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NATIONAL ECONOMIC SECURITY: AN ECONOMIC AND LEGAL FRAMEWORK FOR ENSURING IN THE CONDITIONS OF THE EUROPEAN INTEGRATION

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Abstract. The purpose of this article is to characterize legal and economic basis for ensuring national economic security in the conditions of Ukraine's entry into a common European economic and political space. This article analyses approaches to the understanding of economic security in the meaning of legal regulation and explores its interrelation with national security. The context of legal regulation, which is directly related to sovereignty and protection of the national interests, the possible threats affecting the state of national economic performance are distinguished. It is noted that the problems of domestic economic development of Ukraine, dynamic changes that take place within the global economic space, and increase of the extent of national economy's openness stipulate the need to study the scope of "economic security" category taking into account peculiarities of modern economic system development that will allow timely identifying the threats to national economic interests and preventing damage to the entire social and economic system. At the same time, a special attention is paid to the fact that despite different ways of the state management of the economy, many of them are implemented specifically in the legal form. The point was stressed that legal regulation of the economic system of Ukraine should be carried out in two priority areas: first was a normative codification of the adopted mechanisms that developed as a result of the natural economic influence patterned and second was the direction of economic development to achieve interests of the state and the society within the framework of the European integration. Establishment of the effective legal and regulatory framework of the economy in Ukraine is quite a reachable goal. Legal regulation of the economic area must be flexible and it must timely and optimally respond to internal and external changes that will allow enhancing substantially national economic security. Practical importance of the scientific research results lies in detailing the "economic security" concept in the context of legal regulation, which is important for the successful social and economic development of the state, and it contributes to the identification of factors hindering economic development, it facilitates development and further improvement of the legal framework governing economic area and having impact on development of an effective economic crisis exit strategy. National economic security is not just one of the most important elements of the entire national security system as a scope of the national interests' protection but it is also a basic, critically important condition for observance and implementation of national interests. In view of the stated above, scientific researches in this area are relevant and timely within the period of search for the priorities of national economic policy. Methodology. A methodological framework of the economic security research is defined by a complex of scientific cognition methods that allow us to look at this problem as a multi-aspect, interdisciplinary phenomenon. On the basis of the system-based, structural, systemic-functional, and other scientific approaches, the idea of the economic security has formed a complex systemic category covering the theoretical and practical level of economic activity.

Key words: economic security, national security, legal regulation of economic area, threats to economic security.

JEL Classification: R14, D18, P2

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1. Introduction

These days it can be said with a great probability that the greater part of the world has made three extremely important choices over the past decades: 1) democracy has been recognized as the desirable form of a political system; 2) the dominant form of the economic system is a modified free market; 3) most people realize themselves as an organic part of the global civilization that helps us better understand our moral obligation to the future. Even those countries that still formally oppose democracy and market relations are gradually moving towards this direction (Tolstoukhov, Hylko, 2001).

At the same time, all of us have become by today not just witnesses but also active participants in the implementation of drastic transformational processes aimed at building up a legal, social, and democratic state in Ukraine with a strong and stable economic basis.

Implementation of the Ukraine-EU Association Agreement stipulates for the transition to the socially oriented economy, it reasonably requires targeting actions by the state, which in addition to the general governance functions performs a range of the specific functions, including ensuring economic security. It comes as no surprise that "Ukraine-2020" Sustainable Development Strategy (2015) determines the key vectors to follow that will facilitate the solution of the tasks indicated above. Thus, the development vector provides for ensuring sustainable development of the state, implementation of structural reforms and, consequently, raising the standards of living. Ukraine should become the state with a strong economy and with advanced innovations. The security vector is aimed at ensuring security guarantees for the state, businesses, and citizens, protection of investments and private property (Decree No. 5/2015). This vein, without the economic basement, which is understood as production relations' system of the society, the state cannot normally exist, function, and develop, and this, in its turn, requires the establishment of conditions for ensuring its economic security.

In view of the noted above, **the purpose of this publication** is to clarify the subject matter and the essence of "economic security" concept as economic and legal category to facilitate search for the ways for building up such a national economic security strategy that would be aimed at the prevention of devastating development of the threats to national security, but on the other hand, it would ensure protection of the rights and fundamental freedoms of an individual and a citizen.

2. National economic security: approaches to the concept definition

First of all, it should be noted that economy is a comprehensive system of social relations formed in the area of production, distribution, consumption of

material wealth; it determines the scope of different kinds of ideological relations, forms of public conscience, political and legal institutions. The economy in many respects defines not just the policies and the system of government but also right, main lines of the government activities and its functions. It directly affects domestic and foreign policy, changing the nature of political and legal decisions. Under such circumstances, ensuring national economic security becomes the main and the determinant task. It should be noted that until the present, the scientific literature has not developed a single approach to the understanding of "economic security" concept. At the same time, within the existing circumstances, this category acquires a new meaning, it becomes more multi-aspect, which is primarily connected with the global socioeconomic and political processes such as globalization and regionalization, that is, opposed by their nature, as well as building up the information society.

Analysing the academic views on the essence and the meaning of "economic security" category, it should be noted that they are distinguished by their diversity. Thus, Bielov (2016) understands economic security as "the state of the national economy, which allows maintaining resistance to internal and external threats and is able to meet the needs of an individual, a society, and a state."

Binko and Shlemko (1997) share the same opinion defining economic security as "the state of the national economy that allows maintaining resistance to internal and external threats and is able to meet the needs of an individual, a family, a society, a state."

G.A. Pasternak-Taranushchenko (2002) also considers economic security as the state, which points up the fact that "economic security is the state of a country that provides the ability to establish and to develop the conditions for the productive life of its population, the perspectives for economic growth in the future, and growth of its residents' well-being."

At the same time, L.I. Abalkin (1994) contends that economic security is the combination of conditions and factors that ensure national economic independence, its stability and sustainability, its ability to upgrade and to improve itself on regular basis.

Mishyna (2007) considers economic security as the basis of the vital activity of the society, its socio-political and national-ethnic stability.

Muntian (1999) expresses a separate opinion related to the understanding of economic security meaning and believes that it is "a nation-wide set of the measures aimed at the continuous and sustainable development of the national economy that includes a tool to counteract internal and external threats.

American scientists expressed a special attitude to "economic security" category and believe it must meet at least two important conditions: first is preservation of economic independence of the state, its ability to take the decisions in its own interests related to development of the economy generally; second is preservation of already reached living standard of the population and potential for its further improvement (Murdoch, Knorr, Trager, 2001).

As it is noted by Chechel (2010), "under the conditions of crisis processes that can be observed currently, the tools for economic security stabilization and ensuring are multi-valued and extraordinary. Thus, the most summarized and logic characteristic of economic security must include three most important elements as follows:

- economic independence, which in current conditions means the ability of the state to exercise control over national resources, achievement of such level of production efficiency and quality of products that could ensure its competitiveness and enable equal participation in world trade;

- stability and sustainability of national economy involves protection of property in all its forms, establishment of reliable conditions and guarantees for business activity, prohibition of the factors that are capable to destabilize the situation (tough policies related to counteracting illegal takeovers, curtailment of corruption within the government, the judicial system and appropriate foreign economic policy);

- the economic progress, which provides for the establishment of a business-enabling environment for investments and innovations, continuous modernization of production, state support of strategic industries, search for new lines of activity that are necessary for national economy's sustainability and selfpreservation."

Thus, in the scientist's opinion, the scope of "economic security" concept can be disclosed through the set of conditions and factors that ensure national economic independence, its stability and sustainability, and ability to steady progress (Chechell, 2010).

At the same time, the economic literature highlights that the essence of economic security is disclosed within the system of criteria, indicators, and threshold values. However, it is noted that, first of all, it is necessary to classify the threats to economic security that refer to the factors that make it impossible or complicate substantially the process of national interests implementation, representing the threat to livelihoods of the nation, its socioeconomic and political systems. Therefore, taking due account of the economic development peculiarities, identification of the current challenges and threats and their elimination must be the priority elements for the national economic policy.

We tend to believe that national economic security is a process of ensuring sustainable and safe economic system development where the economy is capable of completing the following tasks:

- to ensure national economic independence, national economic sovereignty, its energy independence;

- to satisfy effectively material needs of an individual, a society, and a country;

- to support the required level of social and political stability of the society;

- establishment of conditions for the harmonious development of the system of economic relations;

- to protect effectively domestic and foreign markets;

- to protect all forms of ownership;

- to ensure national economic sustainability in the conditions of unforeseeable breach of international economic relations;

- to ensure sustainability of the economy about natural and man-made emergencies, as well as armed conflicts of a different level;

- elimination of criminal structures' impact on the economy, etc.

Analysing economic security as a scientific category, Kuziomko (2010) draws his attention to the fact that currently two main general-methodological approaches have been formed within the academic community, from which the said category is considered, they are static and activity approaches. At the same time, the scientist proves that "both approaches (static and activity) can be considered not an alternative, but complementary ones that from different perspectives consider the essence of the "security" category. Nevertheless, economic security should be considered as one of the types of security that is specific to the economic systems. It can be considered at micro and macro levels. In the first instance, it is referred to national economic security (as one of the types of national security); in the second instance, it is referred to security of industries and regions; in the third instance, it is referred to security of certain economic entities and individuals that enter into economic relations."

Thus, we can state that the analysis of some definitions of "economic security" concept permits us to finalize that this category is characterized by a complicated internal structure. The general disadvantage of all these approaches is the lack of a comprehensive approach to the entire set of the interrelated elements of economic security. In fact, economic security is not just the state of national interests' protection but also the readiness and the ability of government institutions to set up tools for the implementation and protection of the national interests and protection, development of the domestic economy, support for the socio-political stability of the society.

3. The relationship between national and economic security

National economic security is one of the most important components of national security. It plays a crucial role in ensuring economic development, in support of the sustainable economic development, implementation of the effective social policies,

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protection of the society from environmental disasters, maintaining the proper level of competitiveness in the conditions of international economic interdependence. In other words, economic security is meant to protect national interests of the state.

Over the last years, the traditional approach to the development of national security focused on national interests, political sovereignty, and territorial integrity undergoes significant transformations, which are primarily connected with radical changes within the system of threats and methods of destructive influence.

The "economic security" concept is developed on the background of the threats to national security connected with the economy. Transformation of the Ukrainian economy is lengthened in time and in recent years the economic crisis has been in progress. Under such conditions, the contradictions become pointed that exist in economic relations, and new threats emerge to national security. Economic security as a foundation of national security becomes of paramount importance.

Peandiura (2005) points out that national economic security is not just one of the most important components of the entire national security system as complex for national interests' protection but it is also a crucial condition for the observance and implementation of national interests.

These days, national security has become an extremely relevant issue since the fate of Ukraine, social and economic welfare of the citizens, formation of their national identity and respect for their state will depend on its resolution, thus it is necessary to take into account the mistakes made in the course of the economic reforms implementation that led to destructive processes in the economy and in the minds of people.

Our emphasis specifically on "national security" concept in this particular part of the research is based on the fundamental provision stating that economic security, which is the subject of the research, is relevant to national security as per a "part/whole" scheme. Along with this, the economic aspect of national security is its integral part. Thus, economic security can neither exist beyond overall national security nor national security will be comprehensive if it is deprived of its economic vectors.

In general, "national security" concept has many of determinations and aspects that are different particularly in the corresponding standpoints, from which this issue is addressed.

National security is a complex inseparable system developed on its own and, therefore, it consists of a number of the subsystems (elements) with the corresponding clear interrelations both within the system and with its surrounding elements that in their entirety generate a new quality. Among other specific features of the system indicated above, we should place an emphasis on the appropriate structure, the systemic unity and integrity, the general objective, the relative independence of each other element of the system with the mandatory performance of the functions required for the existence of the entire system.

Thus, Honcharenko, Lysytsyn (2001) point out that previously this category was of abstracted nature to some extent, but currently, it was being used in the state administration practiced. In addition, quantification methodologies to assess the national security state have been developed and used. According to the methodologies above, the national security state is characterized by a numeric value that belongs to a segment from zero (the lowest level of the state of the national security, that is, its worst state) to one (the highest level of the state of the national security, that is, its best state). Therefore, they propose to define national security as the degree (measure, level) of protection of vital interests, rights, and freedoms of individuals, societies, and countries from internal and external threats or the degree (measure, level) or absence of the threats to human rights and freedoms, basic interests and values of the society and the country.

In their turn, Danilian, Dzioban, Panov (2002) represent national security concept as the state for the protection of vital interests of an individual, a society, and a country, the mankind in whole from internal and external threats. The definition above became a classic one in fact and it was used by the legislature in the Law of Ukraine "On the Fundamentals of National Security of Ukraine" (2003) where it was stated that national security was "protection of vital interests of an individual, a citizen, a society, and a country where sustainable development of the society, timely detection, prevention and elimination of the real and potential threats to the national interests in the area of law enforcement activity, fight against corruption, border guard activity and defence, migration policy, healthcare, childcare, education and science, scientific and technical and innovation policy, cultural development of the population, ensuring the right to free speech and information security, social policy and pension provision, housing and utilities, financial services market, protection of property rights, stock markets and securities turnover, fiscal and customs policies, trade and business, banking market, investment policy, audit activities, monetary and foreign exchange policy, information security, licensing, industry and agriculture, transport and communication, information technology, energy and energy saving, natural monopolies functioning, utilization of mineral resources and water resources, ecological and environmental protection and other areas of public administration when negative trends emerge as to evolution of potential or real threats to national interests are ensured."

Aswith "economic security" category, "national security" category has a variety of the specific approaches to its definition. Thus, the "state of protection (safeguarding)" specification when determining the "national security"

concept is the most widespread. Nevertheless, more and more researchers point out that the definition above was formed in the days when "security" had a specific expression, mainly in the speeches and it was measured by their state. The state of things (material values) and their properties were clearly defined, they did not change for the most part, but the change predetermined a new steady state (Hurkovsky, 2004).

The specification indicated above has been equally criticized because it reflects the security knowledge paradigm that existed in Soviet times when the priority was given to protection against prevention.

Nowadays, elucidation of just one side of protection when determining security is considered incomplete. In light of the fact that in the course of this approach such important functions of security as preventive actions are de-emphasized and dropped of the equation: narrowing, relaxing, eliminating and prevention of dangers and threats. Yarochkin (2000), in particular, draws his attention to this circumstance.

Some researchers speak both about the immanent nature of the threats and their creative and constructive role in the development of the object. In particular, such a viewpoint is represented in the work of Lipkan (2003) "Security Knowledge".

Thus, national security is considered as an integrative set of different areas of life of the society and one of them is the economic area.

Even within the framework of the approach, we outlined above, we can single out two rather independent existence areas of national security concept and its economic component.

First, it is a theoretical sphere of national security, which considers the problem above through the lens of understanding of the content and the essence, the definition of its place within the system of government activities.

Second, it is a practical sphere of national security, to which we refer a legal framework of the activity of the state aimed at the protection of national security and establishment of the appropriate effective tools for this protection.

4. Legal regulation of the economy is the basis to ensure economic security

Favourable development of the economy and, consequently, ensuring of economic security are rather problematic without the improvement of legal regulation of the economy, entrepreneurial activity. Using the experience of the implementation of the reforms in the nineties of the 20th century within the states that became the EU members, we can conclude that the economic reform cannot be effective without the government intervention of the certain extent in the economic processes. In this regard, we can see a significant collection of the legislative acts in this area, the range of the economic measures taken by the state, for example, privatization of state and community property, land reform, etc. With the help of legal regulation, taxes, public procurements, administrative controls of various types, the state should have a diversified effect on the economic processes.

The system of legal and regulatory environment for the area of economic activity includes a significant list of laws, decrees of the President of Ukraine, resolutions of the Cabinet of Ministers of Ukraine, and other regulations, provisions of which can be sorted out as follows: principles defining the basis of social relations protected by law enforcement system and the basis of this system's organization and functioning, regulatory provisions that codify the procedure for social relations that are subject to protection; provisions that are implemented as a result of the law enforcement activity through enforcement of law; provisions determining the structure (organization) of the lawenforcement system and its offices and regulating the operating procedures.

Every regulatory legal act may contain separate articles relating to other groups of provisions (for example, some constitutional principles are repeated largely in all codes) and there are also such acts that have holistic character Code of Ukraine on Administrative Offenses (1984).

Section VII of the Criminal Code of Ukraine (2001) stipulates criminal responsibility for unlawful acts in the area of economic activity. The Code contains the sections establishing the responsibility for crimes against property (Section VI), crimes in the area of official activities and professional activities related to the provision of public services (Section XVII).

The Code of Ukraine on Administrative Offenses (1984) contains chapters that stipulate responsibility for administrative offenses in the area of finance and business (Chapter 12), protection of property (Chapter 6).

The Civil Code of Ukraine (2003), along with the other laws adopted according to it, is the main source of civil law in Ukraine. The first book of the Civil Code contains fundamental rules of civil law, basic definitions of civil law, regulations for agreements, representation, limitation of actions, the right of property, etc.

However, the economic offenses occurring under the cover of civil law provisions demonstrated the lack of completeness in the law of a number of classic civil law institutions. These institutions may include invalidity of agreements, incorporation, reorganization, and liquidation of legal entities, assignment of claim and transfer of debt, pledge, etc., that necessitate a range of the systemic amendments to be made in the Civil Code.

A special attention should be paid to the structure of the tax law. The Tax Code of Ukraine (2010) contains provisions relating to the tax offenses and the responsibility for their commission (Chapter 11).

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Recently in practical terms none of the regulatory legal acts that characterize the socio-economic and political situation in Ukraine have been handled without the reference to the need of fight against corruption. Until recently, fight against corruption has been ineffective. However, although that recently the state has been taking measures to increase the effectiveness of the fight against corruption, this phenomenon impedes the normal functioning of different government mechanisms, and it hampers economic growth of the state. This is the factor that breeds up concern and distrust of the public in public institutions. In this regard, particularly relevant is the Law of Ukraine "On Prevention of Corruption" (2014), which codifies the keystones of counteracting corruption, legal and organizational principles for the prevention of corruption and fight against corruption, minimization, and elimination of the consequences of corruption-related offenses.

By the Resolution of the Cabinet of Ministers of Ukraine, the Communications Strategy in the Area of Prevention and Counteraction of Corruption (2017) was approved, which provided for the establishment, functioning, and development of the specialized information and methodological resource on the issues of anti-corruption requirements implementation. A special attention is given to work on prevention of corruption in organizations established to perform the tasks of the government authorities, educational and awareness-raising activities for the citizens are provided for around the requirements of the anti-corruption legislation.

Protective, regulatory, and direct effect measures that are applied by the state should be aimed at the support of the qualitative state of economic relations through the suspension and limitation of negative phenomena development within the economy. The above measures should come with the appropriate mechanisms for their application. Economic security should not be ensured by one authority, but it should be supported by the whole of government authorities system, all branches, and structures of the economy. Regulatory influence of the state should be aimed at the gradual reduction of the state's impact on the economy (as the opportunities and the conditions are established for setting up a relatively independent protection system by the economic entities).

Detailing, which means more detailed regulation of economic processes, is a general trend of the legislation developed in the area of economic activity. At the same time, the quality of legislation specifically is one of the essential conditions for the dynamic and progressive development of the economy.

One of the important features of the state activity is the circumstance that the requirement to increase the efficiency of legal support of the economy is embodied within "Ukraine-2020" Sustainable Development Strategy (2015), in a range of the regulatory documents that result from it. It is emphasized in the Strategy that successful reforming of the economy and social area involves the establishment of effective interaction tools between the society, the business, and the state that are aimed at the coordination of all parties' efforts, ensuring consideration of interests of various social groups of the society and the business in the course of development and implementation of socio-economic policy.

We can't fail to agree that reflection of real threats to economic security requires highly qualified and effective political and economic actions, the need to change social-psychological attitudes that are present in the society. This grounded viewpoint is supported primarily by the European experience, examples of the Baltic States that managed to overcome aggressive influence of Russia, as well as to find the effective manner in search for the way of economic development, to raise the economic indicators to the optimal level due to the European integration and accession to NATO membership.

However, the problems related to the internal threats to national economic security deserve special attention. In the National Security Strategy of Ukraine, approved by Decree of the President of Ukraine (2015), a high priority is given to all types of national security, including the economic one. The Strategy outlines such types of unlawful activities where information, communication, and other high technologies are used. A special position in the Strategy holds the provision, which stipulates that the main subject of economic reform is the establishment of conditions to overcome poverty and excessive gap between the rich and the poor in the society, approximation of social standards to the level of Central and Eastern European states being the EU Member States, achievement of the economic criteria required for Ukraine to become a member of the EU.

The National Security Strategy of Ukraine (2015) defines the priority lines for ensuring national security in the economy for long-term perspective (this includes upgrading of energy security level). Internal and external threats are the result of insufficient and imperfect legal support for the national economy.

Contextually the National Security Strategy of Ukraine (2015) contains a number of the factors that affect development of the certain threats to economic security: irregularity of financial institutions formed in the country, state of the stock market, inconsistency between the domestic tax policy and the EU, efficiency level of the state financial control arrangement, regulation of financial system; unevenness of small businesses regional development, which contributes to further economic lag of the regions; deficient legal regulation of foreign investors' participation in the securities market, etc.

Legal regulation of foreign investors participating in the securities market of Ukraine is carried out on the basis of the following laws: "On Foreign Investment Environment" (1996); "On Securities and Stock Market" (2006); "On State Regulation of Securities Market" (1996), and other regulatory acts. They determine the procedure of foreign investments entrance into the securities market. Participation of investors in the projects of national and governmentwide levels makes an effective impact, especially on innovative economy branches development. In view of this, legal regulation of these social relations takes on greater importance.

One of the most important lines of the state's activities in the area of economic life is remedial action in the wake of escalation of armed aggression of the Russian Federation against Ukraine that has had a significant impact on the government processes. Armed aggression has determined largely further lines of the country's development. With a view to overcoming adverse consequences of armed aggression, to eliminate the greatest threats in the area of economic security, to stabilize socio-economic development, it is necessary to implement a set of specially adjusted measures by the government authorities in ensuring proper and favourable conditions for the economic growth of the state. An important condition for the effective solution of the assigned tasks is well-coordinated and well-organized work of the government authorities, which is based on the certain program of powers, strict compliance with the principles of European financial and fiscal legislation.

5. Conclusions

Ukraine along with the implementation of the recovery from acute economic crisis policy should define a new, scientifically grounded economic security strategy. It is about mainstreaming the government support for the economic dynamic development of all business entities, ensuring the guaranteed protection of national interests, implementation of socially-oriented policy.

Negligence of economic security can lead to disastrous consequences: economic decline, businesses bankruptcy, and undermining of the life support system of the nation with further loss of sovereignty.

At the same time, despite different ways of government regulation of the economy, a large portion of them are implemented specifically in the legal form. The point should be stressed that legal regulation of the economic system of Ukraine must be carried out in two priority areas: first is a normative codification of the adopted mechanisms that develop as a result of the economic influence patterns and second is the direction of economic development to achieve the interests of the state and the society within the framework of the European integration. Establishment of the effective legal and regulatory framework of the economy in Ukraine is quite a reachable goal. Legal regulation of the economic area must be flexible and it must timely and optimally respond to internal and external changes that will allow enhancing substantially national economic security.

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