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ЕКОНОМІЧНИЙ СУВЕРЕНІТЕТ ТА ЕКОНОМІЧНА БЕЗПЕКА УКРАЇНИ (ВЗАЄМОЗВ'ЯЗОК ТА ВЗАЄМОРОЗУМІННЯ) В КОНТЕКСТІ ЇХ ДОКТРИНАЛЬНОГО ТА ПРАВОВОГО ЗАБЕЗПЕЧЕННЯ

Анотація. *Метою цієї статті є звернення до актуальних проблем доктринального і правового забезпечення економічної безпеки держави з актуалізацією питань щодо співвідношення понять «економічна безпека» та «економічний суверенітет» у їх взаємозв'язку та взаєморозумінні. В роботі авторами приділено увагу аналізу існуючих у національних правових доктринах окремих держав світу наукових підходів до визначення поняття «економічний суверенітет», з'ясовано його основні ознаки, проаналізовано наукові підходи вітчизняних та зарубіжних дослідників щодо визначення поняття «економічна безпека» та на підставі цього наведено власне бачення інструментального наповнення цих дефініцій. Аргументовано, що поняття «економічний суверенітет» є первинним стосовно поняття «економічна безпека». У статті досліджено національні системи (моделі) забезпечення економічної безпеки держави, серед яких, зокрема, американська, японська, китайська, моделі інституційних утворень (зокрема, ЄС), моделі, характерні для держав з перехідною економікою. Авторами встановлено, що для України характерною є система (модель) економічної безпеки держав з перехідною економікою, яка вирізняється фрагментарністю та непослідовністю її побудови, що в кінцевому результаті впливає на стан забезпечення економічної безпеки держави в цілому. З'ясовано, що основною метою України на даному етапі її розвитку в контексті побудови національної моделі забезпечення економічної безпеки є створення ефективної системи засобів подолання або мінімізації наявних чи потенційних загроз, особливо в умовах глобалізації торговельно-економічних відносин. В роботі наголошується на необхідності запозичення позитивного зарубіжного досвіду правового забезпечення відносин із створення та запровадження національних систем забезпечення економічної безпеки держави з метою поступового перетворення України на вагомий учасник процесів забезпечення міжнародної економічної безпеки*

Ключові слова: *державний суверенітет, економічний суверенітет, економічна безпека, національні системи забезпечення безпеки, національні інтереси*

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ECONOMIC SOVEREIGNTY AND ECONOMIC SECURITY OF UKRAINE (INTERRELATION AND MUTUAL UNDERSTANDING) IN THE CONTEXT OF THEIR DOCTRINAL AND LEGAL SUPPORT

Abstract. *The purpose of this article is to address current issues of doctrinal and legal security of economic security of the state with the actualisation of issues concerning the relationship between the concepts of “economic security” and “economic sovereignty” in their relationship and mutual understanding. The authors pay attention to the analysis of existing in the national legal doctrines of individual countries scientific approaches to the definition of “economic sovereignty”, clarify its main features, analyse the scientific approaches of domestic and foreign researchers to define the concept of “economic security” and on this basis own vision of the instrumental content of these definitions. It is argued that the concept of “economic sovereignty” is primary in relation to the concept of “economic security”. The article examines the national systems (models) of economic security of the state, including, in particular, American, Japanese, Chinese, models of institutional entities (in particular, the EU), models typical of countries with economies in transition. The authors found that Ukraine is characterised by a system (model) of economic security of countries with economies in transition, which is fragmented and inconsistent in its construction, which ultimately affects the state of economic security of the state as a whole. It was found that the main goal of Ukraine at this stage of its development in the context of building a national model of economic security is to create an effective system of means to overcome or minimise existing or potential threats, especially in the context of globalisation of trade and economic relations. The paper emphasises the need to borrow positive foreign experience of legal support of relations for the creation and implementation of national systems of economic security of the state to gradually transform Ukraine into an important participant in the processes of international economic security*

Keywords: *state sovereignty, economic sovereignty, economic security, national security systems, national interests*

INTRODUCTION

Today's economic security is a state of development of the economic system of the state, in which it must be maximally protected from existing external and internal threats and can develop without much deviation towards the deterioration of economic processes, even if they are actively influenced. Achieving the desired state of economic security, which would ensure the balanced development of the state economy is impossible without reference to the category of “economic sovereignty”, as the content of this definition is specified through the definition of basic sovereign rights of the state, including the right to constitutional and/or legislative principles of national economic policy; the right to be an equal participant in international economic relations; the right to respect for national economic interests, etc. Fulfilment of the key task for any state – ensuring economic sovereignty – is impossible without recourse to the studied categories, as ensuring the balanced development of the state's economy involves the existence of a separate system of social relations in which the state is both regulator and participant and subject of control and monitoring the functioning of such a system. Furthermore, the complexity of building national economic systems in the context of ensuring economic sovereignty and economic security of the state as interrelated categories shows that the process of achieving them will be multifaceted and extremely differentiated, which ultimately is objectified in a certain model of relations. Analysis of the experience of doctrinal and legal support of economic security of developed countries also convincingly proves that this process is characterised by increasing tendencies to the constant expansion of the scope, range and scale of tasks [1].

It should be noted that the state economy is the environment of functioning of participants in economic relations of all forms of ownership without exception, and therefore in a democratic, legal state, the possibility

of only imperative influence on economic processes is excluded, in connection with which the state's desire to achieve the common good, an indispensable element of which is unquestionably considered economic security as a certain state of the economy, and therefore economic stability in society, does not justify its unlimited interference in the activities of subjects participating in these relations. This, however, does not mean that the state should not create appropriate legal conditions for the effective functioning of business entities, for the development of all sectors and sectors of the national economy, for the development of economic subsystems of the regions (region) of the state, balanced development of the economic system of the state as a whole, so that the very model of their existence allows to achieve the desired state of ensuring economic sovereignty and economic security. In a state governed by the rule of law, relations between subjects in any potentially significant sphere of public life are subject to legal regulation. Therefore, the state has a monopoly on the establishment and protection of law and order, which is actually embodied in its regulatory influence. The main purpose of this legal order in the context of our research should be considered doctrinal and legal support of economic sovereignty and economic security of the state, which is objectified through the creation of a mechanism (system) of legal support of economic sovereignty and economic security. The formation and effective functioning of this mechanism in a democratic state is conditioned by the use of exclusively legal means, as the law itself is the primary basis for ensuring the necessary regulatory influence of any social relations, including relations to ensure economic sovereignty and economic security. According to V.V. Yakovenko and A. S. Peshkova, "the economic security of the state is ensured by a nationwide set of tools and measures aimed at the permanent development of the state and involve a large number of actors in this process. This testifies to the need for the existence of a system of legal support, because only the law is the only way to legitimise the models and forms of social relations" [2]. Some experts emphasise that ensuring the economic sovereignty and economic security of the state can and should take place exclusively within the framework of national legislation and only by means established and enshrined in law, in particular by means of state coercion. This opinion is held in particular by L.I. Abalkin [3], I.I. Bogdanov [4], V.K. Senchagov [5] and others. The positions of these scholars demonstrate the dependence of legal doctrine on national policy in the field of economic sovereignty and economic security. Today, the predestination of the legal doctrine by national interests, in particular in the field of ensuring economic sovereignty and economic security, can be traced to the example of "trade wars" unleashed by the United States with China, the Russian Federation, the European Union and a number of other countries [6] and which are implemented through trade sanctions and protectionist means provided for at the level of national legislation.

The relevance of the study at the present stage is also due to the fact that the domestic legal doctrine has not yet formed the generally accepted concepts of "economic sovereignty" and "economic security", there is no unified methodological approach to elaborating the components of these definitions, not developed theoretical and methodological tools, the place of the categories "economic security" and "economic sovereignty" in the domestic legal science is not defined either.

The priority of this work is to address the actual problems of doctrinal and legal support of economic sovereignty and economic security of Ukraine with the updating of issues regarding the role of domestic law and legislation as a determining basis in ensuring economic sovereignty and economic security of the state, among which the most attention deserves: optimisation of national legal support of economic sovereignty and economic security and its unification with the legislation of individual states of the world, having a positive experience of building effective national systems of ensuring economic sovereignty and economic security; improvement of national policy in the field of legal support of economic sovereignty and economic security; clarification of Ukraine's place in the world system of ensuring international economic security.

The theoretical framework of this study included papers by researchers of such as V.M. Heiets, V.S. Zagashvili, V.A. Lipkan, H.A. Pasternak-Taranushenko, V.G. Pylypchuk, V.T. Shlemko, and others.

Certain aspects of ensuring the economic sovereignty and economic security of Ukraine were investigated in the studies of such foreign researchers as A. Anghie, C.-J.J. Chen, M. Kahler, as well as Ukrainian researchers: S.V. Mochernyi, M.M. Khapatniukovskiyi, O.F. Skakun, and others. At the same time, in the domestic legal science the complex analysis of questions of doctrinal and legal maintenance of economic sovereignty and economic security of Ukraine in their interrelation and mutual understanding was not carried out.

1. MATERIALS AND METHODS

The methodological basis of this study includes the following general and special research methods: dialectical, comparative law, system-structural, hermeneutic, theoretical and prognostic, and others. The basis of the research methodology is the dialectical method as the main philosophical method that allows to consider and know the subject of research through the prism of its development, changes that occur with it, and the connections it has with other phenomena. The dialectical method of cognition accompanied the whole process

of this scientific research and allowed to consider the issues of economic sovereignty and economic security of Ukraine in the context of their doctrinal and legal support. In particular, this method allowed to reveal in detail the essence of such complex phenomena as economic sovereignty and economic security. Furthermore, the dialectical method was used to comprehensively study the principles of formation and functioning of the mechanism (system) of legal support of economic sovereignty and economic security of Ukraine, linking the categories of “economic sovereignty” and “economic security” with domestic legal doctrine, domestic legislation. As a result of resorting to this method, the issues of economic sovereignty and economic security of Ukraine in their relationship and mutual understanding were studied.

The comparative legal method helped to reveal the approaches inherent in the legal systems of individual foreign countries to the features and patterns of legal regulation of relations to ensure economic sovereignty and economic security of the state and identify opportunities to use their positive experience to improve domestic legislation in this area. This method is the main method in the system of methodology of comparative legal research and acts as a set of methods and techniques for identifying the origin, development, functioning of different legal systems based on a comparative study of general and specific patterns. This method is described by comparing legal concepts, phenomena, processes of the same order and determining the similarities and differences between them. This method was useful for the analysis of scientific views and experience of foreign countries within this issue. By addressing him, it was found that the analysis of foreign experience in regulating the principles of national economic security by individual states and institutional entities in general allows us to conclude on the permanence and priority of purely national interests. Even regardless of the involvement of countries in the system of international economic security, the focus is mainly on domestic problems and threats. And only the overdeveloped countries: the United States, Japan, and some EU countries – among the main tasks of ensuring economic sovereignty and economic security are considering the protection of their own foreign economic priorities.

The use of the hermeneutic method contributed to the interpretation and interpretation of regulations and scientific works of scientists, which formed the basis for the formulation of the terminology of this study. Thanks to the hermeneutical method, it became possible to collect and record material on the subject of this research, which allowed identifying its meaning, this method of research became exactly the tool with which it was possible to solve the issue of meaningful content of the concepts of “economic sovereignty” and “economic security” in their interrelation and mutual understanding. With the help of the system-structural method, the place of Ukraine in the architectonics of the system of ensuring international economic security was determined, namely, it is a state with a transition economy, the system of economic security of which is characterised by the fragmentation of the implemented national policy, aimed mainly at stabilising economic processes after independence and a rather weak instrumental content of this system.

The theoretical and prognostic method was the basis for developing forecasts for further development of domestic legal doctrine in the field of economic sovereignty and economic security of Ukraine, which allowed formulating a number of criteria and goals for Ukraine's development as a participant in international economic security. Furthermore, the appeal to this method allows improving the quality of legislation in this area in the future, justifying the need to make changes and additions to them to build a logically structured mechanism (system) of legal support for economic sovereignty and economic security of the state to achieve significant results in protecting the domestic economy in the context of globalisation of trade and economic relations.

2. RESULTS AND DISCUSSION

The category of “economic sovereignty” in its content is an economic and legal category, the nature of which is covered by special legal methods of cognition and is the ability of the state to make decisions on economic development. This interpretation is general and to some extent even somewhat conditional. This is explained by the fact that the functioning of the modern state is due to trends in the globalised world economy, and in some cases also the national interests of economically more powerful countries and their integration associations. Therefore, the choice of national economic model at the present stage of human development is often due to some limited strategic opportunities for economic development of the country, and economic sovereignty is the ability of political power to choose one of the alternatives for further development.

The term “economic sovereignty”, as well as similar categories (“financial”, “fiscal”, “customs”, “technological” sovereignty, etc.) were actively used in economic and legal literature mainly in the era of decolonisation [7, p. 211-214] due to the need to ensure permanent sovereignty over natural resources as a

condition that affects the state's economy beyond significant economic progress¹ as well as in the late XX – early XXI centuries in the post-Soviet space² in particular, in Ukraine. In other states, primarily in Western countries, the category of “economic sovereignty” is usually not used (the exception is publications devoted to European integration, in particular on issues of limiting the economic sovereignty of member states in favor of the goals of political integration, as well as assessing the impact on the economic sovereignty of a state as a result of the activities of international financial organisations) [9-13]. Instead, in the research of foreign authors, the concept of “economic power” is widely used [14-17], “economic security” [18; 19], “economic interests”, etc.

It can be argued that although “economic sovereignty” and its derivatives are actively used in the national legislation of the Russian Federation, the Republic of Belarus and some other countries, mostly post-Soviet space, in the decisions of their constitutional courts, other official documents³, in legal science, these concepts are just beginning to develop. It should be noted that the introduction into scientific circulation of the concept of “economic sovereignty” in some way gave impetus to the development of the doctrine of sovereign rights of the state, its content [20; 21]. In the process of scientific research, the basic sovereign rights of the state were determined, which specify the content of the category “economic sovereignty”. Such rights of the state include: the sovereign right of the state to dispose of its own resources; the right to determine the principles of national economic policy at the constitutional and/or legislative level⁴; sovereign right both to join and leave the integration associations of economic orientation (for example, the EU) and international economic organisations (World Bank, International Monetary Fund, Organisation for Economic Cooperation and Development, IBRD, WTO); the right to be an equal participant in international economic relations; the right to respect for national economic interests; the right to take part in solving international economic problems, especially those that affect national interests.

Since the concept of “economic sovereignty” is cross-scientific, its features have both legal and economic origins. Among the main features should be noted: unity; inalienability; extraterritorial activity of resident economic entities; priority of national interests; indivisibility; availability of own currency; availability of own tax system. Unity as a sign of economic sovereignty of the state is the existence of a single sovereign power of the Ukrainian state, exercised by a system of bodies, including representative, throughout Ukraine. Ukraine's economic independence is manifested through the activities of relevant state institutions, bodies and organisations, in the general sense, aimed at ensuring the implementation of the strategy of its economic development. Strategy is an integral element of economic sovereignty, although not a feature of it, but performs an important function of ensuring stable and predictable development of the country's economy. These two categories (economic independence and economic development strategy) are the initial criteria for determining the effectiveness of the economic security system, which demonstrates the relationship between economic sovereignty and economic security.

¹ In resolution 523 (VI) “Integrated economic development and commercial agreements” (1952) the General Assembly considered that “the underdeveloped countries have the right to determine freely the use of their natural resources and that they must utilise such resources to be in a better position to further the realisation of their plans of development in accordance with their national interests, and to further the expansion of the world economy”; “commercial agreements shall not contain economic or political conditions violating the sovereign rights of the underdeveloped countries, including the right to determine their own plans for economic development”. Permanent Sovereignty as a Principle of international economic law was enshrined in resolution 1803 of the UN General Assembly. This allowed its development to be more rapid than it would have been through more conventional methods of law-making, such as evolving State practice or diplomatic conferences [8, p. 3] common article 1 of both Covenants affirms, in paragraph 2, “All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence”.

² The appeal of politicians and scholars of this category is due in some way to ideological guidelines, as well as the fact that after the collapse of the Soviet Union in the transition from socialist to market economy, the national economy of the newly formed states was open, structurally primitive and highly dependent on foreign policy.

In modern conditions, military force has ceased to be the main instrument of coercion in international relations, while economic power is becoming increasingly important. In this regard, the popularity of the concept of “economic sovereignty” in the Russian Federation and Belarus is due to the application to these states of economic sanctions by the United States and the European Union.

³ The provisions of regulations and decisions of constitutional courts usually relate to mechanisms to ensure economic sovereignty, in particular, the restriction of foreign investment in strategic sectors of the national economy; introduction of covert mechanisms of protectionism; anti-offshore regulation, etc.

⁴ This refers to the ability to independently determine and implement financial and trade policy, legislate the activities of foreign companies, foreign investment, the nationalisation of foreign property and more.

The inalienability of the economic sovereignty of the state is manifested in its inseparable connection with the direct performance by public authorities of the functions of ensuring balanced economic development. No other body, institution or organisation, which does not have the appropriate mandate, can perform organisational and administrative functions in the field of management of the economic system of the state. However, it should be clearly understood that almost all economic entities and market agents have the potential to influence economic processes in the country to one degree or another, but their influence is manifested discreetly, within the dispositive models of economic behavior enshrined in law. Legitimate public authorities have much more power, and in particular, they determine the boundaries of all other participants in economic relations.

Extraterritorial activity of resident economic entities means their ability to conduct their activities outside the territory of the state in the process of achieving economic interests of both their own and national. The essence of this feature is that no matter what interests are pursued by resident businesses, one way or another they ensure the economic growth of the state as a whole, including by: generating profits and transferring part of them in the form of taxes to the budgets of different levels; ensuring employment; development of socio-economic infrastructure of the territory, etc. In addition, the active activities of resident economic entities, their development contribute to improving the efficiency of the system of economic security of the state.

The concept of extraterritoriality is closely related to the concept of priority of national interests, because to ensure economic independence, the state must have the appropriate resources, mechanisms and tools to respond to situations of various kinds. The fact that the national legislation, within which economic relations take place, is completely focused on national interests, is quite logical, but, in addition, the same orientation should have business – “public contract”. Today, such a concept is already spreading and taking the form of social responsibility, when business structures are delegated by the authorities’ part of the powers to solve socio-economic problems of the territories where the production facilities of enterprises are located. At the international level, this feature is embodied in the vector of foreign economic and foreign policy development of the state. This, in fact, determines the position of the state in globalisation processes, its direction and the choice of the organisation of which it seeks to become a member.

Indivisibility of economic sovereignty means the ability of the state to ensure its fullness and, according to the law, only to delegate their sovereign rights to state-authorized bodies, international organisations etc. From the point of view of globalisation, the delegation of economic functions of the state to the level of, for example, international organisations is the most relevant and controversial issue. The fact is that such delegation can lead to a partial loss of self-identity of the state, the subordination of its interests to the interests of more developed economies and ultimately - to the weakening of economic security of the state. At the same time, full integration is impossible without such delegation. As for Ukraine in particular, joining various integration associations is objectively necessary for the further development of the state. At the constitutional level, the supremacy of the norms of international law over the norms of domestic law is recognised, however, in the case of ratification of the former. This situation leads to ambiguity in the processes of development and adoption of regulations, as in the first place is the criterion of their compliance with international agreements. This can be clearly demonstrated by the example of Ukraine's accession to the WTO and the desire for EU integration. In the first case, the process of so-called “harmonisation” of legislation lasted almost five years and continues today. Therewith, the position of Ukraine's economic security in relation to certain sectors of the economy was significantly worsened due to the adoption of a number of laws (primarily concerning the ratification of WTO agreements), which, on the one hand, weakened the position of the national commodity producer, but on the other, opened up new opportunities for Ukraine in international trade markets. Nominally, Ukraine has not lost its economic sovereignty or even weakened it, because the relevant decisions were made without pressure, independently, considering the results of market analysis and strategic prospects for development.

This statement fully applies to Ukraine's potential membership in other associations and unions, including the EU. As for joining the EU, Ukraine must radically reform the system of public administration decisions and independently transfer part of its powers in the economic sphere to the level of interstate superstructure in the form of EU institutions. The above clearly demonstrates that integration into world economic unions, alliances and other entities is possible only if the legislator maintains the ability to adequately respond to the economic challenges of the future. If such regulation does not take place, the country may find itself in the situation that took place in Ireland, Iceland and Cyprus in 2008-2010, when all the negative effects of the global financial and economic crisis from the European economy was transferred to the economy of these countries. That is why it is important to strike a balance between national interests and strategic decisions regarding the state's membership in such integration associations.

The presence of its own currency is traditionally seen not only as a sign but also a prerequisite for the state to ensure its own economic sovereignty. The importance of the national currency lies in the ability of the state through the central bank to independently control its circulation: increase or decrease in demand, which will directly affect the controllability of inflation. At the same time, the country can freely circulate world currencies, in particular the US dollar, euro, currency of other countries, but the state, in the case of its own currency, has the opportunity to regulate the conversion rate. Economic growth, industrial development, export activity of enterprises, as well as the monetary and financial stability of the state depend on this. In addition, the presence of its own currency significantly expands the stabilisation of the economic security of the state, but also makes it vulnerable due to the ability to accumulate currency by other actors in international economic relations, which thus gain additional leverage on the economic situation within the country. Therewith, trends in the development of the European integration process show that in the conditions of State membership in a supranational integration Association, the preservation of the national currency is the exception rather than the rule¹. The creation of a single market, banking and monetary unions implies the abandonment of member states' own currency.

The last sign of our declared economic sovereignty is the existence of our own tax system. Taxes are a legal way to redistribute monetary and financial resources to maintain the apparatus of public economic management. The economic essence of taxes can be expressed as follows: pre-established and fixed fee of taxpayers for the maintenance of a sustainable system of regulation of economic activity. The importance of taxes for the economic sovereignty of the state is due to the fact that in this way – by obtaining relatively independent sources of funding - ensures the inalienability, unity of power and priority of national interests. In the context of economic security, taxes are a potential resource that can ensure its full functioning, but first of all they are considered as the most important source of replenishment of the state budget, and therefore they are the object of national economic security. Even in the context of a state's membership in the European Union, tax policy as the last tool of national governments in the process of regulating their own economy remains important: tax policies of member states reflect the features of national socio-economic models, which are quite different, which complicates the process of their harmonisation within the EU.

The close relationship between the economic sovereignty of the state and its economic security is a priori and objective, but these categories should be clearly distinguished not only by content but also by origin. Economic sovereignty is paramount in terms of economic security. As the ability of state power, one of its characteristics, economic sovereignty further determines the emergence of economic security and the creation of a system of its provision. Therewith, it is not necessary that economic sovereignty will be fully realised, but it will not disappear, but will remain in the category of conditional categories, while the phenomenon of “economic security” is more categorical. It can be complete, powerful, comprehensive or partial, weak, and in some cases, it may not be at all, even when the country's authorities have the potential to secure their economic sovereignty.

Economic security, in contrast to economic sovereignty, is a certain state of the system, and therefore this category has a material nature, which determines its structural and logical scheme and features. Instead, economic sovereignty is a category that characterises state power, and therefore outside the system of power relations, its use is meaningless. The relationship of these categories, if viewed through the prism of state regulation, can be depicted as a material embodiment (security system) of the economic will of the state (sovereignty). In general, it should be noted that the economic sovereignty of the state is an extremely complex category and needs further research in the context of determining the mechanisms for its provision. As an objective characteristic of state power, economic sovereignty arises with the formation and legitimate registration of the state and its governing bodies, but for its full and real provision requires an appropriate economic system that is formed, managed and controlled by the state.

Scientific sources on the study of the categories of economic sovereignty and economic security in their mutual understanding and interrelation suggest that most Ukrainian and foreign researchers, namely Z.S. Varnalii [22], A.A. Mazaraki, O.P. Korolchuk [23], V.K. Senchagov, B.V. Gubin [24], V.T. Shlemko, I.F. Binko [25], and others identify these concepts to a certain extent. Thus, for example: P. Yakovenko and A.A. Mazaraki [23] in their research come to the general conclusion that economic security objectifies the economic independence of the state. That is, the achievement of a certain state of development of economic processes, in which we can talk about the presence of all signs of economic security, according to researchers,

¹ Jean Monnet believed that Europe would be created by currency or would never be created. Today, the European Union uses the opportunities of the euro as a factor of financial and political pressure, internal consolidation, the creation of a favorable environment, cultural expansion abroad and – due to the above – the construction of a special European identity that revives forgotten imperial ambitions.

makes the state completely independent in the international economic environment. In our opinion, this statement is quite debatable, because even with an extremely high level of economic security in the context of globalisation and integration processes, hardly any country in the world can be considered independent at least in foreign economic activity, as international markets do not depend on the level their economic sovereignty, instead, it is international economic processes that affect the state of development of the national model of economic relations.

In this context, it is expedient to cite the point of view that can be traced in the works of G.I. Bashtyanin, O.I. Kovtun and P.A. Kutsyk. Researchers are talking about the need to revise the content of the principle of sovereignty in the field of economic relations [26]. That is, in fact, they propose to level the very content of the economic sovereignty of the state in the context of globalisation¹, explaining this by the fact that it is mutually limited in different states by their agreement, which is achieved through the tools of established and created international organisations and international economic cooperation based on them. Such a position would be appropriate if the principle of sovereignty were subject to revision in both political and other spheres of public life. But at this stage of development of the world's states, we consider the pressure and possible adverse impact of globalisation processes on the state of economic security of the state only as a justification for the inability of a particular state to ensure the proper level of security.

A similar point of view is expressed by R. Keohane and J. Naem, who, analysing the nature of the development of national economies of countries in their transition period, as well as studying the phenomenon of transnationalisation of the world global economy and the formation of the so-called “transnationalism of world politics”, make an attempt to scientifically prove the existence of a trend towards full liberalisation of global regulatory processes, when international organisations actually take over the functions of the state, and the latter delegate them to them [27; 28]. We believe that such tendencies actually exist, but to say that they are objective is premature. The fact is that the loss of economic sovereignty, as described by researchers, occurs through the voluntary transfer of some decision-making functions on the general outlines of the global market, rather than on decisions relating to the economic security of the state. In our opinion, the state is not deprived of opportunities and capabilities to ensure its own economic security, even with membership in international organisations, but on the contrary, we define such membership as additional opportunities to ensure sustainable development of the national economy and economic stability.

Therefore, from our point of view, S.I. Tkalenko's statement is more appropriate that “economic sovereignty and ensuring economic security for Ukraine is the basis for ensuring strategic development based on national ideas and interests”. Ensuring economic security is a guarantee of state independence of Ukraine” [29]. This scientific position coincides with our idea that the sovereignty of the state can be fully revealed only when the state has created the right conditions for comprehensive security development.

In this context, the position of O. Skrypnyuk is also appropriate, which indicates that “state sovereignty can be properly ensured only through the further and irreversible establishment of Ukraine as a democratic, legal and social state, including in the sphere of Economic Policy” [30]. That is, the realisation of sovereignty, including economic, depends not only on independence in decision-making in the field of economic security, but also on the nature of measures of state and regulatory influence. A somewhat similar position is supported by I.F. Binko and V.T. Shlemko [25], who believe that the democratic nature of national economic policy is largely itself decisive for achieving the maximum level of economic independence.

M.M. Khapatniukovskyi notes that “economic sovereignty is the regulatory ability of the state to create conditions and mechanisms for the expanded reproduction of its national economic system based on a combination of endogenous and exogenous sources and development factors, while ensuring the preservation of control of the national state/community over the possession (use) of strategic resources and assets” [31]. In our opinion, such a vision is focused on the needs of economic sciences, but for legal science it reveals new planes of possibilities for studying the essence of the phenomenon of “economic sovereignty”. According to M.M. Khapatnyukovsky, whom we support, economic security is comprehended by a certain set of means that the state is able to provide and implement only if it has reached the appropriate state of development of economic sovereignty. In other words, freedom of choice of mechanisms for the implementation of strategic directions of national economic policy is a necessary condition for the implementation of economic sovereignty.

¹ It should be agreed that globalisation has undermined the established approach to understanding economic security, which was based on the economic vulnerability of the state by other states. Globalisation has led to a rethinking of economic security in the light of the risks posed by cross-border networks of non-state actors and the economic instability of the new global environment. However, national institutions remain key to ensuring economic security. Regional and global institutions can complement each other, as well as the actions of national governments in reducing new economic insecurity [19].

Moreover, M.M. Khapatnyukovsky, investigating the directions of improving the regulatory capacity of Ukraine to ensure economic sovereignty, focuses on the need to consider the conditions of global imbalances. That is, economic sovereignty, according to the researcher, will be fully revealed only when the state will be able not only to create certain conditions for the development of the national economy and ensure proper economic security, but also to effectively counter external threats. In this approach, in our opinion, the relationship between the categories of “economic sovereignty” and “economic freedom” is extremely accurate, as both of these categories characterise the economic system of the state as an integral object of the global system of economic relations.

Some researchers, for example O.P. Gradov [32] or Ya.A. Zhalilo [33], use, but do not define the category of “economic sovereignty”, interpreting it as a certain state of development of the economic system of the state, without linking the need for its implementation in the fundamental law of the state (usually the Constitution). It should be noted that their positions deserve support, because it is possible to objectify by enshrining at the level of law only those economic processes and forms of relations that have practical measurability or manifestation. Furthermore, the relations of economic sovereignty in the domestic legal doctrine of today also have even scientific uncertainty at the level of theoretical and methodological understanding of the tools that provide it.

V.V. Mikitas and S.V. Tyutyunnikova note that “despite the increasing influence of external determinants of globalisation processes on national socio-economic development, the need to preserve and use national identity, national subjectivity in the formation of economic policy of the state aimed at improving the competitiveness and quality of life of the population is being updated” [34]. We support this position of scholars, supplementing it only by the fact that the ability to preserve the economic sovereignty of the state will reveal and characterise the quality of economic policy pursued by the state and the level of competence of the political leadership of this state.

In turn, A.F. Skakun considers the economic sovereignty of the state as a component of state sovereignty, defining the former as a political and legal property expressed in the supremacy of the Economic will of the state on its own territory and independence in foreign economic relations [35]. However, as noted above, the maximum level of independence in the global economic environment is unlikely to be achieved, but the risks and economic challenges of the global economy can and should be effectively addressed. That is why it is expedient, in our opinion, to supplement the proposed definition with such an element as self-sufficiency in decision-making on the choice of directions of economic development.

Separately, S.V. Mocherny addresses the problem of economic sovereignty in his works, who notes that a significant drawback of the existing definitions is abstraction from economic property relations, and therefore from the political and economic aspect of the problem. The researcher interprets economic sovereignty in the political-economic aspect as the property of the people for their own national wealth, based on which their authorised bodies independently regulate the economy and foreign economic activity, primarily in the interests of employees [36]. In our opinion, this position of the scientist needs to be detailed because, defining the bearer of economic sovereignty as the people, by analogy with public and political sovereignty, it is necessary to clarify that we are talking primarily about those who directly exercise their economic rights, i.e. participants relations in the field of management (Article 2 of the Civil Code of Ukraine). We believe that they should be considered the primary carriers of economic sovereignty of the state.

S.G. Vatamanyuk and S.M. Panchishin, studying the above category, come to the conclusion that the most important feature of the category “economic sovereignty” is not independent regulation by the economy, since this feature is secondary or derived from the presence of a sovereign state, nation or people ownership of all national wealth, natural resources, land, etc. Therewith, economic sovereignty is organically associated with such a feature of state sovereignty as the supremacy of the state in its own territory. Thus, economic sovereignty is defined as the ability of the state at the expense of representative bodies to implement the will of the majority in the context of managing the country's economy [37]. This position of researchers can be agreed, however, the term “will of the majority”, in our opinion, should be replaced by the term “national interests” or “public interests”. Furthermore, economic sovereignty is a manifestation of the ability of public authorities to regulate and organise economic processes in the state in a way that maximises the quality of economic security, and thus creates conditions for balanced development of the state economy and its self-strengthening.

As O.O. Ashurkov rightly notes in this regard, if earlier the sovereignty of any state, as well as the degree of its completeness, did not raise doubts, then in the conditions of current globalisation, the question of the possibility of state sovereignty of an individual country does not just arise, but already comes to the fore, because today's reality largely unfolds against such sovereignty, admittedly, in its essential, and not formal implementation: the presence of formal sovereignty does not guarantee the existence of real sovereignty at all [38].

The researcher uses the categories “economic security” and “economic sovereignty” not identically, but concludes that the first category is only an element of the second. The author notes that the main thing to ensure economic sovereignty is a consistent policy of self-strengthening, the use of all legal means that promote self-strengthening, starting with a clear enshrinement in the Constitution of the economic system and ensuring public order in the economy. Only a state that is strategically aimed at self-empowerment can successfully resist the negative external influences that always exist in the world economy. In other words, the researcher states that economic sovereignty is the ability of a state to withstand the external economic pressure of other states and global integration entities. Although this definition of economic sovereignty is debatable, it is this understanding of this category that is most appropriate in the context of our research.

Furthermore, in the context of ensuring national economic security as a component of ensuring the economic sovereignty of the state, it is important not only the theoretical and methodological justification of the instrumental content of these categories, but also the legal regulation of the relations under study, since the creation of appropriate transparent and effective tools for Legal Regulation, understandable to all participants in these relations, is the key to the effectiveness of the national policy implemented in this area. Therefore, it is relevant and important for Ukraine to analyse foreign experience in this aspect, but not only those states that have a strong system of protecting the national economy and promote aggressive foreign economic policy, but also those countries that have a lot in common with Ukraine in terms of their level and historical development.

As V.Y. Yedynak rightly notes in this regard, “the entire period of formation of the economic system of any country is accompanied by an increase in dependencies in the world economy, which were caused by the processes of internationalisation of production and globalisation, which causes the emergence of new threats to the functioning of the economy of such a country. In fact, the problem of ensuring the economic security of the country arises with the emergence of the state itself, its national interests and awareness of the latter” [39]. In our opinion, this means that each state, as a sovereign, as a bearer of economic power, forms, implements and ensures the functioning of its own system of economic security. This statement fully applies to Ukraine, which, given its own specifics of establishment and development, independently determines the architecture of its own model of economic security. Today in the world there are a large number of models of national economic security (according to the number of countries in the world), each of which has its own purpose, and is characterised by a different set of government mechanisms. At the same time, there are states whose national models of economic security can serve as a guide for Ukraine to solve a purely applied task – to build its own effective, efficient system of economic security, considering the national specifics of the domestic economy. Such borrowing of certain elements of the national systems of economic security of those states that are successful in the economic sense, can not be considered as a component of partial loss of economic sovereignty, because, first, the state must always focus on national economic interests, and secondly, treatment to such a positive experience allows the state to quickly integrate into the general world economic space [40]. We believe that, given the current geopolitical and geoeconomic situation, the experience of building national systems of economic security of those states and institutional entities, which we will consider below, may be most useful for the state of Ukraine.

The American model is characterised by the main emphasis of national policy on ensuring a balanced system of tools and measures to counter internal and external threats. The security system of the domestic economic sector considers the main global threats and risks, the source of which are international economic processes. This model is the most utilitarian and is used by many developed countries.

When studying the US experience in building a system of economic security, we should pay attention to the following key aspects. First of all, the state is focused exclusively on the protection of national interests, i.e. public authorities work in such a way as to maximise the development of national producers, as well as provide maximum methodological, practical, stimulating support to businesses in their foreign economic activity. In this way, the United States carries out economic expansion through its enterprises and TNCs. “The main directions of the US national security policy are presented in the National Security Strategy in three main blocks: the formation of a secure international environment in America, ensuring an adequate response to threats and crises, proper preparedness of American society for unpredictable trends and future phenomena. Virtually every area involves measures to solve problems of economic security” [41]. It should also be noted that most of the mechanisms and tools of public administration actions aimed at ensuring economic security are provided in the United States by separate regulations.

Notably, the long process of finding effective ways to protect national economic interests has allowed creating an effective regulatory framework for economic security. US economic security is considered an integral and most important of the structural components of national security in the National Security Strategy and is implemented in the laws on certain aspects of its provision, in particular:

- General issues of economic security are concentrated in The Economic Security Act of 1996;

- improving the efficiency of national education and science is reflected in the law on education for economic security (The Education for Economic Security Act of 1999);
- issues of tax regulation, priorities of economic development, customs protectionism – in the law on economic security and reproduction (The Economic Security & Recovery Act of 2001);
- issues of the labour market, the fight against unemployment, economic protection of the population – in the Job Creation and Economic Security Act of 2002, etc. [42].

The Japanese model is the main regulatory emphasis is on ensuring the stability of social processes, the development of society and the nation. The economic system of the state is seen as a means of achieving social development goals and therefore requires balanced development and a certain level of isolation from global processes to prevent the export of economic crises and other negative manifestations of the global economic environment.

It should be emphasised that Japan is characterised by a certain isolation of its own society, traditions and its own economy from other economies in the world. Japan, on the other hand, is a clear example of successful globalisation, when Japanese corporations have introduced the practice of so-called “creeping globalisation”, which means the penetration of TNCs into all sectors of the international economy without exception. Such secrecy, on the one hand, contributed to the resilience of the Japanese economy during many global financial and economic crises, and on the other – constantly supported the growth of competitive advantages of national corporations in the almost complete absence of non-resident competitors.

Japan's economic security system is based on the following principles:

- preservation and increase of economic potential and economic power of the country;
- maintaining the domestic market of a country with a high level of purchasing power;
- creating conditions for the gradual globalisation of Japanese corporations, which will ensure national interests. This goal is achieved through the country's inflows of surplus profits from Japanese corporations received in global markets or abroad.

The Chinese model is common only in countries that are trying to build a socialist society. The concept of economic security is well known, based on the ideas and provisions of the structural rigidity of the economic system, its manageability, a high level of protection from external challenges and threats. The main condition of economic security is considered resources, capacity, stability, manageability. In fact, China's economic security is a synthesis of Confucian philosophy, reform and openness, the right balance between reform, development and stability [41]. However, China's current national policy in the field of economic security is based on market principles and the principles of free competition. However, this competition is carried out in a way that is not typical for most developed countries of the world, since the Chinese government largely acts as a guarantor for national producers, subsidises and subsidises a large number of sectors of the economy and directly enterprises, which creates additional advantages that are difficult for non – resident business entities to compete with.

Another feature of state regulation of economic security in China is the way to overcome the crisis. Unlike democracies, the Chinese government independently develops crisis management programs and scenarios that define the roles of even businesses, i.e. in China, the state independently manages the process of avoiding and minimising negative factors, rather than regulating it. This imperative way of ensuring economic security has its positive sides, but it is difficult to note its effectiveness in the future due to the spread of globalisation and the gradual intervention in Chinese markets of foreign TNCs. As a separate phenomenon in the context of the development of the notion of economic security, in our opinion, it is necessary to consider the provision of economic security in unions, associations of states, in particular in the EU.

The experience of EU countries shows that ensuring national economic security has the effect of securing a specific place in the global world that would correspond to its geostrategic significance and potential. In the EU, the concept of “economic security” depends on the position of this association in the world economic system. The EU dictates the importance of European integration to achieve a high level of competitiveness in the context of globalisation. According to the EU's strategic approaches to development, each EU member state has much less potential for economic resources than other developed countries, and the synergy effect of resource sharing increases the EU's ability to ensure a high level of economic security and competitiveness. Therewith, the ultimate goal of ensuring economic security in the EU is the formation of a fully integrated Europe with the same standard of living in all member states [43].

Examining the doctrines of most EU countries, it can be emphasised that the main task of security policy in national doctrines is to strengthen the European space of stability through the development of European integration and active EU neighbourhood policy with Eastern Europe, South Caucasus, Central Asia and the Mediterranean. Although here it is impossible not to agree with the opinion of A. Otsepek that each EU country applies its own concept of economic security, which has common provisions and goals with the EU concept [43].

For example, in Germany there is no separate law that would determine the principles of economic security. Ensuring economic security in practice is carried out through laws that regulate the main areas of market activity and give the state significant competence in the field of control. The main interests of the state in the field of national security, including its economic component, are presented in the form of an official directive of the Ministry of Defense. The leading means of ensuring the safe development of the economy in Germany include actions to maintain the civilised nature of market relations, ensuring a level playing field, preventing monopolisation in certain industries and maintaining the stability of the European currency.

In France, conceptual approaches to the model of economic security define it as the prevention of economic threats through the formation of new schemes, adaptations of norms and structures of international security and the creation of a network of cooperation, in particular between public and private sectors and between states [44].

Conceptual approaches to economic security in Spain are considered in the context of addressing this issue in the context of economic security throughout the EU. But, as A.I. Prilepsky rightly notes, the country has a system of ensuring national interests in the economic sphere. The scientist emphasises that its basis is: adaptive legal framework; unambiguous delimitation of the competence of ministries, departments and organisations in the implementation of regulations relating to economic development; the presence at each level of development of a legally approved program of economic priorities, which in theory could make it impossible to distribute targeted privileges; availability of special state control services [44].

For Ukraine, given its real economic potential and place in the system of global economic relations, the experience of such countries as Belgium, the Netherlands, Denmark, Luxembourg is indicative. They are deprived of the opportunity to influence the trends of international economic processes, and therefore must shape domestic security policy in such a way as to be maximally prepared and adapted to external economic threats [45]. The essence of the policy of national economic security in these countries is to form a system of indicators to prevent negative phenomena for the national economy with the development of appropriate scenarios for overcoming or avoiding them.

The conceptual foundations of economic security in Poland, the Czech Republic, Slovakia, and the Baltic States are based on the convergence of national interests with European ones, as well as political, economic, and institutional transformation in accordance with Western European standards. As evidenced by the development of these countries, the study of their economies in scientific papers [46], in the early 1990s, these countries have chosen almost the same model of economic security, which consisted of:

- assessments of the regional geopolitical situation;
- determination of strategy and vector of development;
- formation and implementation of a model of behavior, in particular in the economic sphere, in accordance with the trends of regional and global evolutionary process;
- the ratio of basic quantitative and qualitative indicators of development with global and regional standards;
- adjusting the course of economic reforms.

It should be noted that the successful provision of national economic security by EU countries depends on the stability and strength of their national economies. It is absolutely obvious that only a strong economy allows effectively protecting national economic interests in the context of globalisation and economic crisis. In view of this, the state must not only develop a national concept of security, based on world experience, but above all to reform the domestic and foreign economic policy to protect all economic entities. The protection of economic entities is an element of economic security at the micro level, but the degree of protection of enterprises and organisations in the economic sphere depends on economic security at the meso and macro levels.

Special emphasis should be placed on the fact that economic security in the EU is subject to regulation. The supranational bodies and institutions of the EU independently develop recommendations to the EU member states on taking certain actions aimed at eliminating the shortcomings of economic development or counteracting economic crises.

Although such recommendations are not binding, their utilitarianism and effectiveness are obvious, and most countries use them as elements of a national system of economic security. This does not mean a loss of economic sovereignty, but it is extremely effective from cooperation within the EU, as models and mechanisms for overcoming economic crises and negative trends in economic development are equally effective for all EU member states.

Thus, the experience of EU countries shows that ensuring economic security has a decisive influence on securing for the state a clear place in the global world, which would correspond to its geostrategic significance and potential. That is why today the adaptation of the experience of EU countries in ensuring economic security

should become one of the priorities of Ukraine's foreign policy not only in terms of achieving stability and efficiency of the national economy, but also in terms of long-term national development strategy [42].

The systems of economic security inherent in countries with economies in transition are characterised by the presence of unsystematic fragments of national policy aimed primarily at stabilising economic processes after the independence of the state, changes in the political regime, etc. In our opinion, such a model of economic security is inherent in modern Ukraine, which indicates, rather, the low efficiency of state decision-making in the context of building an effective and efficient system of economic security and weak theoretical, methodological and regulatory support in this area.

CONCLUSIONS

Economic sovereignty is the ability of a state to make full use of a set of conditions and factors, measures and means (primarily legal) that ensure the independence of the national economy, its stability and stability, the ability to constantly renew and self-improvement for further economic development, despite or minimising negative external pressure of other participants in globalisation processes. The content of economic sovereignty is a sequence of policies of economic self-strengthening, the use of legal means and internal economic reserves and potential that contribute to the formation of an economically independent and self-sufficient state.

Economic security of the state is a certain state of the country's economy, which should ensure the ability to counter internal and external threats to the economic system of Ukraine, is the embodiment of the ability of the state to resist external economic pressure from other states, Interstate economic associations, TNCs, powerful market agents-non-residents and independently, independently implement their own economic policy, ensure the ability of national business entities to compete in foreign economic markets, maintain the balance of national economic interests, including legal means, this directly affects the state of economic sovereignty of the state.

The appeal to the national systems of economic sovereignty and economic security of individual countries of the world allowed determining the features of their functioning depending on the type of state economy and legal means to ensure the functioning of such systems, namely: American (characterised by the main emphasis of national policy on ensuring a balanced system and external threats); Japanese (emphasis is placed on ensuring the stability of social processes, the development of the nation); Chinese (corresponds to the socialist guidelines for the development of society); European (on the example of the EU), characterised by differences that are associated with the presence of different potentials of the economies of the EU, which leads to the existence of different approaches to the creation of national systems of economic security); States with economies in transition (including Ukraine) – is characterised by fragmentary national policy in the field of economic security of the state, rather weak theoretical and methodological and regulatory support in this area.

It should be important for Ukraine to understand that it is possible to achieve significant results in protecting the domestic economy only by creating an effective system of means to overcome or minimise existing or too potential threats, especially in the context of globalisation of trade and economic relations, when each state tries to export such threats from its own economic system to a weaker one. Instead, to strengthen its position on the world market, Ukraine must gradually become an important participant in the processes of ensuring international economic security.

Given the above, we can say that today Ukraine must simultaneously counter external economic threats and try to most effectively and quickly realise its own foreign economic ambitions by creating an effective mechanism (system) of legal support for economic sovereignty and economic security.

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