



Scientific Center of Innovative Research OÜ

**PUBLIC ADMINISTRATION  
AND LAW REVIEW  
(PALR)**

**Issue 3 (15)**

**2023**

**International databases and directories indexing publications:**

- [CrossRef \(DOI: 10.36690\)](#);
- [ISSN International Centre](#);
- [Google Scholar](#);
- [National Library of Estonia](#);
- [The ESTER e-catalog](#);
- [PKP-Index](#);
- [Eurasian Scientific Journal Index](#);
- [Academic Recourse Index \(ResearchBib\)](#);
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*Public Administration and Law Review*. DOI: 10.36690/2674-5216-2023-3

The second issue contains articles by scientists from different countries, prepared on the basis of their scientific work. It is designed for university teachers, graduate students, undergraduates, practitioners in Public Administration, Law and Psychology.

**Publication frequency:** quarterly (March, June, September, December)

**Languages of edition:** English

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## CHAPTER 2

### LEGAL RELATIONS: FROM THEORY TO PRACTICE

#### IMPLEMENTATION OF INTERNATIONAL EXPERIENCE OF LEGAL REGULATION AND STATE MANAGEMENT OF ENSURING THE ECONOMIC SECURITY OF THE STATE IN UKRAINE

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#### **Citation:**

Mihus, I., & Greben, S. (2023). Implementation of international experience of legal regulation and state management of ensuring the economic security of the state in Ukraine. *Public Administration and Law Review*, (3), 49–59. <https://doi.org/10.36690/2674-5216-2023-3-49-59>

**Received: August 21, 2023**

**Approved: September 24, 2023**

**Published: September 28, 2023**



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**Abstract.** In modern conditions, the problem of implementing the international experience of public administration and legal regulation to ensure the economic security of the state is extremely acute, since in many spheres of social life we use the experience of the countries of the world without taking into account the peculiarities of the implementing country. The purpose of the article is to provide recommendations for Implementation of international experience of legal regulation and state management of ensuring the economic security of the state in Ukraine. The basis of the research methodology is the study of legal acts of the countries of the European Union, the United States of America, Japan, China and others in the context of ensuring economic security. The main methods that were used are the method of analysis and synthesis, comparative analysis, generalization and visualization. The main systems and models of national security of the countries of the world were systematized. Studying the international experience of public administration in ensuring the economic security of the state made it possible to single out their common (all the studied countries take care to minimize risks in important areas of public life) and distinctive (not all states have separate legal acts regulating the process of public administration in the sphere economic security) features, to analyze the peculiarities of the state management mechanism for ensuring the economic security of America, Europe and Asia. The main threats that negatively affect the economic security of Ukraine were systematized. The main areas of ensuring economic security have been systematized in accordance with the adopted "National Security Strategy of Ukraine" and the results of the analysis of the legislation of the leading countries of the world. The obtained research results should be used to improve the state management mechanism for ensuring economic security in Ukraine.

**Keywords:** economic security; economic security of the state; implementation; models of national security; threats.

**JEL Classification:** H19, H56, K33

**Formulas:** 0; **fig. 2;** **tabl. 0;** **bibl. 21**

**Introduction.** In the current conditions of market transformations, it is important for any country in the world to ensure the economic security of the country. That is, the protection of its national interests from encroachments by other states and the negative impact of internal and external factors. The problem of implementing the international experience of public administration in ensuring the economic security of the state is extremely acute, since in many spheres of public life we use the experience of the countries of the world without taking into account the peculiarities of our country.

**Literature review.** For many years, such scientists as E. Buchwald, Z. Gbur, I. Dragan, V. Yedynak, M. Yermoshenko, N. Kukharska, Y. Koval, S. Lazarenko, S. Pyrozhkov, N. Prytula, I. Mihus, H. Sytnyk, N. Slovatska have been actively engaged in the study of international experience of public administration in the field of economic security.

However, consideration of the implementation of international experience of public administration of ensuring the economic security of the state in Ukraine has not been sufficiently covered in the domestic scientific literature. This is what led to the relevance of this study.

**Aims.** The purpose of the article is to provide recommendations for Implementation of international experience of legal regulation and state management of ensuring the economic security of the state in Ukraine.

**Methodology.** The basis of the research methodology is the study of legal acts of the countries of the European Union, the United States of America, Japan, China and others in the context of ensuring economic security. The main methods that were used are the method of analysis and synthesis, comparative analysis, generalization and visualization.

**Results.** Taking into account the fact that the national security system is the basis of the entire security of Ukraine, it is economic security that occupies a prominent place in it. It performs certain functions, functions according to certain principles, is the material basis of the national sovereignty of our state, which in turn determines the possibilities for ensuring other types of security.

That is, economic security is the basis for the functioning of all its other elements that are part of this system (macroeconomic, military, financial, technical, food, personnel, social, demographic, investment, scientific and technological, energy, foreign economic, industrial, environmental, etc.). Given the multifaceted nature of the concept of "economic security", it is worth defining it.

Economic security contributes to the creation of a reliable state provided with all necessary means, protection of national and state interests in the field of economy.

It should be noted that the economic security of the state consists of various types of security in different spheres of management: macroeconomic, financial, foreign economic, investment, scientific and technological, energy, industrial, demographic, social, food security. In addition, the policy of economic security is determined on the basis of certain principles that create a political and legal basis for assessing external and internal threats, the formation of national economic interests and economic security strategies.

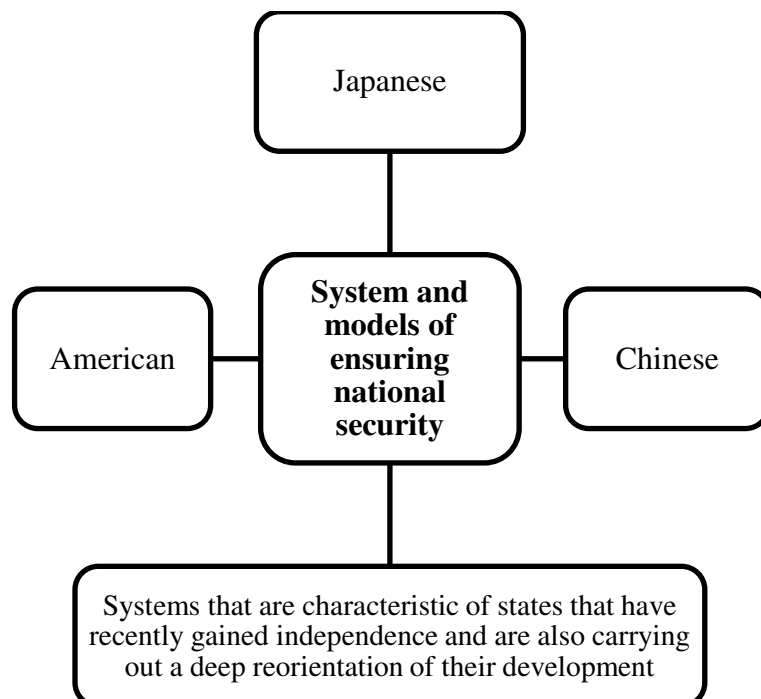
Comparing the legislation of Ukraine and Germany, France, Great Britain, etc. The following components of economic security can be identified by the member states of the European Union: industrial, demographic, energy, foreign economic, investment, macroeconomic, food, social, financial security.

Taking into account the concept and structure of economic security, it is possible to talk about the strategy of development and improvement of economic security of Ukraine and comparison of this strategy with the criteria for the development of the countries of the European Union. Comparing the interpretation of the concept of "economic security" in Ukraine and certain countries of the European Union, it can be said that economic security is generally considered as a component of the national security and is aimed at eliminating and preventing internal and external threats to ensure a sufficient standard of living for the population, while creating interaction between public authorities and relevant business entities [1].

Based on this, we believe that it is worth considering the systems and models of national security that are being implemented in the countries of the world (Fig. 1).

On Fig. 1 we see that there are the following systems and models of national security that are applied in countries around the world:

- American – focused on a combination of external and internal security, which is used as a model by most states;
- Japanese – with an emphasis on internal social security;
- Chinese, which is the most concentrated expression of the security systems of states engaged in the construction of a socialist society;
- systems inherent in states that have recently gained independence, as well as making a deep reorientation of their development [2].



**Figure 1. Systems and models of national security of the countries of the world**

Source: compiled by the author based on [3-4]

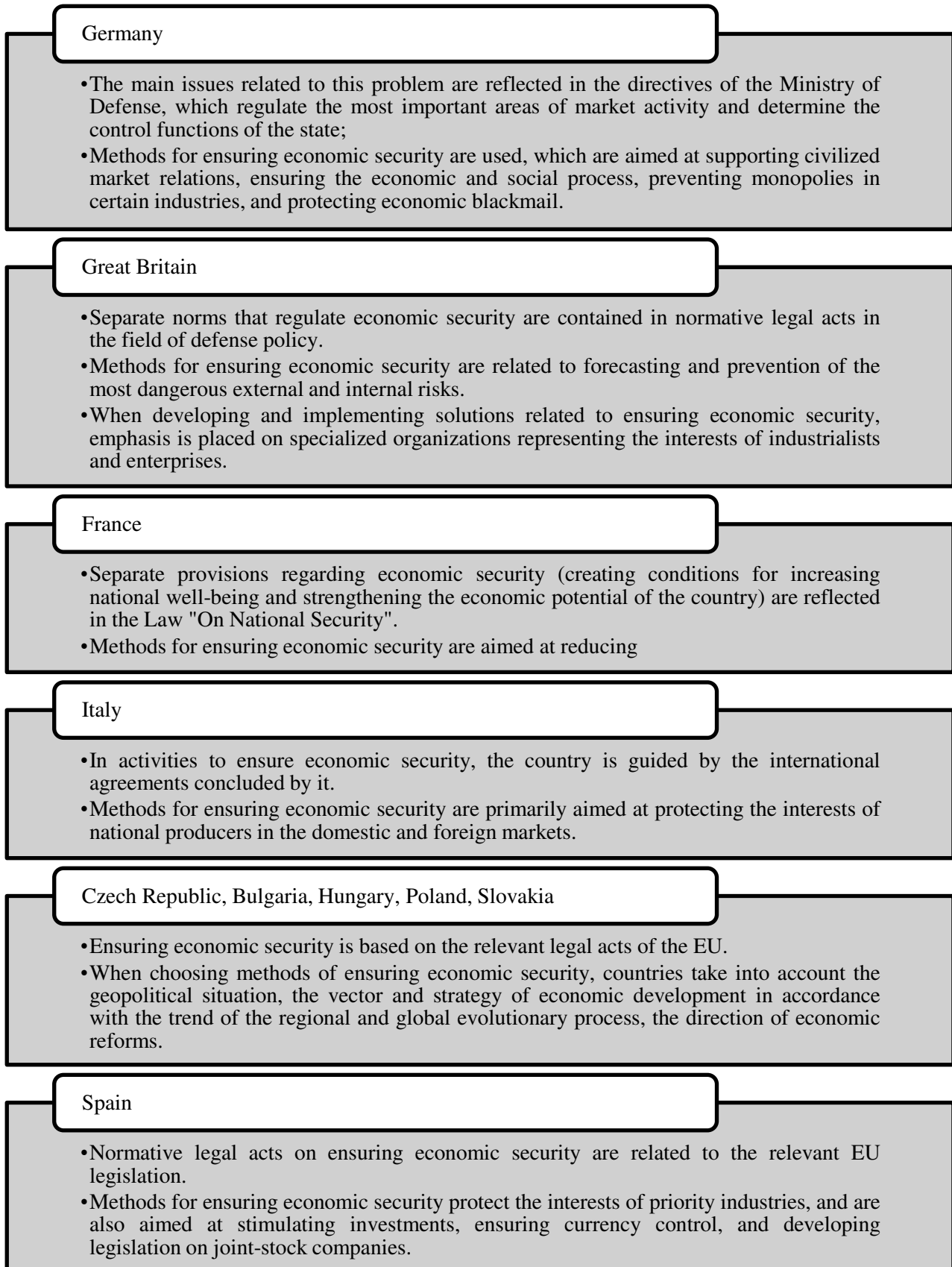
In the concept of economic security, along with the traditional provision on the protection of secrets from foreign special services, the provisions on ensuring national economic interests in competition with rivals in the world arena and on the protection of "leading positions in technological spheres" were introduced as the main goals, and the "protection of economic power" is directly associated with the implementation of measures to ensure economic security.

In the space of the European Union, economic security is considered and refers to the position of unification in the world economic system. It is the EU that dictates the importance of European integration in order to achieve a high level of competitiveness in the context of globalization. The ultimate goal of the EU is to ensure economic security in the EU and the formation of a fully integrated Europe with the same standard of living for all member states. We propose to consider the features of individual countries of the world in the process of ensuring economic security (Fig. 1).

From the above Figure 2 shows that each of the analyzed countries of the world uses normative legal acts, international treaties, and the legislative framework in the process of state regulation of the country's economic security. Each of the countries of the world in its own way carries out the process of state regulation in the field of economic security of the country. In some countries, there is no legislative framework for ensuring economic security (Germany, Great Britain, France, Italy, Czech Republic, Bulgaria, Hungary, Poland, Slovakia, Latvia, Lithuania, Estonia), and in others it has and plays an extremely important role in ensuring the economic security of the country (Spain, Romania).

It should be noted that the main directions to which the methods of state regulation in the countries of the world are directed are as follows: reducing the vulnerability of the economy to external negative manifestations; development of an appropriate legislative framework; creation of conditions for fair competition; ensuring currency control; stability of the national currency; creation of favorable conditions for entrepreneurial activity; protection of domestic producers. The leading countries of the world are taking effective steps to minimize risks in important spheres of public life. The effectiveness of the implementation of certain measures is explained by the fact that before deciding on something, it is necessary to know what exactly the government's policy should be aimed at in the first place [8]

In the context of the socio-economic cohesion of the EU member states, the Lisbon Strategy plays an important role. According to the above-mentioned document, the main priorities in the direction of strengthening the economic security of the EU member states and the European continent as a whole should be: the principle of joint programming, which is used in international cooperation projects, improving innovative participation in the direction of increasing the competitiveness of economic regions as a whole, the development of rural areas and the extension of territorial unity through the extensive development of a large part of the EU regions. The EU member states have significant positive experience in implementing European integration strategies at the regional level. Abroad, self-governing bodies have a rich arsenal of tools and levers of economic, legal and financial influence on defending regional interests and ensuring the socio-economic security of territories.



**Figure 2. Features of individual countries of the world in the process of ensuring economic security**

*Source: compiled by the author based on [5-21]*



The U.S. administration has developed an export strategy that includes 65 specific recommendations to help the private sector expand exports of U.S. goods. In 1999, the U.S. National Security Strategy was developed, in which one of the main goals is to promote America's economic prosperity. At the present stage, the new US National Security Strategy was published on May 26, 2010, the main purpose of which is national renewal to restore American global economic and political leadership.

In the United States, there has been a stable fiscal relationship between the center and the regions for a long time. Such economic policy is developing and constantly improving. This is primarily due to the separation of powers between different levels of government. The states have virtually the same rights in the tax sphere as the federation as a whole. In order to equalize the opportunities of the regions under the control of the US Congress, transfers, as well as targeted, block and program subsidies are allocated. One of the means of regional policy of the United States is budget financing of the development of certain sectors of the local economy [9].

Analyzing the concept of economic security of the United States, it is necessary to emphasize its main directions as ensuring national economic interests in competition with rivals in world markets, protecting the interests of the state in high-tech spheres, as well as strengthening its capabilities to fulfill international obligations in trade, economic and other spheres. The U.S. National Security Strategy explicitly states that in order to maintain a high level of combat capability of the armed forces, it is necessary to increase the efficiency and competitiveness of the economy, open new foreign markets and create new jobs. It is expedient to take into account the experience of Japan, where scientists in the 1980s proposed an analytical method for assessing the "national strength" of the state.

The "national strength" of a state is determined, firstly, by the ability to contribute to the international community, to its economic, financial, scientific and technical spheres of activity, and secondly, by the ability to survive in crisis and extreme international conditions. Thirdly, the ability to promote and defend their national interests, relying on all components of a "comprehensive national force", in particular by means of force pressure [10].

The modern Japanese approach to solving the problems of economic security is based on two principles: preservation and development of the country's economic power; formation of a favorable global environment that will ensure the maximum realization of national interests. Thus, there is quite a lot in common in the categories of "economic security" and "national strength", a special place is occupied by the ability to survive in crisis situations [11].

As international experience shows, the key element of the system of ensuring the economic security of the state is an effective mechanism for determining threats to national economic interests that pose a direct threat to the national economic system, thereby violating the macroeconomic balance and the process of social reproduction.

The basis of the presented systems of economic security in different countries is the regulatory framework for the regulation of domestic and foreign economic operations, including the participation of foreign capital in the national economy, as

well as institutional support for the protection of national economic interests in the context of international integration.

It should be borne in mind that in the formation of the concept of economic security of any state, the starting point is the concept of "threat", which is a key category in most of the foreign studies in this area of economic science. Assessment of real and potential threats to the economic security of the state requires systematic monitoring of macroeconomic phenomena and analysis of their impact on the level of economic security of the state. In this context, as foreign experience shows. A significant role is played by the so-called "think tanks". In particular, in the United States, these issues are largely dealt with by the RAND Corporation, in the Netherlands – by the Hague Center for Strategic Studies, in the UK – by the DEMOS analytical center [12].

Such think tanks, which exist in countries with developed economies, at the request of the relevant government structures that make management decisions aimed at ensuring the economic security of the state, at the initial stage analyze and monitor the situation in a particular security sector, and provide preliminary recommendations. Next, it is necessary to create working groups to develop threat scenarios and generate management decisions. The possibility of effective counteraction to external threats to the economic security of the state arises only under the condition of internal balance of national economic interests and the ability to timely prevent internal threats to the economic security of the state. The main difference in the Western and post-Soviet approaches to ensuring economic security is that in Western scientific thought, the initial category of economic security at both the macro and meso- and micro levels is the external threat, while scientists distinguish both external and internal threats with an emphasis on internal ones, since the long-term effect of internal threats that turn into systemic threats. Which is extremely relevant for post-Soviet countries with economies in transition, makes the national economy more vulnerable to external threats [13].

The catalyst for potential threats to the economic security of highly developed countries is their high resource dependence on partner countries, while in modern conditions the most acute problem is energy dependence. Based on this, different countries find different ways to solve this problem: through diversification of sources of raw materials, cooperation of energy-importing countries, search for alternative energy sources, development of energy-saving technologies, energy saving, creation of strategic reserves, etc. In any case, countries with a high level of economic development (the United States, Japan, and the member states of the European Union) have developed a preventive approach to ensuring the economic security of the state, the most important and difficult task of which is to forecast and prevent threats, rather than to analyze its negative consequences after a security breach that has already occurred [14].

Based on the results of a detailed analysis of the experience of highly developed countries in ensuring the economic security of the national economy, it should be noted that the main directions of the state policy in the sphere of economic security of the national economy should be aimed at creating conditions for minimizing the

emergence of threats, and not the use of economic measures of situational response to them.

**Discussion.** In order to implement the international experience of public administration in ensuring the economic security of the state in Ukraine, it is necessary to identify the main threats and propose ways to solve them, taking into account the experience of the world's leading countries. The main threats that have a negative impact on the economic security of Ukraine include:

– insufficient efficiency of the branches of government: contradiction of the current legislation and legal unresolved issues of economic development, in particular market transformation of the economy, establishment of an effective competitive environment, imbalance of human resources, inseparability of relations between business and government under the dominance of the latter:

– cheap labor;

– “shadowing” of the economy;

– low level of capitalization of banks;

– corruption;

– energy intensity of production;

– outdated equipment;

– the outflow of "ums"

– imperfect legislative framework;

– monopolization of the economy;

– physical and moral wear and tear of equipment;

– consideration of the country in the international arena as a "raw material appendage";

– lack of targeted use of international financial assistance.

According to the adopted "National Security Strategy of Ukraine", the main condition for the new quality of economic growth is to ensure economic security by:

- control over export-import activities aimed at supporting important priorities for Ukraine and protecting domestic producers;

- combating illegal economic activity, counteracting the uncontrolled outflow of national material, financial, intellectual, information and other resources;

- increasing the resilience of the national economy to negative external influences, diversification of foreign markets, trade and financial flows;

- ensuring the readiness of the economy to repel Ukraine's armed aggression;

- legal protection in international institutions of property interests of individuals and legal entities of Ukraine and the Ukrainian state, violated by Russia;

- stabilizing the banking system, ensuring transparency of monetary policy and restoring confidence in domestic financial institutions;

- systematic counteraction to organized economic crime and "shadowing" of the economy on the basis of the formation of advantages of legal economic activity and, at the same time, consolidation of institutional capacities of financial, tax, customs and law enforcement agencies, identification of assets of organized criminal groups and their confiscation;

- creating the best conditions for investors in Central and Eastern Europe, attracting foreign investment in key sectors of the economy, in particular in the energy and transport sectors, as a tool for ensuring national security;

- development of the military-industrial complex as a powerful high-tech sector of the economy, capable of playing a key role in its accelerated innovative modernization;

- de-oligarchization, demonopolization and deregulation of the economy, protection of economic competition, simplification and optimization of the taxation system, formation of a favorable business climate and conditions for accelerated innovative development;

- ensuring the integrity and protection of infrastructure in crisis situations that threaten national security and a special period;

- effective use of budgetary funds, international economic assistance and resources of international financial organizations, effective control over the state of public debt [15].

We can state that the effectiveness of the process of managing economic security depends both on the level of adequacy of state institutions to the tasks assigned to them by the Constitution, and on the nature and scale of external threats and challenges. As you know, along with the protection of the sovereignty and territorial integrity of Ukraine, ensuring the economic security of the state is the most important function of the state and the cause of the entire Ukrainian people. In the context of globalization, not all states have retained control and distribution functions in the state economy and, most importantly, the ability to defend the interests of their own citizens and the economy, contrary to any other interests. The ability of the state, at its own discretion, to implement economic policy in the interests of exclusively its own citizens determines the level of ensuring its economic security. That is, the proper level of economic security is achieved through the implementation of a single state policy (including economic), supported by a system of coordinated measures adequate to internal and external threats. Without such a policy, it is impossible to achieve a way out of the crisis, to make the mechanism for managing the economic situation in Ukraine work.

Giving a general description of the current state of development of the economic security sector in all the countries under consideration, it is possible to separately distinguish relatively stable economic systems (Great Britain, Italy, Spain, the Netherlands, Germany, France). These countries are mainly focused on improving the efficiency of the economy and at the same time maintaining the existing level of personal economic security of their citizens. As for the new EU member states (Bulgaria, Poland, Romania, Slovakia, Hungary, Czech Republic), it can be said that they have already completed the reforms of the "first generation" (with an emphasis on restructuring and re-subordination) and have reached the final stage of reforms of security structures. The analysis of approaches to the economic security of the state in the countries of the European Union convincingly shows that the level of security depends on many factors.

In order not to find itself in the position of a state without its own independent economic future, Ukraine needs to carry out purposeful work to overcome the economic crisis, prevent real threats, fight corruption and criminal elements in the economy. In this regard, it is very important not only to understand the essence of economic security at all levels (international, national, regional, personal), but also specific actions of management structures to bring the level of economic security of Ukraine closer to the European level.

Of course, the adaptation of any foreign experience to the conditions of Ukraine is quite laborious and is not a copying of the entire regulatory system, but only a step-by-step introduction of individual elements, tools, methods, programs. The experience of foreign countries should be borrowed based on the similarity of tasks, goals, and priorities of national strategies. It is necessary to take into account the level of economic development, development of institutions of management, provision and control over security, using a systematic approach and comparative analysis.

**Conclusions.** So, from the above study, we can conclude that each of the countries that was analyzed has formed its own idea of economic security, identified the problems that are inherent in its economic system and, with the help of methods of state regulation, implements effective steps to overcome negative trends. As of today, ensuring economic security should be the main direction of our country's foreign policy. If we are considering the possibility of implementing the international experience of public administration in ensuring the economic security of the state in Ukraine, it is worth remembering that this process is too time-consuming. That is, Ukraine should not copy the entire system of public administration of the world's leading countries, but it is necessary to take into account certain, separate elements in building its own concept and creating its own effective model, which will be aimed at achieving economic efficiency.

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# *Public Administration and Law Review*

*Issue 3 (15), 2023*

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*Printed by: Scientific Center of Innovative Research OÜ, Ida-Viru maakond, Lügánuse vald, Püssi linn, Viru  
tn 8-33, 43221, Estonia*

*Number of copies: 300*

*First printing: September 30, 2023*

*Distributed worldwide by Scientific Center of Innovative Research OÜ - [office@scnchub.com](mailto:office@scnchub.com)*

*Full text available online at <https://scnchub.com/>*

*DOI: 10.36690/2674-5216-2023-3*