

УДК 341:316.421

MARTJANOV S. S.,

**Graduate student of
Faculty of Law
Ivan Franko National University of Lviv**

UKRAINE'S ECONOMIC ACTIVITY IN THE CONDITIONS OF EUROPEAN INTEGRATION PROCESS

Summary. The article is devoted to scientific analysis of Ukraine's economic activity under the conditions of European integration processes. It is stressed that the value of current economic activity is primarily determined by the processes of globalization, formation of market relations, need for creation of guarantees in these conditions that will ensure a decent life for all members of society, because of the need for ensuring the economic and overall national security of Ukraine. Analysis of the national legislative activity shows that the largest share of such activities on the state and regional levels falls namely on the regulation of economic relations as a specific subsystem of social relations. The research of the economic function of the state in contemporary conditions stipulates several aspects. The most important seems a study of economic function on the basis of contemporary civilization paradigm of understanding of the state, which has replaced the formational approach. Equally important is the analysis of the economic function of a contemporary state based on the determination of its place and role in the economic relations as the most important subject of the relations, the extent and limits of its intervention into economy. The consideration of economic function in ensuring economic security and moral development of modern society is of particular importance.

Key words: state, economy, economic activities, world-economy, economic legislation, economic transformation, integration, globalization.

Problem statement. The economic activity of the state belongs to the most important issues of state-building on the current stage development of Ukrainian society. The value of current economic activity is determined primarily by globalization, the formation of a market economy, the need in these conditions for creation of guarantees that provide a decent life for all members of society, we must ensure economic and national security of Ukraine in general. Therefore, the contemporary global economy is acquiring a character of a unitary, integral organism – global in its scope [11, p. 167], the so-called world-economy [3, p. 318]. In these circumstances, it is particularly important to conduct in-depth theoretical analysis of contemporary economic functions of the Ukrainian state.

Considering this, **the main purpose of the article** is comprehensive theoretical and legal analysis of economic activity of the state in terms of European integration processes.

Analysis of recent researches and publications. Some aspects of the abovementioned problem were investigated in the works of leading national scholars: V. Denysov, O. Lvova, V. Manzhola, L. Makarenko, V. Muraviov, I. Nastasiak, V. Opryshko, T. Podorozhna, O. Streltsova, I. Tykhomyrov, M. Khaustova, L. Udovyka.

Outline of the main material of research. Actualization of the problem is vastly associated with civilization paradigm of understanding of national legal system, with changes occurring in science and methodology that indicate movement of legal science from domination of monistic unified theory and methodology to philosophical and methodological pluralism [2, p. 10–11], with the processes of change and improvement of the Ukrainian state and legislation, with the intensification of their operation in contemporary integration conditions. In particular, in the opinion of I. Nastasiak, effective integration (economic, political, cultural) is impossible without formation of legal principles and the principles of a unified regulatory framework. Therefore, the integration processes in the social sphere cause similar processes in the legal field. Thus, one can state about objective necessity of legal integration in conditions of today's social, economic, political and legal development of world civilization [4, p. 69]. On this occasion it was rightly pointed by I. Chyrkin on increasing role of economic activity of the state and that long ago “the days when the state was seen only as a “night watchman are gone”, which should protect citizens and society, without interfering with their activities” [10, p. 5].

Analysis of the national legislative activity shows that the largest share of such activities on the state and regional levels falls namely on the regulation of economic relations as a specific subsystem of social relations. “The economic transformations which have been carried out in our country in recent years indicate Ukraine's desire for integration into the global economy. Now by reason of the difficult economic situation specific integration processes can solve real economic problems” – T. Podorozhna says [6, p. 10]. The Civil Code of Ukraine, the Tax Code of Ukraine, Ukraine's Budget Code, the Code of Administrative Offences of Ukraine, Customs Code of Ukraine and other codified regulations, many by-laws largely aimed, properly, at the regulation of economic relations. At the same time, the conceptual principles of economic functions of the contemporary state is still not sufficiently developed, which affects the quality of the theory and practice of state activity in general, and the effectiveness and sustainability of economic legislation. In particular, many legal acts in recent years have undergone many changes and supplements (Tax, Budget and other Codes). Today content and legal forms of economic functions are utterly important as they contribute to the optimization of the state in the economy, including legislative activities aimed at developing market initiatives and ensuring and guaranteeing rights and freedoms of a person and a citizen.

The research of the economic function of the state in contemporary conditions stipulates several aspects. The most important seems a study of economic function on the basis of contemporary civilization paradigm of understanding of the state, which has replaced the formational approach. Equally important is the analysis of the economic function of a contemporary state based on the determination of its place and role in the economic relations as the most important subject of the relations, the extent and limits of its intervention into economy. The consideration of economic function in ensuring economic security and moral development of modern society is of particular importance.

Moreover, in terms of updating the methodological tooling of legal science, growing interest in interdisciplinary research and new methodological approaches, such as synergistic, one needs to put a new perspective of the correlation between law, state and economy, especially in time when law is more and more often declared as inseparable from morality of an individual.

The research of the economic function of the state is also updated by the need for justification of elements of legal policy aimed at achieving a balance between public and private, foreign and domestic interests of the state and society. As it was rightly noted in the literature, one of the most important players of civil society and its institutions in the field of public policy, along with the state, is business [1, p. 243]. Accordingly, these three angles of a triangle – civil society, state and business – act as subjects of public policy not only in the general bond, but in cases when interact bilaterally [5, p. 140]. In order to move freely around the world and easily achieve their goals, global finance, trade require political fragmentation of the world [7, p. 64], scientists stress.

So, the economic function of the system shows its properties determined correlation between public and private law, public and private interests, and correlation of supranational and national aspects of the economic subsystem of social relations. This function of the state depends on the conditions under which it occurs – either planned or market economy. In conditions of planned economy, the rule of state property, the state monopoly governs economic relations, directly defining amount of production, commodity circulation, resource allocation, setting strictly centralized system of economic management. The constitutional regulation of market relations, the establishment of economic freedom, including entrepreneurship, declaring diversity and equality of all forms of ownership, establishment the principle of constitutional support of competition define the boundaries of economic activity of the state.

At present, economic function covers the following areas of state activity: restructuring of the economy in which only products that are vital to man, the state, the world market are realized; prevailing support strategic, highly competitive on the global market and socially significant for Ukraine's industries; demopolization of production; real support of producers, especially small businesses; targeted investment policy; defending the interests of domestic companies on domestic and international markets; reform of the economic mechanism of the agricultural sector and above all providing private ownership of land; gradual de-

cline of inflation rates and hindering of price increase; suspension of production decline; formation of modern payment system and start of a thorough reform of the banking system and more.

State intervention into the economy to some extent is reduced and confined mainly to the following measures:

- 1) elaboration of economic policy in the scale of society;
- 2) management of enterprises and state owned organizations. The range of these objects should be limited to sectors of national importance, such as nuclear power engineering, activities in space, national transport, communications, etc;
- 3) establishment of a legal market framework and pricing policy, including public funds stimulation of entrepreneurship and labor freedom, ensuring the equality of all forms of ownership, legal protection of an owner, taking measures to stop unfair competition (monopoly) and protection of consumer rights against unfair manufacturer;
- 4) regulation of foreign relations for the protection of the state of its economic sovereignty, security, promotion of national economic development in the implementation of foreign trade and other activities.

One should bear in mind that in times of economic crisis, in the transition period state intervention into the economy increases considerably. International experience shows that in market relations elements of self-regulation are not sufficient, but a combination of self-regulated and regulated means and levers are required. An effective method of economic relations regulating in countries with advanced market economy serves as an indicative planning. Other countries' experience shows that the market is not only compatible with the planning of economic development process, but also practically impossible without setting goals, mechanisms of their implementation, without calculation, prediction of results. And this is impossible without planning. However, the nature and content of planning in conditions of market relations have their own peculiarities. Planning under market economy: a) does not have a rigid character; b) is based on the use of economic methods (taxation, subsidies, preferential loans, etc.); c) has consultative character as to private owners and private producers; d) combines mutual interests of society, state, and individual producers.

Describing the economic function of the state, one should bear in mind that the market is a dynamic phenomenon, constantly changing over time, for this reason the scope and methods of its regulation are also changing; otherwise this regulation loses its activity. Experience shows that economic reform, which at present is being implemented in our country cannot be effective without active government influence on the development of economic processes. This explains the large array of legislative acts in this area and economic measures conducted by the state, for instance, privatization of housing, state and municipal property.

The account of national interests in the implementation of economic function stipulates necessitates concretizing economic function of the modern state, taking into account Ukraine's prospects into the world European integration processes. Adoption of the Law of Ukraine "On foreign investments" [9] has be-

come an important milestone in the accounting deepening of global interests in Ukraine in approaches to implementation of the economic functions of the state. In particular, by this law the Cabinet of Ministers of Ukraine was tasked with elaboration and implementation of state policy in the field of international investment cooperation. In general, the Law of Ukraine “On foreign investments”, subject to criticisms should be regarded as positive. Of particular importance for the investment climate in Ukraine is fixing its “stabilization component”. In this respect, it would be better to improve and recognize at the legislative level foreign investors’ guarantees from political risks as to foreign investor claims, simplification of the registration procedure of commercial organizations with foreign investment, recognizing the need to identify a single state executive body responsible for coordinating foreign direct investment. Though, application of abovementioned provisions in practice, in our opinion, is impossible without the implementation of some international legal acts whose adoption is a priority for both legislators and executive bodies within the economic cooperation between Ukraine and the European Union.

Functions of economic partnerships with other countries, participation in international economic relations, in provision with proper functioning of global trade of goods, services and so on contribute to fruitful cooperation as a condition of peaceful coexistence between countries with different economic and political views, more effective development of world production, assisting countries who are in financial difficulties. This function is performed by the conclusion of international agreements on international trade activities of enterprises of one country on the territory of another, providing them with the necessary economic and legal protection, joint ventures, etc. “A characteristic feature of international relations in modern times is the internationalization of national economies and the establishment of state control over their economic relations on a bilateral and multilateral basis” [2, p. 421] – is rightly emphasized by domestic scholars.

On this basis, some law theorists distinguish as an independent a function of integration into the world economy. The main reason of particularization of associated approaches is connected to the tension reduction in relations between states. This function is based on the recognition of the interdependence of countries in the modern world. Interdependence covers a wide range of relations, including industrial, scientific, technical, trade, monetary, credit, transport and others.

In general, the integration is based on a set of principles, foremost among which are: 1) the principle of the sovereignty of states over their natural resources, each state is free to dispose them; 2) the principle of freedom of choice forms of integration ties; 3) the principle of equality and mutual cooperation, rejection of discriminatory measures. These principles include a system of state-legal protection of property rights and foreign investment. In particular, foreign investment and property must be protected against nationalization.

It should be noted that the characteristics of the tasks of modern Ukrainian state caused the need to take into account international experience, its doctrinal

and legislative diversity in defining the role of economic functions of the state. For these reasons the world practice comes from the fact that the nationalization permissible only under the same conditions for all and to the establishment of equal security and ways to resolve conflicts that arise. This means that nationalization should not be discriminatory; be made only on the basis of the law; the owner must have a compensation for loss of property and the ability to challenge the act of nationalization in court.

The problem of economic globalization¹ plays an important role in maintaining world order and establishing stable relations between states. Therefore, Ukraine's aspirations for integration into the global economy led to the creation in our country a new mechanism of foreign economic activity. The state has refused from excessively centralized management in the mentioned area and the priority of external political interests over economical that hindered the development of normal trade relations with other countries. Nowadays all organizations and enterprises irrespective of ownership possess a right to conduct foreign trade activities with. Each of them is free to determine its counterparty in any state. At the same time, researchers have concluded that the principles of state regulation of the economy and entrepreneurship, unfortunately, are not consolidated in any law. Although namely the foreign trade refers to legislator's attempt to legitimize basic principles of state regulation.

Thus, by the Law of Ukraine "On Foreign Economic Activity" [8] the basic principles of state regulation of foreign trade activities can be determined as follows:

- 1) the principle of popular sovereignty in Ukraine's foreign economic activity;
- 2) the principle of freedom of foreign trade entrepreneurship;
- 3) the principle of legal equality and non-discrimination;
- 4) the rule of law;
- 5) the principle of protecting the interests of economic operators;
- 6) the principle of equivalent exchange, dumping inadmissibility when importing and exporting goods.

However, this is not sufficient. It is suggested to stipulate the principles of modern economic policy of the Ukrainian state in a special law "On General Principles of Economic Policy of Ukraine" and the scope of economic functions of the state in conditions of the development of market relations. Extending this approach to the legal consolidation of basic principles of state regulation of economic (and entrepreneurial) activities would contribute to the specification of the main activities of the state, particularly in the context of the functions of cooperation with other states in solving global problems (environmental, space exploration, preservation of raw materials and energy resources). At the same time, such an approach would predict solutions to problems related to the positioning of Ukraine's national interests in the world.

¹ Economic globalization is manifested mainly in the creation of related markets, removing barriers to the exchange of goods, services, labor and capital [3, p. 446].

Conclusions. Therefore, we survey the economic function as the most important direction of state-government, formally organized, legislated state activities aimed at strengthening the economic cooperation of public and private sectors, combining national and global interests of Ukraine. The most important areas of the economic function in the market economy include: forecasting, management, indicative planning, regulation and control, organizational, methodological, material and financial support (due to the fact that the economic factor often appears in two basic forms: material production (reflecting the needs for economy development) and financial (indicates the possibility of economic development)).

Literature:

1. Держава і громадянське суспільство в Україні: проблеми взаємодії : [монографія] / [І. Кресіна, О. Скрипнюк, А. Коваленко та ін.] ; за ред. І. Кресіної. – К. : Логос, 2007. – 316 с.
2. Доктринальні засади розвитку держави та права: національні та міжнародні тенденції : [монографія] / заг. ред. проф. Ю. Бошицького ; Київ. ун-т права. – К. : Ліра-К, 2014. – 440 с.
3. Міжнародні системи та глобальний розвиток : [підручник] / [В. Манжола, О. Коппель, М. Капітоненко та ін.] ; за ред. Л. Губерського, В. Манжолі ; Київ. нац. ун-т ім. Т. Шевченка. – 2-ге вид., переробл. і допов. – К. : Знання, 2014. – 526 с.
4. Настасяк І. Правова інтеграція та її вплив на сучасні правові системи світу / І. Настасяк // Науковий вісник Ужгородського національного університету. Серія «Право». – 2013. – Вип. 22. – Ч. 1. – Т. 1. – с. 68–71.
5. Перегудов с. Гражданское общество как субъект публичной политики / с. Перегудов // Полис. – 2006. – № 2. – с. 17–19.
6. Подорожна Т. Імплементация норм Европейского Союза в правовой порядок Украины: экономические та социальные аспекты / Т. Подорожна // Альманах международного права. – 2014. – № 6. – с. 10–16.
7. Правове забезпечення державного суверенітету України : [монографія] / [Ю. Шемшученко, В. Шаповал, І. Кресіната ін.] ; за заг. ред. Ю. Шемшученка. – К. : Юридична думка, 2010. – 300 с.
8. Про зовнішньоекономічну діяльність : Закон України від 16 квітня 1991 р. № 959-ХІІ [Electronic resource]. – Mode of access : <http://zakon0.rada.gov.ua/laws/show/959-12>.
9. Про іноземні інвестиції : Закон України від 13 березня 1992 р. № 2198-ХІІ [Electronic resource]. – Mode of access : <http://zakon4.rada.gov.ua/laws/show/2198-12>.
10. Чиркин В. Государствование / В. Чиркин. – М. : Юность, 1999. – 341 с.
11. Шумилов В. Международное экономическое право / В. Шумилов // Московский журнал международного права. – 2001. – № 2. – с. 167–203.

Мартьянов С. С. Економічна діяльність України в умовах євроінтеграційних процесів

Анотація. Статтю присвячено науковому аналізу економічної діяльності України в умовах євроінтеграційних процесів. Наголошено, що значення сучасної економічної діяльності передусім визначається процесами глобалізації, формуванням ринкових відносин, необхідністю в цих умовах створити гарантії, що забезпечуватимуть гідне життя всіх членів суспільства, у зв'язку з потребою гарантування економічної та загалом національної безпеки України.

Ключові слова: держава, економіка, економічна діяльність, світоэкономика, економічне законодавство, економічні перетворення, інтеграція, глобалізація.

Мартьянов С. С. Экономическая деятельность Украины в условиях евроинтеграционных процессов

Аннотация. Статья посвящена научному анализу экономической деятельности Украины в условиях евроинтеграционных процессов. Отмечено, что значение современной экономической деятельности в первую очередь определяется процессами глобализации, формированием рыночных отношений, необходимостью в этих условиях создать гарантии, которые будут обеспечивать достойную жизнь всех членов общества, в связи с необходимостью обеспечения экономической и в целом национальной безопасности Украины.

Ключевые слова: государство, экономика, экономическая деятельность, мировая экономика, экономическое законодательство, экономические преобразования, интеграция, глобализация.