
Conceptual Approaches on Economic Security as a Political and Legal Institution

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Abstract

The article covers problems of definition of economic safety as a political and legal institution. It contains conceptual and legal analysis of the given phenomenon on the basis of contemporary scientific and theoretical methods of knowledge.

The political and legal aspects of economic security are studied, and a theoretical and logical tool is elaborated in this paper to create a model of economic security and regulations that reveal the legal mechanism for implementing the economic security of institutional actors.

The construction of a model of economic security is important for ensuring the defense capability of Russia as a state, the socio-cultural and economic development of society.

The theoretical and methodological analysis of legal phenomena related to the definition of the concept, classification of economic security was provided in the article. In this connection, the authors used the phenomenological method of studying the current legislation. In accordance with this legislation, a certain scheme of learning legal phenomena is formed.

The research process is carried out by cross-matching the legal norms of the current legislation, allowing to identify both individual acts and regulatory links between them. The article analyzes the normative basis of economic security as a political and legal institution.

Keywords: *Economic security as a political and legal institution, phenomenological method of research, threats to economic security, model of economic security, protection of the entity of economic security.*

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1. Introduction

The scientific and legal analysis of the category “economic security” presupposes the use of contemporary scientific methods of legal research. Economic security is a multifaceted holistic system capable of ensuring the security of institutional actors performing their activities in various spheres of public life. This system contains certain spheres, areas of activity, and elements. The categorical level of economic security is closely related to the definition of the institutional political and legal aspect of its knowledge.

The consideration of economic security as a political and legal institution is related to the specific nature of law as a form of public consciousness and social practice that ensure the legal regulation of social life and especially of its economic sphere. The category of economic security is closely connected with various branches of law: constitutional, administrative, civil, criminal, which allows interpreting economic security as a legal phenomenon.

Economic security as a political and legal phenomenon participates in the regulation of the activities of all branches of government and other state and public institutions, as well as in ensuring the rights and freedoms of the individual. Regulation of all internal and external spheres of political and legal practice allows coming to the main conclusion that the subject of this regulation is not a closed element of a separate sphere of law, but a practical area in all directions and levels.

According to the attitude to the individual, security can be of 2 types: personal and public economic. On the one hand, public security is divided into state and municipal economic security, and, on the other hand, to economic security of civil society. According to the status of the subject of protection, there is national and departmental economic security of economic entities, economic security of legal entities and individuals, as well as economic security related to the compliance with human rights and freedoms.

There are industrial, environmental, information, managerial commercial and other types of economic security by spheres of activity of economic entities. In terms of the spheres of public life, there are political and legal, socio-economic, moral and ethical, psychological, religious aspects of the realization of economic security of institutional entities at different levels. Constitutional, administrative, civil and criminal economic security, as well as judicial and extrajudicial security, is determined in the sphere of legal regulation.

In general, economic security can be viewed as a system of legal measures that ensure the functioning and reproduction of social entities at all levels associated with a set of measures to protect these entities and aimed at preventing and combating

unauthorized and unlawful intrusions and infringements on the interests of these entities.

2. Literature Review

The need for the development of Russian society, its need for reform, the systemic change associated with the transition from a planned, state economy to market relations initiated the necessity to form new models of market institutions. Serious problems facing Russian society predetermined the creation and development of a system to prevent threats to economic security (Ivanova *et al.*, 2017; Popkova *et al.*, 2016). The problem forming the system of economic security of Russian society acquires a relevant character, provokes the scientific interest of many researchers in the most diverse branches of scientific knowledge: law, economics, sociology, history.

The emergence of a new economic system contributed to the formation of the interdependence of the economic security system under development and institutional factors in the functioning of the Russian economy. The need to use modern progressive scientific methodologies and research methods has been formed. The methodology in its turn defined the parameters of the formation of legal institutionalization in legal science. A correct substantiation of the effectiveness of the institutional methodology for innovative modeling of the mechanism for ensuring economic security was implemented. Effective legal researches in the field of economic security were the developments of Gerasimov (2000), Loginov *et al.* (2000), Tropin and Kazak (2004), Samarin (1995) and Shubert (1999). The methodological approaches of the authors of the presented scientific article are largely based on the theories of well-known researchers investigating the problems of ensuring economic security.

3. Research methods

Analysis of economic security requires the definition of the methodological basis of the process of cognition. The scientific research uses the potential of new methodological approaches, integrative scientific research that allows one to overcome the one-sidedness of classical scientific approaches to cognition of reality. The study of problems of economic security is based on the use of a complex integrative methodology, institutional approaches to understanding the problem, comparative law methodology of concrete historical analysis, legal modeling methods.

A special place in the study is given to the method of phenomenological reduction. This methodology presupposes the implementation of certain methodological procedures based on phenomenological reduction, the transfer of forms of pure consciousness to a specific research field, the movement from a complete

phenomenon given in a pure consciousness to knowledge reduced to its initial principles. This process presupposes a mental clipping of all empirical and external in relation to pure consciousness. Then the movement from the language expression to its meaning, from value to meaning is realized. From the point of view of the phenomenological method of investigation, it is assumed that at each stage of the realization of cognition all the peculiarities of the object that are in contradiction with the initial data and the scheme of activity used are considered separately. This material becomes the basis for new schemes of logical “perception” – reconstruction, and, consequently, schemes for describing or expressing a complex object-phenomenon, until the latter is comprehensively investigated.

3.1 Analysis of the regulatory framework for the study of the conceptual aspects of economic security as a political and legal institution

Legal regulation of public relations at the macro level, related to the protection of the state, its economic security, is fixed in the Constitution of the Russian Federation. The economic content of the Constitution permeates all public and state institutions. Constitutional provisions to ensure the protection of the Russian state are developing in the relevant federal constitutional laws and federal laws, the analysis of which indicates the formation of the necessary regulatory framework for the study of the conceptual foundations of economic security as a political and legal institution.

The main normative document providing legal regulation of economic security in Russia is Law dated 5 March 1992 № 2446-1 “On Security”, which establishes the legal basis for the creation of a security system for the individual, society and the state, the functions of the system, the procedure for its organization, the control system and supervision of the rule of law in their functioning. The articles of the law formulate the main legal categories in the sphere of security. Security is defined as a state of protection of the interests of the individual, society and the state against internal and external threats. The main subject of ensuring security is the state.

Subjects of security are also recognized as citizens, public and other organizations and associations. Section 3 of this law fixes the activities of the Security Council of the Russian Federation as the main central body for ensuring national security of the country, including economic security. To ensure the necessary level of security of economic security objects, a system of relevant legal norms is provided. The main areas of activity of state bodies in the sphere of security are determined, the principles of ensuring security, elements, functions of the security system are established, the powers of the authorities are delineated, etc.

The Federal Constitutional Law dated 17 December 1997 № 2-FKZ “On the Government of the Russian Federation” (art. 13-20) defines the powers of the Government of the Russian Federation in ensuring the unity of the economic space

of the country and freedom of economic activity. It covers the regulation of the social and economic life of the state, the development of priority sectors of the economy, the maintenance of the defense capacity and state security of the Russian Federation, as well as the directions of the state policy in the field of international economic, financial, investment cooperation and other cooperation areas.

The most important component of the system of ensuring economic security in the state is the existence of an independent judiciary system. The Federal Constitutional Law dated 17 December 1997 № 1-FKZ “On the Constitutional Court of the Russian Federation” defines: the independence of the Constitutional Court; the general right to appeal to the Constitutional Court of the Russian Federation, the formation of a system of constitutional control over the constitutionality of acts adopted, as well as control over the decisions and actions of public authorities, which contributes to the economic security of institutional actors. The Federal Constitutional Law dated 31 December 1996 № 1-FKZ “On the Judicial System of the Russian Federation” establishes the equality of all before the law and the court, determines the multi-level system of subordination and control of courts and judicial bodies.

The Federal Law dated 31 May 1996 № 61-FZ “On Defense” determines the provision of the defense of the Russian Federation, the powers and functions of state authorities, the obligations of citizens and organizations in providing defense. The legal basis for economic security is defined in the Federal Law dated 3 April 1995 № 40-FZ “On the Federal Security Service”. It establishes the competence of the Federal Security Service to combat crime and terrorism, defend and protect the economic interests of the Russian Federation, ensure information security, as well as measures to defend and protect the state border and other measures.

The regulation of economic security is determined by federal laws dated 1 March 1993 № 4730-1 “On the State Border of the Russian Federation”; dated 21 July 1993 № 5485-1 “On State Secrets”; dated 6 February 1997 № 27-FZ “On Internal Troops of the Ministry of Internal Affairs of the Russian Federation”, dated 25 July 1998, № 130-FZ “On Combating Terrorism”; dated 25 July 2002 № 114-FZ “On Countering Extremist Activity”; dated 7 August 2001 № 115-FZ “On counteraction to legalization (laundering) of proceeds from crime and financing of terrorism”; the Federal Constitutional Law dated 30 May 2001, № 3-FKZ “On Emergency Situations”, etc.

The Federal Law dated 11 February 1995 № 4-FZ “On the Accounts Chamber of the Russian Federation” performs a significant role in ensuring economic security, which defines the tasks and powers of the Accounting Chamber. Its activities are related to the control over the timely execution of revenue and expenditure items of the federal budget, and the budgets of federal extra-budgetary funds by volume,

structure and purpose. The listed and other laws of Russia testify to the existence of the necessary legislative base ensuring the economic security of the country.

The function of regulating economic security for a long time was fulfilled by the Concept of National Security of the Russian Federation, enacted by Presidential Decree № 1300 dated 17 December 1997 “On the Approval of the Concept of National Security of the Russian Federation”. This Concept has lost its force with the adoption of the Decree of the President of the Russian Federation dated 31 December 2015 № 683 “On the Russian Federation’s National Security Strategy”. This decree determines that national security ensures the protection of state sovereignty, individual rights and freedoms, the standard of living of the population, the country’s stable, socioeconomic and military and political position of defense and security.

At the initial stage forming the system of economic security of the state, Presidential Decree dated 29 April 1996 № 608 “On the State Strategy of Economic Security of the Russian Federation (Basic Provisions)” was adopted. It underlined the special need to ensure the economic security of the country. This decree has lost its force with the adoption of the new presidential decree dated 13 May 2017 № 208 “On the Strategy of Economic Security of the Russian Federation for the period up to 2030”, which outlines the main directions of the state’s economic policy to improve the management of the financial system, innovative technologies development. Special attention is paid to identifying internal and external threats, implementing institutional reforms and forming mechanisms to prevent destructive phenomena in the economic sphere. The main priorities of the Strategy are to ensure the sovereignty of the country, the stability of socio-economic development, and the welfare of society.

The Strategy formulated the necessary system of government measures to ensure economic security, which include: 1) identifying external and internal threats to the economic security of the Russian Federation and monitoring factors that weaken the stability of the economy; 2) establishing criteria and parameters necessary to preserve national interests and security in the economic sphere; 3) forming areas of effective economic policy.

3.2 Definition of tools for the formation of economic security as a political and legal institution

It is feasible to consider economic security as a political and legal institution based on phenomenological reduction applied to the current legislation. According to this reduction, the features of the studied object are considered at each stage of cognition being in contradiction with the initial data in the applied research scheme. Conceptually defining the methodology and logic of cognition, it is possible to identify the main stages of the phenomenological institutional and legal analysis of economic security based on the study of the current legislation. This process can be

represented in the form of the following scheme of research conducted at the level of: 1) the constitution; 2) federal constitutional laws; 3) federal laws; 4) decrees of the President of the Russian Federation; 5) resolutions of the Government of the Russian Federation; 6) departmental regulations and instructions; 7) departmental letters, explanations and other departmental documents; 8) local regulations. This cross-sectional analysis is conducted with the aim of finding the necessary separate acts and links existing between them.

To achieve the results of the study, it is necessary to identify the initial terms and definitions that allow forming a logical tool for the formation of legal institutionalization of economic security. Objects of economic security of the state are an individual, society, a state and the basic elements of the current economic system. A certain part of the economic security system acts as an element of economic security. The border of economic security is the dividing line conditioned by the current legislation, outside of which, on the inside, there are economic interests and economic activity of the protected public entity, and from the outside there is all that lies beyond the economic interests protected by society, the activities of the subject.

The area of economic security is a set of forms and elements of economic security close to each other that form certain integrity within the system of economic security of the entity.

The sphere of economic security as the most important, large form that ensures the functioning of the system is the aggregate of several areas of the system combined by main feature. The direction of economic security is a single set of unidirectional goals, tasks and forms of economic activity of the subject. The structure of economic security is a form of constructing the elements, spheres and directions of the economic security of the subject. The form of economic security is an integral aggregate in the system of economic security that performs certain functions and is part of the overall structure of this system. The scheme of economic security is a way of constructing and functioning of the economic security system, which ensures effective protection of the subject against unauthorized influences and encroachments. The level of economic security is the state of ensuring the economic security of the entity, which actively affects the effective implementation of the system of economic security by its main objectives. The degree of economic security is the level of the subject's efforts to implement its economic security. The mechanism of economic security is the source and the main form of interaction of all elements, spheres, directions and forms of activity of the economic security system of the subject, ensuring the fulfillment of functions, goals and tasks by the system.

4. Discussion

Discussion of defining economic security as a political and legal institution is associated with scientific problems, formed at the intersection of law, economic theory, political science, sociology, history. The diverse conceptual approaches to understanding economic security reflect the contradictory nature of the reformist directions of the subjects of the political process, manifested in the debates between supporters of the independent path of development of Russia and representatives of modern globalism. This article introduces serious amendments to the discussion on various problems of establishing and developing the system of ensuring the economic security of Russia.

5. Results

The provisions explained above make it possible to determine the process of the formation of a model of economic security, which is a clearly structured set of forms, mechanisms and schemes for implementing the activities of the economic security system, which includes the hierarchy of its elements. The system of the economic security of a subject is a certain complex of all forms of economic security of a subject, its elements, spheres, directions, mechanisms and schemes of activity, which ensures the protection of economic interests and the development of this subject within the boundaries defined by the current legislation, the boundaries of its economic security from unauthorized outsiders (external and internal) intrusions and encroachments.

The protection of the subject of economic security is a set of forms of activity aimed at reflecting external and internal threats. The threat of economic security is a permanent or temporary possibility of destructive impact on the economic system of the subject of economic security. The source of the threat to economic security is the subject of a particularly dangerous external or internal impact on the existing system of economic security, as a result of which an emergency that significantly deforms the existing system can happen in the economic system.

The definitions formulated in this article can serve as a tool for implementing a methodological analysis of economic security as a political and legal institution. They make it possible to determine the criteria and parameters of the economic security of a subject that meet the requirements of economic security, ensure the creation of necessary living conditions for the population, stabilize the socio-economic state of the society, and preserve the integrity and sovereignty of Russia.

The creation of the necessary conditions for ensuring economic security is the main strategic direction of the policy of Russia. Irreversible processes of globalization, taking place in the modern world and determining the dependence of the economy of a country on numerous external factors, strengthen the current trend of the need to ensure the economic security of the Russian Federation.

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