

LEGISLATIVE PROVISION OF ECONOMIC SECURITY OF THE FUNCTIONING OF UKRAINIAN ENTERPRISES

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The legal regulation of the security of the functioning of business entities is one of the effective tools for increasing the stability and effectiveness of the development of the domestic economy and one of the means of ensuring national security. The objective need for proper legal regulation of the corporate security of enterprises is due to the complexity and threats of the emergence of market mechanisms in our country and the peculiarities of the transitional period of the development of the domestic economy. Therefore, the lack of due attention to issues of legal protection of business can negatively affect the development of the domestic economy, social life, social and legal sphere, international relations.

At the beginning of the XXI century, in connection with the globalization of economic, political, social processes, as well as the increase in the manifestations of terrorism, the problem of ensuring the security of development has become one of the most urgent. Many countries, after september 11, 2001, over the course of several months revised most of the national legislation on personal security, property, organization, enterprises and society as a whole.

Although it can not be argued in general that there is a complete lack of legal and regulatory framework for ensuring corporate security of business entities in Ukraine, it is worth noting that existing disparate, unsystematized legal acts are not able to provide an adequate level of security for the functioning of domestic enterprises.

We will analyze the level of corporate security provision of Ukrainian enterprises from a legal point of view and define

the necessary steps to improve the legal framework for guaranteeing the safety of the operation of business entities in Ukraine [2].

The need to consider this issue is primarily due to the fact that law, being the regulator of social relations, is one of the effective tools for ensuring the safety of the business entities. The regulatory framework provides an opportunity for the subject of active business activity, identifies the institutions and means of its implementation, norms and levels of responsibility for violation of the right of the subject to safe economic activity.

The system of legal and regulatory support for enterprise corporate security, which is a set of laws and regulations, in our opinion, consists of three levels.

To the first level it is appropriate to attribute normative legal acts that define the general means of legal protection of the safety of citizens and organizations. The list of these documents should primarily include the Constitution of Ukraine, 3, 16, 17, 42, 43, 44 of the articles of which defines the rights of individuals, organizations and entrepreneurial activities, their protection and the guarantee of security by the state. In addition to the Constitution, the laws of Ukraine «On the judiciary in Ukraine», «On the prosecutor's office», «On the status of judges», «On the police», «On the security service of Ukraine», «On operational investigations activity», «On fighting corruption», «On state tax service in Ukraine», «On the council of national security and defense of Ukraine» and others [1].

In our opinion, to the second level of the system of normative-legal support of corporate security of the enterprise should include normative acts that directly create the legal basis for the activities of specialized security organizations and security services of enterprises, as well as legally regulate the process of providing comprehensive security of business entities. The list of these normative documents includes the

laws of Ukraine «On entrepreneurship», «On patenting certain types of entrepreneurial activity», «On limiting monopolies and preventing unfair competition in entrepreneurial activities», «On information», the CMU resolution «On the list of information that does not make commercial secrets», instructions «On the procedure for issuance of licenses for the provision of services for the protection of collective and private property, as well as protection of citizens, installation, repair and preventive maintenance of alarm systems», «On the conditions and rules for the maintenance of entrepreneurial activities related to the development, production and implementation of special technical means for the secret reception of information and control over their observance», article 231, 232 of the Criminal code, etc. [2].

To the third level of the system of normative-legal provision of corporate security of the enterprise can include internal corporate documents, which directly determine the powers, functions, responsibilities, relationships between the security service of the enterprise and other units. The list of these documents should primarily include the Regulations on the security of the enterprise, the department of regime and protection, the department of processing documents bearing the stamp «commercial secret», the department of engineering and technical security and information and analytical activities, job descriptions of specialists of these departments, as well as separate provisions of the company's charter, collective agreement, rules of internal labor regulations. The constituent documents of the enterprise should provide for the possibility of creation and the main tasks of the enterprise corporate security service.

Law is the regulator of public relations is one of the effective tools for ensuring the safety of enterprises. The regulatory framework provides an opportunity for the subject of active business activity, defines the institutions and means of

its implementation, norms and levels of responsibility for violating the right of the subject to safe economic activity. Although it can not be argued in general that there is a complete lack of legal and regulatory framework for ensuring corporate security of business entities in Ukraine, it is worth noting that existing distinctions and unstimulated legal acts fail to provide an adequate level of security for the functioning of Ukrainian enterprises.

The study of the regulatory framework in the field of ensuring the security of the development of business entities allows to state that there are no laws of direct action on corporate security of an enterprise, provision of security services, detective activity, protection of commercial secrets and confidential information; inconsistency of the regulatory framework with the realities of today and the declarativeness of existing documents; lack of a clear institutional mechanism for monitoring, scientific expertise of the legal security of the functioning of business entities.

In order to improve and reform the legal and regulatory framework for providing enterprise corporate security, we propose the earliest development, adoption and enactment of the Law of Ukraine «On Commercial Secrets Protection», the implementation of the legal regulation of search and analytical (detective) and security activities of enterprises, drafting and passing the law. direct action on the corporate security of an entity that clearly defines the nature and purpose, functions and responsibilities, rights and responsibilities of the security services enterprises'.

References:

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2. Fundamentals of Economic Security / O. M. Bandurka, V. Ye. Dukhov, K. Ya. Petrova, I. M. Chervyakov. Kharkiv : NUVS, 2003. 236 p.