel in charge, expansion of the list of indicators of financial support, etc. The revision and improvement of the current legal framework in the field of regulation of financial and economic security and the substantiation of new indicators of the level of financial security that correspond to EU practice are prospective for further research. To overcome corruption, institutional measures, namely: further cooperation with the body of the Council of Europe on anti-corruption monitoring and borrowing European standards in the fight against corruption, are proposed. As for structural measures, it is necessary to simplify the structure and reduce the number of bureaucratic apparatus, as well as actively spread digital technologies, which will lead to a reduction in the time to solve any economic and bureaucratic issues and reduce the corruption component. Today, the relevance of research is growing, ensuring financial security has become a vitally necessary paradigm. In the future, this research can be used in the restoration of

the country, ensuring its financial and legal development. With a sufficiently developed financial system, the state becomes invincible, because the economy and finances are a fundamental component of our victory.

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### Conflict of Interest

None.

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## МЕТОДИ ТА МЕХАНІЗМИ ЗАБЕЗПЕЧЕННЯ ФІНАНСОВО-ЕКОНОМІЧНОЇ БЕЗПЕКИ УКРАЇНИ

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**Анотація.** Проблематика правового регулювання фінансово-економічної безпеки України є надзвичайно актуальною. На нашу думку, найбільш складною проблемою в системі правового регулювання фінансово-економічної безпеки є питання державного втручання в економіку. Теоретична база дослідження ґрунтується на аналізі праць науковців і національному потенціалі. Авторами підтримується необхідність уникнення впливу держави на економічні процеси. Актуальність. Метою дослідження є висвітлення проблем правового регулювання фінансово-економічної безпеки в контексті сучасних викликів та загроз суверенітету України і обґрунтування засад забезпечення довгострокової фінансової стабільності національної економіки. Наукова новизна. Результати дослідження спрямовані на вдосконалення механізмів фінансово-економічної безпеки держави шляхом обґрунтування заходів щодо їх посилення методами правового регулювання. Висновки. В дослідженні підтримується ідея регулювання фінансової безпеки держави, яка має унормовуватися законом України «Про основи фінансової безпеки», де б містилися чітко визначені підходи до формування системи фінансової безпеки держави. Пропонуються кроки щодо вдосконалення цієї стратегії, а саме: доцільність використання відповідних програм з чітко визначеними джерелами та обсягами фінансування, етапами реалізації та закріпленими особами, розширенням переліку показників фінансового забезпечення тощо. Перспективними для подальших досліджень є перегляд та вдосконалення чинної нормативно-правової бази у сфері регулювання фінансово-економічної безпеки та обґрунтування нових показників рівня фінансової безпеки, які відповідають практиці ЄС. Для подолання корупції пропонуються інституційні заходи, а саме: подальша співпраця з органом Ради Європи з антикорупційного моніторингу та запозичення європейських стандартів в боротьбі з корупцією. Щодо структурних заходів, необхідно спростити структуру та скоротити кількість бюрократичного апарату, а також активно поширювати цифрові технології, що приведе до скорочення часу на вирішення будь-яких економічних та бюрократичних питань і зменшить корупційну складову.

**Ключові слова:** досвід правового регулювання ринкової економіки, правовий механізм, стратегія фінансово-економічної безпеки, економічні методи.