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LEGALITY AS THE BASIS FOR ECONOMIC MANAGEMENT

This article reflects the value aspect of the law in the state management of the economy. The author used a broader view of the issues of implementation of the law in the process of state control of the economy. It is possible to get a general idea of legitimacy as a special legal category, serving both the ultimate goal and the means of achieving it, and fundamental, basic principles of public administration.

Keywords: legality; management; economy; State administration.

The issues of improvement of the state apparatus activity in the sphere of economy, the definition and use of basic methods to ensure legality and discipline in the state management of economy have gradually become a priority in the formation of basic programs and concepts of national development of Ukraine.

This problem became a subject of study by a number of modern domestic studies whose authors represent different branches of legal science. In particular, we should mention the works by such scholars as Andrushchenko I. G., Danish S. P., Illarionova S. I., Levchuk E. V., Oliynyk K. M., and others.

Meanwhile, corruption, bribery and misuse of budget funds, abuse of authority and many other offenses remain considerable obstacle to the proper functioning and development of the national economy. In its turn, the worsening of socio-economic situation in the country negatively affects the criminogenic situation, causes the necessity of the formation of innovative approaches to solving the problems in the area of crime prevention [7]. This situation becomes the proof of the imperfection of the existing system of protection of

citizens' economic rights and the need for upgrading of the old and intensive search for the new methods to ensure legality and discipline in this area. The issues of ensuring the functioning of an effective mechanism for the protection of labor rights of employees become of particular importance [6]. However, it is impossible to realize any conversion without a deep understanding of the ultimate goal and the role, purpose, content of specific legal instruments, methods, tools and principles of achieving the set objectives as well. Speaking about the state management of economy, we should turn to new, more complete understanding of such legal category as legality, serving both the ultimate goal and the way to achieve it, and fundamental, basic principles of state administration. Exactly such versatile character makes the highest social and legal value of legitimacy. All the said above specifies the main purpose of this article – to show evaluative measurement of legality in the process of the state management of the economy.

The solution of the following tasks will contribute to achievement of the set goal: implementation of the characteristics of the social-value aspects of state management in the economy; forming general ideas on the legality and discipline as the main tasks of government; determination of the main ways of strengthening legality in the state management of the economy.

The following methods of scientific research are determined to be the methodological basis for the solution of the set tasks: axiological – method of system analysis and functional method that collectively allow to formulate some conclusions regarding the issues of ensuring legality in the state management of the economy and getting an overview of legality as one of the ideals of state management.

Considering the state management as a purposeful organizational and regulatory state influence on the condition and development of social processes through the activities of public authorities who have the necessary competence [5], understanding of state management in the economy through adoption of appropriate government programs or legislation that provides state activity with additional authority becomes particularly important [2]. Considering

the state and public administration in terms of their value characteristics, their impact on the formation of the fundamental values of society should be defined.

On the one hand, the values are treated as convictions of people, social groups, society, but not any ones, only concerning the goals to which they should aspire. Some scientists suggest another look at the theory of values and believe that values are such results or products of various human activities that satisfy any material or spiritual needs of people of different social groups. V. M. Kozakov's statement is appropriate here, he pointed to the historically grounded process of the concept's of «value» spreading from the scope of economic life into other areas of society's life. For example, actually materialized actions of people who show mercy, assist people in need, have become a moral value [3, p. 62].

American researcher M. Daymoka in his study «The philosophy of administration» substantiated a number of conclusions, according to which the modern theory of state management – is a «new scientific synthesis, which has the necessary connection to all areas of knowledge and all the issues that are included into implementation of official policy and programs» [9].

Describing the axiology of state management particularly in the economic sphere, it is important to understand that the mere state management is not a socially significant value. Vice versa, society is able to evaluate its importance in terms of quality of specific goals and objectives' implementation that is through its functional effectiveness. The level of legality in the sphere of national economy is one of the most important criteria for evaluating state management in terms of its social and political ideal. Similarly, legality appears detached from the legal reality, ephemeral value, if not realized or embodied in the social and legal life.

On the other hand, legality is one of the main objectives of state management. This concept becomes particularly important in the processes of nation-building, civil society development, maintenance and implementation of fundamental human rights. Modern legal doctrine reflects the diversity of scientists' views on the concept and

essence of legality in state management. Summarizing the main scientific approaches to understanding the legality, we can see that the latter is characterized, in particular, as a principle of the state's activity; the principle of state management; method of state management; mode of social relations; purpose and function of state management and so on. For example, concerning the scope of the exercise of power – both state and public – legality is seen as the principle of activity, as a method of governing the society, as a mode (state) of public relations, that meets the requirements of normative-legal acts. [1, p. 347]

Legitimacy becomes of crucial importance in the process of the public authorities' performance of their activity. The level of compliance by those authorities with legality as a special legal regime determines the appropriate level of confidence in them by the public, and therefore, it is the credibility of the government and the effectiveness of its functioning.

We should also define the problems of the ratio of two interrelated categories – legality and discipline, which can be compared as general and specific, where legality is appropriate to be studied as statistics (set of norms of legislation), and discipline – as the dynamics of legality (certain steps to meet the requirements of the norms and legislative acts) [8].

The relationship between legality and discipline is created in the process of operation of public authorities, enterprises, institutions and organizations of the state, as well as their employees and officials, that is by all participants of social relations that are the subjects to legality. Considering the legality and discipline as methods of ensuring the state power, we should emphasize that in this case legality is a certain legal basis, the foundation for various spheres of state activities, and discipline determines the definite order of the fulfillment of the established by the State requirements, rules and procedures. On the other hand, we can say that the discipline is aimed at implementing legal conditions and other social norms, including ethics, morale, corporate ethics, etc., and the legality aims at implementation of

exactly legal norms, defined and concretized in the provisions of the normative-legal acts.

To ensure legality as one of the most important moral values in the process of the state management in the economy, we should consider the issue of defining the methodology of its implementation in public life. The search for new methods and means for maintaining stability and effectiveness of the development of this area is connected with the growth of economic offences, the failure of the state to influence the key areas of the economy with existing means of management, non-compliance of such means with modern requirements and the general state of social and economic relations.

According to experts, national ensuring of legality and discipline in the sphere of national economy should be of systemic character and carried out simultaneously in several directions. Such integrated approach will ensure a gradual and systematic development of the economy at all the levels of state and legal impact.

Thus, for example, the formation and adoption of the state concepts and programs of economic development should not only reflect the new objectives and tasks of the state, but also contain specific action plans, methods and ways of achieving of these tasks, that in its turn will indicate the shift of state policy interests towards improving efficiency, introduction of advanced and innovative management techniques, the use of which is intended to ensure the rise of the level of legality and state discipline.

A separate step towards the development of the national economy and ensuring of legality in this area is systematization of legislation, drafting and adoption of normative-legal acts on improvement of management of economy. Such changes, among others, are ultimately aimed at eliminating ambiguities, gaps, inconsistencies and, in general, simplification of the process of management in the sphere of economy, that will also contribute to maintaining regime of legitimacy in the state. In general, in the opinion of Melekh L. V., improvement of legislation is one of the essential conditions for the ensuring legality, especially in law enforcement activity [4].

Scientific and technological and information support of the state management of economy involves creating a single information network on economic and legal issues and ensuring free access to it on the entire territory of the state. In our opinion, the creation of relevant scientific centers, automated data retrieval systems, databases and so on in every area of economic activity is advisable. A significant contribution into the development of state management can be made by the scientific research results by domestic scientists aimed at comparative studying of foreign countries' experience concerning ensuring legitimacy and discipline in the sphere of state management of the economy.

An important area of improving the state management is to ensure coordination and inter-relationship between the authorities and officials at all levels of management. Such measures should ensure coordinated work of state bodies, the use of common approaches in decision-making and implementation of management decisions will increase the level of communication and general discipline at different levels of management activity, and therefore, will have a positive impact on the overall level of legality and discipline in the sphere of state management.

Among other things, achieving of the appropriate level of efficiency of state management, maintaining a high level of legality and discipline in this area provides studying and adapting of a positive foreign experience, establishing international partnership in the economic sphere, implementing new results of research and preplanning for innovative economic development, fulfillment of obligations arising from Ukraine's membership in international organizations.

Based on all the said above, it seems possible to reach the following conclusions. Legality is one of the fundamental moral values of state management, along with such ideals as morality, honesty, law-awareness, responsibility and others. Axiological aspect of legality can be determined depending on the level of its implementation in the life of society. If legality is understood and perceived in such a way, the state should act as the guarantor of its

implementation. In its turn, the level of ensuring and realization of legality makes it possible to make a qualitative assessment of the state power. This statement is certainly important to characterize the state of the national economy, as a sector, satisfying basic vital needs of society

Legitimacy is a complex, multifaceted legal and socio-cultural phenomenon that is both fundamental basic principle of state management, its ultimate goal and the way of its achievement.

In its turn, the improvement of state management of the economy involves implementation of the complex of appropriate measures in such areas as state planning, systematization and improvement of legislation, the realization of government programs of development and monitoring their implementation, ensuring scientific and technological, information, personnel support, establishing of interconnection and coordination of management activity, the introduction of foreign experience of economic management and implementation of internationally recognized principles and standards in this area. Such integrated approach should become the basis for the achievement and implementation of legality as one of the highest value ideals of modern society.

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Законність як основа економічного управління

Висвітлено ціннісний аспект законності в процесі державного управління економікою. Надано загальне уявлення про законність як особливу правову категорію, що слугує водночас і кінцевою метою, і способом її досягнення, і основоположним принципом державного адміністрування.

Ключові слова: законність; управління; економіка; державне адміністрування.

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Законность как основа экономического управления

Освещен ценностный аспект законности в процессе государственного управления экономикой. Дано общее представление о законности как особой правовой категории, выступающей одновременно и конечной целью, и способом достижения, и основополагающим принципом государственного администрирования.

Ключевые слова: законность; управления; экономика; государственное администрирование.