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LEGAL ASPECTS OF REFORMING PUBLIC MANAGEMENT OF FINANCIAL AND ECONOMIC SECURITY IN UKRAINE IN THE CONTEXT OF EUROPEAN INTEGRATION

ABSTRACT

The main purpose of the article is to model the stages of reforming the public management of financial and economic security in Ukraine in the context of European integration, taking into account the basic legal principles. The object of the research is the financial and economic security management system. The importance of forming a modern model of the stages of reforming the public management of financial and economic security in Ukraine in the context of European integration, taking into account the basic legal principles, is proved. The methodology implies the use of modern functional modeling techniques. Based on the results of the study, the main diagrams for achieving the goal were presented. The main scientific novelty is the application of a methodological approach to the development of legal aspects of reforming the public management of financial and economic security in Ukraine in the context of European integration. This is presented as a basic graphical decomposition. The results obtained are presented in the form of a modern model, formed as a decomposition of the stages of reforming the public management of financial and economic security in Ukraine in the context of European integration, taking into account the basic legal foundations. The study is limited by analyzing the specifics of reforming the public management of financial and economic security only for Ukraine. Further research should be devoted to the analysis of new international experience in reforming.

Keywords: public management, legal aspects, security, financial and economic security, economic security, legal system, European integration

JEL Classification: H83, F52, F62

INTRODUCTION

Effective public management implies the ability of the state to develop and implement an effective state policy in key areas of society, provide administrative services, ensure the welfare and protection of citizens, the country's competitiveness and economic growth. The quality of public management plays a fundamental role in the process of European integration, acting as a driving force for the reforms necessary to achieve compliance with the criteria for EU membership.

The public management system that currently exists in Ukraine, despite repeated attempts to reform it, has elements of a command-administrative management system, which is based on excessive centralization of powers and functions. The main reasons for this state of affairs are the lack of political will of the ruling elite to change this system and a fragmented approach to reform (samples of point changes). The unreformed public management system is one of the sources of corruption, which leads to low international ratings and Ukraine's competitiveness. The public management reform is one of the most important horizontal reforms, as it is a prerequisite for the application of legislation closer to EU law.

The role of state bodies in the formation of protection from various threats to their financial and economic security primarily consists in: the formation of legal protection for entrepreneurship (protection of private property, legal regulation of economic relations, etc.) and property security; prevention of formation of monopolies and abuse of

monopoly position; fight against unfair competition; price control (market security); legal regulation of intellectual property protection and protection of trade secrets (intellectual and information security); ensuring the stability of the state monetary unit, the effective functioning of money markets: credit, stock, insurance and others; prevention of speculation in the securities market; protecting the rights of investors, regulating bankruptcy procedures; restoration of solvency and rehabilitation, state financial support for entrepreneurship, etc. (financial security); state support for exports; protection of the national commodity producer from foreign competition; prevention of fluctuations in exchange rates (security of foreign economic activity); quality control of educational services, in particular in higher education, legal support of labor activity (personnel security).

The legal basis for public management of financial and economic security in Ukraine can be hierarchically ordered as follows: The Constitution of Ukraine; Codes; Laws and legislative acts; Departmental regulations; Internal regulations.

Any management process is unique and inimitable, regardless of the level of the hierarchy of implementation, namely the corporate level, state or national level. The Ukrainian state management process has both advantages and disadvantages. Ukraine began to develop public management under difficult conditions that required radical changes, namely the transition from a socialist to a democratic model of government. The positive aspect of this situation is that foreign countries have already had some experience, both positive and negative, in the implementation of administrative reforms. Based on this, the issue of reforming public management in Ukraine is relevant.

The only way to implement the principles of public management of financial and economic security is through large-scale changes in public management and local self-government. But there are negative factors affecting the public management system. If we consider the first factor, we can recall that in Ukraine "at the dawn of independence" there was no radical change in the political elite, which made it impossible to implement many reforms. The same situation is relevant now. Another factor is the privatization processes, accompanied by the criminalization of many areas of public life. It can also be noted that corruption and the lack of feedback from the state are probably the main enemy. Also, one should not forget about the positive features of management, that is, that there is an advantage of vertical links over horizontal ones. This indicates that the duplication and overlapping of powers of power subjects has long been the norm for the functioning of the Ukrainian political system.

For the Ukrainian model of public management, the issue of Europeanization in the context of decentralization of public management is relevant, which is important for the development of European integration processes of the public management system as a subsystem of public management.

Developing the Europeanization process in Ukraine, one should pay attention to its already defined theoretical foundations, which boil down to the following:

- a fairly high level of hierarchy in the decision-making process in Europe, that is, decisions are made by participants at the supranational, national and subnational levels, which are divided into public, non-governmental and private;
- a decrease in the level of influence of national governments, that is, with collective decision-making by member states, state authorities are forced to reduce the level of control over the political process;
- high integration of social and political life.

The mechanism for ensuring financial and economic security is a multi-structural component of national security, which consists of interrelated and interrelated components: functional-structural, sectoral-sectoral, spatial-territorial (regional), interacting with each other and the environment for the effective functioning of the system as a whole.

The stable functioning of the main subsystems of economic security ensures the stability and strength of the real and financial sectors of the economy, long-term economic growth and the quality of life of the population. For this, the key factor is the proper regulatory and legal support of the financial and economic security system.

LITERATURE REVIEW

In modern conditions of reforming the administrative-legal system, the leading task of Ukraine remains the intention to become a member of the European Union. This process is distinguished by specific features associated with an increase in the role of the state in the economy. The basis for the practical implementation of this direction is the strengthening of the financial and economic security of Ukraine [1-3].

According to some authors [4-6], the modern directions of the national financial and economic security of Ukraine can be defined as insufficiently viable, since they are characterized by a certain isolation. This is what presents obstacles to

Ukraine regarding its integration into the European space. However, the refusal of such integration will pose a threat to the effective development of the financial and economic system of Ukraine. It should be noted that it is development that is the main condition for ensuring the national security of Ukraine. Ensuring sustainable financial and economic development requires further development of national security in comparison with political and strategic factors, since it is the financial and economic direction that becomes the priority of world development.

Considering the legal aspects of regulating the issue of ensuring and managing financial and economic security in Ukraine in the context of European integration, some authors [7-10] believe that program documents, namely: strategies, concepts, doctrines, they act as constituent and representing a system of views officially adopted in the state. These include: the Ukraine-2020 Sustainable Development Strategy; National Security Strategy of Ukraine; The concept of combating terrorism; Military Doctrine of Ukraine and a number of others.

Other authors [11-12] distinguish laws among the sources of ensuring financial and economic security. A special place in the system of legal acts is occupied by the laws of Ukraine "On the Foundations of National Security", "On the Foundations of Domestic and Foreign Policy", which state that security in the financial and economic sphere of Ukraine is part of the national security of Ukraine as a whole.

But, unfortunately, most authors [13-15] argue that the existing regulatory and legislative framework does not cover all aspects of financial and economic security management in Ukraine in the context of European integration. That is why an important issue is the theoretical formation of a legal basis for reforming the public management of financial and economic security in Ukraine in the context of European integration.

AIMS AND OBJECTIVES

The main purpose of the article is to model the stages of reforming the public management of financial and economic security in Ukraine in the context of European integration, taking into account the basic legal principles. To do this, the main task will be to apply an appropriate methodological approach to the formation of a model for achieving the goal.

METHODS

The basis of the methodology is the IDEF0 modeling technique. Structural modeling using the IDEF0 methodology involves considering the system (in our case, the public management reform system) as a single process that transforms input data into output data. During the design process, the system as a process decomposes smaller processes, between which different types of connections are established. In the context of the information system model, the IDEF0 block describes a certain function, the input of which is the initial data. Based on this data, the function generates a new data set (block output). In this case, as a rule, one or several client programs (block mechanisms) participate in the process of generating the output. The rules for generating the block output exist in the form of executable code (block control). Executable code is understood, depending on the architecture, as client application code, application server procedure code, or database server stored procedure code. All this can be presented step by step through the appropriate graphs.

RESULTS

In the context of the integration of the Ukrainian economy into the European community, the instability of the economy due to the reform of the legal framework of the state, and the emergence of hybrid threats, further research into the problems of financial and economic security becomes relevant. Creation of an effective system for ensuring financial and economic security in the global space as an urgent need to ensure the protection of the economies of states, the conditions for combating economic separatism and terrorism. Starting to assess financial and economic security as an integral part of international and national security, it should be noted that most of the problems that arise at the international level are in the economic sphere, the economic sphere affects the lives of the population, causes the possibility of threats to national security, and in general the standard of living of the state depends on the implementation of state programs that can provide the necessary standard of living for the population.

In the EU, there is a growing contradiction between the dominance of the powers of national executive authorities in the field of public management of financial and economic security, clearly enshrined in the founding treaties of the EU, and the growing need for coordination and modernization of the administrative systems of member countries by supranational EU institutions in practice. This contradiction is manifested in the emergence of numerous normative acts of secondary EU

law, directly or indirectly establishing norms, principles and restrictions on the functioning of national public managements, which is due not only to the need to further deepen European integration, but also to ensure that countries properly fulfill their obligations. obligations arising from membership in this integration group.

In the process of deepening European integration, a number of channels have been developed for the influence of supra-national EU institutions on national public managements, including, in particular, the formation of political and institutional criteria for candidate countries for accession, the adoption of normative acts of secondary EU law, and the coordination by the EU Council of the economic policy of countries in "European Semester" format, financing programs for reforming national public management systems of financial and economic security, creating specialized groups and support services for administrative reforms, introducing cross-border training programs, as well as monitoring the effectiveness of national public management systems.

The results of administrative reforms in the EU are rather mixed. On the one hand, significant positive achievements have been the growth of the efficiency of the state apparatus for financial and economic security, the reduction of costs for the functioning of public management systems, the growth of openness, transparency and accessibility of administrative services while improving their quality, and on the other hand, a number of parameters have deteriorated significantly, namely: the level of citizens' trust in the authorities, the level of social cohesion, the involvement of the public in the formation of state policy, as well as bringing the priorities of government policy to the population, including through independent media.

It should be noted that Ukraine is going through a difficult path, by trial and error, going to improve the lives of its population, we need to provide an economic and legal regime that could guarantee the protection of Ukraine's financial and economic interests at all possible levels, and it is also necessary to create favorable conditions for development of Ukrainian manufacturers through investment attractiveness for foreign investors.

It should be noted that the financial policy of the state is very unstable, we do not have effective programs to prevent economic and financial crises. Thanks to the shadow economy, uncontrolled processes are taking place in the state.

The protection of economic interests cannot be developed without taking into account the phases of the cycle in which the state is at a given period of time. Depending on the areas of interest determined by the national concept of the development of the economy of the state at different levels by market segments. In particular, the macroeconomic spreading to a group of states is complex. Micro-level security factors work in the sphere of the national economy, primarily creating favorable conditions for the development of areas of activity of strategic directions in a certain phase of the economic cycle.

Legal regulation of ensuring financial and economic security as a type of public management should be determined by the following features:

- the establishment of national economic interests that determine the content of the right to protect them with the aim of stable development of the state;
- identification of threats arising from the unlawful behavior of subjects of public relations;
- formation of legal relations between entities regulated by law;
- ensuring the regulatory activities of state bodies vested with the right to apply the authority to ensure security.

Ensuring financial and economic security can be represented as a type of state-power activity, that is, organizational, managerial, administrative, law enforcement, aimed at realizing national interests. Legal regulation of the economy as a means of ensuring economic security can be represented as a set of measures of economic, organizational or other influence enshrined in legislation, as a result of which the economic and social stability of the development of the state is ensured. Thus, the purpose of the legal regulation of financial and economic security should be to create the best conditions for the development of the economy.

Using the modeling process, we have formed two models that characterize the process of legal support for reforming the public management of financial and economic security in Ukraine in the context of European integration.

Thus, according to our proposed modeling technique, we define the main task, which is mathematically represented by the designation as A0 - Stages of reforming the public management of the financial and economic security of Ukraine in the context of European integration, taking into account legal aspects. First of all, the methodology assumes that the established A0 is an achievement and a simulation, if it has a list of steps that will contribute to this. Let's define them and present them in the form of a tree of goals, which can do this best in a graphical form (Figure 1).

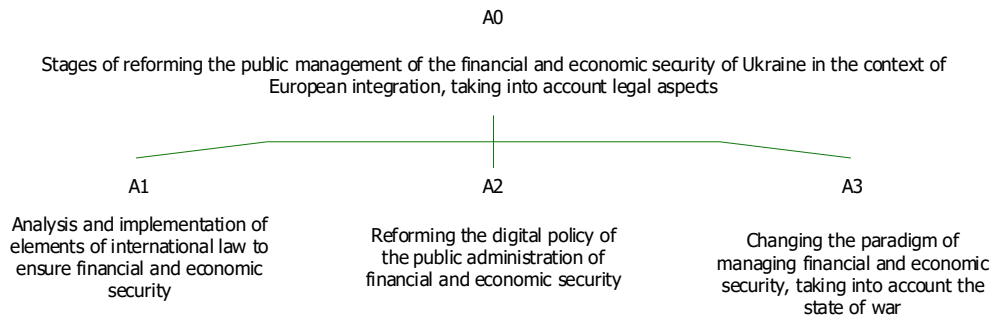


Figure 1. Decision tree A0 - Stages of reforming the public management of the financial and economic security of Ukraine in the context of European integration, taking into account legal aspects.

However, it is not only the presented steps that can achieve A0. According to the methodology, auxiliary elements and processes that contribute to this should also be presented. They are divided into: Resourcing (I), Implementation mechanisms (M), Control functions (K) and the initial result (O). This should be represented by the achievement context block A0 (Figure 2).

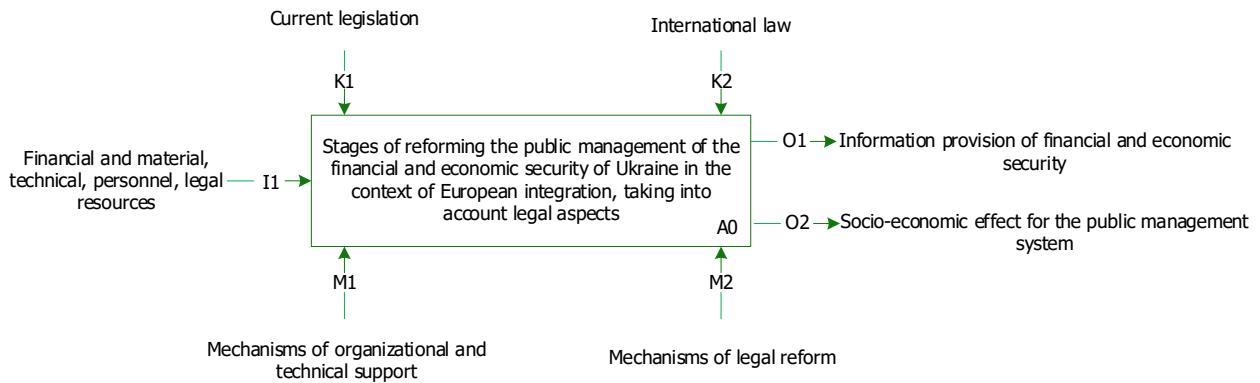


Figure 2. Context Diagram of Model Achievement Facilitating Elements A0.

The next step will be the formation of a decomposition model for achieving the final goal, demonstrating the entire process of implementing the stages, as well as all the elements necessary for this. The decompositional model of A0 - Stages of reforming the public management of the financial and economic security of Ukraine in the context of European integration, taking into account legal aspects is presented in Figure 3.

Thus, the directives represent monitoring functions for the entire process presented in Figure 3. We will briefly consider each stage of achieving A0 - Stages of reforming the public management of the financial and economic security of Ukraine in the context of European integration, taking into account legal aspects:

A1. Analysis and implementation of elements of international law to ensure financial and economic security. The stage involves the analysis and research of key aspects of international law regarding the system of public management of financial and economic security. This will allow us to identify positive elements that can be integrated into our reform system.

A2. Reforming the digital policy of the public management of financial and economic security. First of all, with the advent of Industry 4.0 and the gradual transition to Industry 5.0, it is necessary to thoroughly investigate and maximally digitize one's own system of public management of financial and economic security through appropriate digital technologies. Thus, the reformation will have the character of accessibility.

A3. Changing the paradigm of managing financial and economic security, taking into account the state of war. It is necessary to take into account and change the modern system of public management of financial and economic security, taking into account the state of war. The concentration of the economy and financial flows shifted to military needs, this is an important element of reform.

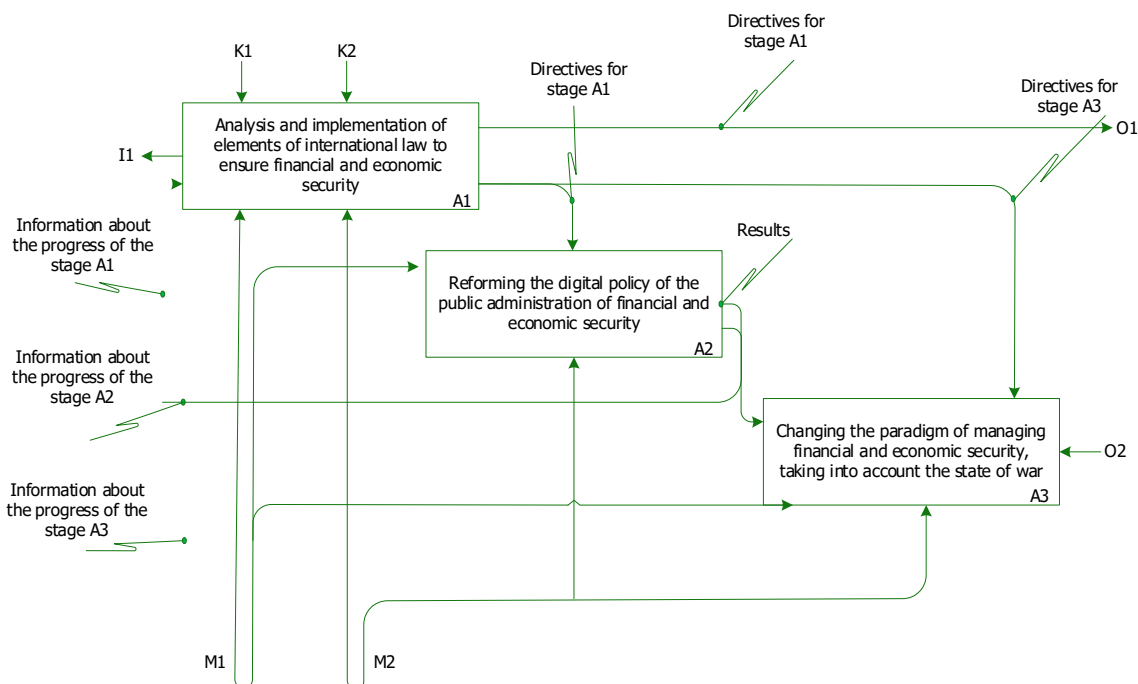


Figure 3. The decompositional model A0 - Stages of reforming the public management of the financial and economic security of Ukraine in the context of European integration, taking into account legal aspects.

In addition, violation of the principles of legal regulation acts as a cause of the economic crisis. The main guideline for the implementation of the legal support of state regulation of the economy should be to ensure the optimal and efficient implementation of economic activities.

In this regard, it is necessary to implement in the legislation the optimal combination of personal law and public law regulation, which will reduce the influence of the state on economic development processes. In such conditions, the role of business law is growing along with the legal norms for regulating the development of economic security. Since state regulation of financial and economic security should be formed on an economic and legal basis, that is, within the framework of business law, and not administrative law, it is necessary to ensure the delimitation of state regulation of the economy from public law influence on social relations.

Therefore, an effective system of legal support for the financial and economic security of the state should be formed, which will allow you to quickly respond to changes and perform the function of supporting the state's economy at a safe level.

DISCUSSION

Discussing the results of the study, it should be noted that, as scientists note [13-15], the current regulatory and legal support for the financial and economic security of the state is basically formed, however, it is not sufficiently targeted, incomplete, at almost all levels, the rule-making response to market changes is belated and inadequate. Currently, the legal support of national economic security continues to be formed and has more than 52 laws of Ukraine and 8 Decrees of the President of Ukraine, the number of which continues to increase in accordance with the formed Anti-Crisis Plan of Ukraine.

Other authors believe [16-18] that state activities to ensure financial and economic security should include a set of legal measures, namely: measures to implement the overall coordination of economic development; measures to ensure the sustainable development of production and its efficiency; measures to create favorable conditions for the development of competition. In our opinion, such a list is incomplete, since it does not take into account the orientation towards modern standards of the European space, of which Ukraine is a part.

According to other authors [19-20], the issues of public management of financial and economic security in Ukraine should be fully reoriented to the laws of the European Union. In our opinion, Ukraine should form its own individual model of

legal support for public management of financial and economic security in Ukraine, which would take into account all existing and future realities of the financial and economic system of Ukraine.

Thus, the model we have formed can become an auxiliary element in the complex and lengthy process of legal regulation of reforming the public management of financial and economic security in Ukraine in the context of European integration. The scientific novelty of our study lies in the fact that the described process is depicted in the form of a functional model, which will become a powerful basis for the effective implementation of the described processes.

CONCLUSIONS

Confirmation of the European course of development of the state obliges Ukraine to introduce urgent and consistent changes in the public management system, orienting it to satisfy the rights and interests of citizens, in particular through the provision of high-quality administrative services. The introduction of modern approaches mainly consists in the implementation of certain policy directions.

The Europeanization of the domestic system of public management is associated with the influence on this process of a significant number of multifaceted and multi-level systemic external and internal factors, which include European structures and institutions, state and sectoral policies, supranational legislation, socio-psychological artifacts, values, norms and rules, historical and cultural traditions; European integration experience of other countries. It should be noted that the basis of influence should be the basic principles of European integration, the implementation of which should be aimed at creating a single socio-economic space and carried out in accordance with public democratic values.

Due to the influence of state integration policy factors on public administrators, they are required to professionally and functionally change their approaches in order to effectively solve the problems of citizens at the level of European standards for the provision of public services. An important task of reforming the organizational and legal foundations of public management of financial and economic security should be to bring the system of power in Ukraine in line with world standards of public management, taking into account national interests and the processes of structuring supranational management systems.

Therefore, in our time, an obligatory prerequisite for the introduction of modern approaches to public management is the study of foreign experience in financial and economic security, namely the experience of EU countries regarding the organization of public management of financial and economic security. The international experience of public management of financial and economic security, including the experience of public management, should be the subject of constant and serious study and use to strengthen the institutions of power in our country, taking into account the constant change in the geopolitical situation in the world.

Summing up, the novelty of the obtained results should be noted. We have chosen a new methodological approach in the form of functional modeling techniques for such issues as public management of financial and economic security. It is well suited for making and implementing managerial decisions in the field of legal aspects of reform. The novelty can be called the achievement of the goal presented in the context of the diagram and the existing decomposition, which was characterized in the article. The article has limitations and they consist in the practical part of the application of the proposed model. This should be studied in detail in future works. In addition, further research should be devoted to the analysis of foreign experience in reforming the public management of financial and economic security. Attention should be focused on other countries of Eastern and Western Europe, which carried out active measures to reform the public management of financial and economic security. The model proposed in the article can also be applied to integrate the foreign experience gained in reforming the public management of financial and economic security.

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ПРАВОВІ АСПЕКТИ РЕФОРМУВАННЯ ПУБЛІЧНОГО УПРАВЛІННЯ ФІНАНСОВО-ЕКОНОМІЧНОЮ БЕЗПЕКОЮ В УКРАЇНІ В КОНТЕКСТІ ЄВРОІНТЕГРАЦІЇ

Основною метою статті є моделювання етапів реформування публічного управління фінансово-економічною безпекою в Україні в контексті євроінтеграції з урахуванням основних правових засад. Об'єктом дослідження виступає система управління фінансово-економічною безпекою. Доведено важливість формування сучасної моделі етапів реформування публічного управління фінансово-економічною безпекою в Україні в контексті Євроінтеграції з урахуванням основних правових засад. Методологія передбачає застосування сучасної техніки функціонального моделювання. За результатами проведеного дослідження представлено основні діаграми досягнення поставленої цілі. Основною науковою новизною є застосування методичного підходу щодо розвитку правових аспектів реформування публічного управління фінансово-економічною безпекою в Україні в контексті євроінтеграції. Це представлено у вигляді основної графічної декомпозиції. Отримані результати представлені у вигляді сучасної моделі, яка сформована як декомпозиція етапів реформування публічного управління фінансово-економічною безпекою в Україні в контексті євроінтеграції з урахуванням основних правових засад. Дослідження має обмеження у вигляді аналізу специфіки реформування публічного управління фінансово-економічною безпекою лише для України. Подальші дослідження слід присвятити аналізу нового міжнародного досвіду реформування публічного управління фінансово-економічною безпекою.

Ключові слова: публічне управління, правові аспекти, безпека, фінансово-економічна безпека, економічна безпека, правова система, європейська інтеграція

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