

Certain Issues of Legal Regulation of Economic Security

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Abstract. The article provides an analysis of current issues of legal regulation of economic security in Russia. The authors restricted themselves to separate issues of legal regulation of security of the economic system that allows to efficiently and consistently resolve social issues by means of stability of the state financial system. Special attention is given to the insight into and interpretation of "security", "economic security", "threats", as well as to financial security - one of the most important factors of ensuring economic security. Analysis of theoretical issues of defining elements of economic security helped to reveal that the current legislation regulating state security assurance-related activity does not feature a complete conceptual framework. The authors drew special attention to the legal framework regulating economic security assurance and characterized by incomplete or lacking regulatory definitions of economic security itself, as well as of economic security threats, indicators and thresholds. They also substantiated a conclusion that efficient approach to economic security threats and risks requires a search for the most optimal and rational ways to improve legal regulation of the social relations related to economic security assurance in one way or another.

1. Introduction

The importance of economic security consists in that when it is achieved, stability of the state and wellbeing of the society are ensured. Assurance of economic security of the Russian Federation is a complex and at the same time a multidimensional objective requiring development of an efficient system of legal regulation. That is why economic security of Russia, issues of security assurance, identification of threats and risks are of much research interest to legal scientists. It ought to be mentioned that there is a lot of current issues of legal support of the state of protection of the economic system. This actualized the definition of key directions of efficient economic development and stimulation of national priorities in the Long-term socioeconomic development strategy of the Russian Federation until 2020. A special role in the economic security assurance system is given to stability and sustainability of the state financial system. It is becoming more and more obvious that it is the financial sphere that in the contemporary context reacts to any and all negative economic processes the first. The events taking place on the global stage in recent years associated with worsening of the relations between different countries, deceleration of global economic growth, and complication of economic growth that resulted in new threats and risks require from the global community actions to protect financial interests. Financial security is one of the most important factors of ensuring economic security of any country.

2. Theory

Relevance of the issues of legal regulation of ensuring economic security and its components is determined, on the one hand, by the understanding of importance of national security in a systemic connection with national interests and, on the other hand, by the fact that the threats and risks negatively affecting the security object and requiring their identification within the mechanism of application of regulatory and other economic security assurance means are understudied scientifically. One of the important questions of essence of economic security and its elements consists in the definition thereof. According to the definitions proposed by specialists we may conclude that the phenomenon under study is a multidimensional one and assert a systemic interconnection of such categories as "security", "threat", "risks", "hazard", "damage" etc.

First, let us address the study of term "security" using the general scientific deduction method.

Existing definitions of security [1, 2] usually involve description of security objects and how they ought to be protected from internal and external threats. At the same time, all of these definitions of security lack a certain degree of particularity. They lack understanding of the state and level of protection, security subjects, and specific features of security objects. Therefore, these definitions require clarification.

A.I. Stakhov was one of the first to address security as a legal category. In his opinion, security as a legal category may be defined as a legally regulated state of protection of constitutional and legal interests of individuals, society, state, and nation, which rules out security threats [3, p. 28].

At the same time, the performed analysis of multiple definitions helped us to reveal the most significant or, to be more precise, basic elements.

First of all, most authors see security as a state of a potential victim, an object under threat. Secondly, security is rather clearly considered an ability of an object, phenomenon, or a process to maintain its essence and the principal characteristic when challenged by a purposeful damaging external or intrinsic impact. Thirdly, security is a systemic category, a characteristic of a system based on the principles of stability, self-regulation, and integrity. Security is supposed to protect all properties of the system, as an impact damaging any of these properties will result in the destruction of the whole system. In the fourth place, security is considered the crucial condition (guarantee) of vital activity of individuals, society, and state. It allows them to maintain and multiply material and cultural values. In the fifth place, security in its absolute expression is the absence of material and mental hazards and threats. In the sixth place, a significant element of all the definitions is a threat as a real sign of danger [4, p. 37].

Based on the analysis of all the approaches and interpretation of the concept of security, we may conclude that a threat and the struggle against it constitute the essence, the primary element of security. Therefore, security is protection of maintenance of vitally important interests of individuals, society, and state against internal and external threats guaranteed by constitutional, legal and practical measures. Vitally important interests include economic independence, legal and social wellbeing, structural integrity, stable and efficient functioning [5, p. 45].

The category of economic security has different interpretations in scientific literature. For instance, according to V. Tambovtsev, "...economic security of a system is to be seen as a combination of properties of the state of its production subsystem, which ensures the possibility to achieve the whole system's objectives" [6]. L.I. Abalkin considers economic security to be a state of an economic system that allows it to develop dynamically, efficiently and resolve social challenges in such a way that the state is capable of developing and fulfilling an independent economic policy [7].

This means that, generally, economic security is a key qualitative characteristic of an economic system determining its ability to maintain normal conditions for daily activities of the population, sustainable maintenance of continuous and efficient production, exchange, distribution and consumption of material and non-material assets in the interests of individuals, society, and state.

In the sphere of public finance, the state of security is characterized by stability and sustainability of the financial system. Based on multiple definitions, opinions of researchers on the category of financial security and its essence we may conclude that financial security is the state of protection of

all links of the state financial system against various threats. The financial system is a general object of financial security. The "vital activity" of all the state's social institutes and its international image depend on the stable functioning thereof. That is why protection of the state's financial interests is a priority objective of ensuring economic security.

Another important theoretical issue of the topic under study is the definition and essence of threats. The scientific literature distinguishes between the following types of threats: direct, indirect, internal, external, long-term, etc. Threats are also distinguished by the protected object: environmental, military, technical, informational, etc. The main thing that unites these types of threats is that each of them negatively affects the protected object in one way or another making it weak, unstable, unable to satisfy needs and interests.

There is no definition of a threat that describes signs of a hazard and what must be prevented in the current legislation. It ought to be mentioned, though, that earlier Law No. 2446-1 "On the Security" of the Russian Federation dated March 05, 1992, contained article "Security threat", which defined a security threat - a combination of conditions and factors endangering vitally important interests of individuals, society, and state. According to that article, "the real and the potential threat of internal and external hazard sources to security objects defines the activities to ensure internal and external security." According to commentators of that Law "On the Security" of the Russian Federation, a security threat in a wide sense is a potential violation of the security system of the state and the society established by the law. However, "a combination of conditions and factors endangering..." and delicts are not always the same. At the same time, commentators associate differentiated threats with hazard sources (as it appeared from the Law itself) [7].

For instance, if a hazard source is a certain sphere of a security object's functioning (e.g., informational sphere, social sphere, public finance sphere, etc.), a threat is a specific hazard. The current Federal law No. 390-Ф3 "On the Security" dated December 28, 2010, defines the primary principles and the essence of activities to ensure state safety, social safety, environmental safety, personal security, and other types of security as established by the legislation of the Russian Federation, powers and functions of federal public authorities, public authorities of subjects of the Russian Federation, local public authorities as related to security, as well as the status of the Security Council of the Russian Federation. However, according to specialists, Law No. 390-Ф3 "On the Security" dated December 28, 2010, does not allow clearly defining a security assurance system, as it has a range of significant disadvantages. For instance, the current version of that Law does not contain the primary terms and definitions that virtually create a legal term base to clearly and adequately implement the current legislation regulating economic security assurance etc. Therefore, one of the primary issues is the fact that the current legislation regulating state security assurance-related activity does not feature a complete conceptual framework.

3. Practical relevance

The theoretical basis for improving legal regulation of economic security and the possibility to use the obtained results to improve the current legislation and the established legal practice determine the practical relevance of economic security assurance-related issues.

Without any doubt, the legislation is the primary element of economic security of a modern state. The level the applicable legal instruments from laws to instructions meet needs and interests of the society and of their efficiency in terms of impact on behavior of individuals determine achievement of the objectives, both immediate and long-term, that these instruments are directed at.

Reasonable legal regulation of the financial and economic relations developing in the Russian Federation is a necessary condition of ensuring economic security. It ought to be understood here that the legal basis thereof must take into account the processes currently taking place in the financial and economic sphere. The main conditions of efficiency of use of the state mechanisms of action are correct evaluation and adequate analysis of the economic situation, and primarily of the tendencies determining interaction of the main elements of the economic system.

Legal regulation as one of the economic security assurance means must be based on a profound

financial and economic analysis, take into account dynamics of the key economic indicators, rapidly react to the changes taking place in the financial and economic sphere.

It ought to be mentioned that the only federal piece of legislation actually regulating the mechanism of state-legal assurance of economic security of the Russian Federation is Federal law "On the Security" that broadly regulates issues of national security of Russia and, therefore, does not regulate the issues associated with the assurance of economic interests of the society, state and its citizens in sufficient detail. These issues were not legally resolved in the other legal instrument directly intended for the development and clarification of the policy towards economic security of the Russian Federation, too - the Economic Security Strategy of the Russian Federation until 2010 approved by Decree No. 208 of the President of the Russian Federation dated May 13, 2017.

The legal framework regulating assurance of economic security of Russia is characterized by incompleteness, i.e. lacks regulatory definitions of economic security itself, as well as of economic security threats, indicators and thresholds.

It ought to be admitted that legal regulation is behind the present-day developments. Law-drafting programs cover only the main spheres of economic security assurance, whereas a systemic approach to the development of a complex legal framework is challenged by various objective and subjective difficulties. Along with the need to create an efficient legal framework, a constructive mechanism of controlling the process of development, implementation and control of practical measures of economic security assurance must be organized.

The National Security Strategy of the Russian Federation provides points of reference of legal regulation of economic security assurance and defines organizational, legal and informational bases of implementation. However, it ought to be mentioned that the legal mechanism of economic security assurance is far from perfection. For instance, in order to maintain financial security, measures directed at strengthening the financial system and allowing to minimize risks and threats, including stability of the ruble's exchange rate, inflation decline, and optimization of financial control are required. The aforementioned information leads us to the conclusion that in order to preserve financial and economic independence, the Russian Federation needs an economic security strategy corresponding to the current external (geopolitical) and internal (socioeconomic) factors.

4. Conclusion

Economic security assurance is one of the priority spheres of state policy. Issues of legal regulation of economic security assurance become relevant during crises and after them. The present-day developments convincingly prove the need to approach economic security threats and risks, and that, in its turn, substantiates the need for a search for the most optimal and rational ways to improve legal regulation of the social relations related to economic security assurance in one way or another.

References

- [1] Vidyapin V I et al 1997 Fundamentals of Economic Security: A Training and Practical Guide Ed. E A Oleinikova (M.: Business school. Intel Synthesis) 278 p
- [2] Senchagov V K 1996 Economic security: the state of the economy, the stock market and the banking system *Issues of Economics* **6** pp 144-153
- [3] Stakhov A I 2006 Administrative public security *Administrative law and process* **4** pp 28-29
- [4] Sattarova N A 2015 The concept of "security" as a scientific category of the theory of state and law *Legal Thought* **2(88)** pp 36-40
- [5] Sattarova N A 2017 Place of interest in the financial security system *Legal World* **11** pp 44-46
- [6] Tambovtsev V L 1995 Economic security of economic systems: structure, problems *Bulletin of Moscow University. Series 6: Economics* **3** pp 3-9
- [7] Abalkin L I 1994 Economic security of Russia: threats and their reflection *Issues of Economics* **12** pp 4-16
- [8] Belokrylova E A 2008 Commentary on the Law of the Russian Federation "On Security" (article by article) (M.: Justicinform) 280 p