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ECONOMIC INTERESTS AS AN OBJECT OF ADMINISTRATIVE AND LEGAL RESEARCH

Abstract. Purpose. The purpose of this research is to determine the essential content of economic interests as an object of administrative and legal research. Accordingly, the tasks of this study are: 1) to study the concepts of interests, economic interests and their significance for the development of society and the State; 2) to study the characteristics of economic interests in the context of the legal regime of administrative law; 3) to determine the current assessment of the role of administrative law in Ukraine in ensuring and protecting economic interests. **Results.** The article examines the essence and significance of economic interests as a special object of administrative law. The author analyses the category of “interest,” exploring its material and intangible aspects, as well as its various types, including individual and collective interests. This fundamental category is based on a deep analysis of human nature and its interaction with various social institutions, including both legal and political. Economic interests are considered a special element of reality, formed in public consciousness and playing a key role in social development. They determine the performance of business entities and influence the economic policy of the state. Economic interests can be viewed as an object of administrative-legal research and regulatory framework, considering three primary circumstances of reality. The first circumstance is the economic interests of parties to legal relations, who can also be participants in administrative-legal relations. The second is that economic interests are regulated, implemented, and protected in accordance with the provisions of administrative legislation and are embodied in the state's economic policy. Third, the implementation of economic interests is closely related to the state's efforts to ensure economic security, achieved through the economic function of the state and the creation of conditions favourable for national security. The focus is on the need to regulate and protect economic interests, given their legal significance. **Conclusions.** The author emphasises the importance of public administration in the economic sphere, including the creation and maintenance of infrastructure, the legal regulation of economic activity, monitoring compliance with market competition rules, and the implementation of state economic policy. In conclusion, the article summarises the study's results and highlights the need for an integrated approach to considering economic interests within the framework of administrative law. This approach will ensure the effective protection of the rights of business entities and contribute to the state's economic development.

Key words: administrative law, economic interests, economic security, legal and regulatory framework, public administration, public policy.

1. Introduction

Modern Ukrainian society undergoes a period of rapid formation and development of the system of national values and interests, which is a completely natural reaction to the crisis events of the last ten years. Moreover, it should be noted that interests are key to the current evolution of our society, the implementation of economic, social and other relations, as well as personal development. These interests are a special element of reality that is formed in the public consciousness (as the totality of personal aspirations correlated with the so-called ‘Common Good’), and are the prism through which reality is assessed and the pyramid of priorities of society is built. The relevant interests are a powerful incentive

that drives the activities of both individuals and society in general. In addition, the diversity of such interests, inherent in all participants in social processes and relations, forms an integral system with unique characteristics and internal unity. Moreover, it is important to emphasise that this system can effectively solve a number of functional tasks of society and the individual, including: first, adaptation of society and the individual to the changing reality; secondly, reduction of tension due to various economic, social and other risks; thirdly, holistic integration of participants in legal relations, in particular, economic entities. Given the above, as well as the crisis phenomena observed in Ukraine over the past decade, we can state the actualisation of the need

to consider economic interests as an object of administrative and legal research.

Although economic interests, being one of the key components of the relevant system of interests, play an important role in society, determining the performance of business entities, influencing the economic development of the State and forming the basis for decision-making at all levels of public administration, it should be noted that available scientific research reveals that these interests are most often considered by civil lawyers and economists (Bitiuk, 2023; Olkhova, 2017). Furthermore, with due regard to the current realities, the relevance of the study of economic interests within the framework of administrative law is becoming increasingly evident. Whereas, to date, economic interests have not been comprehensively disclosed as an object of administrative law research, given the development of administrative law science, it should be noted that many administrative lawyers (including, K.E. Demenko, I.I. Komarnytska, D.O. Koshykov, K.O. Kryvosheiev, O.M. Reznik, Ye.Yu. Sybirtseva, M.V. Starynskyi, A.V. Steblianko and other scholars) economic interests have been considered in the context of defining public administration in the field of economy and in the field of ensuring economic security of the State. The scientific developments of these and other scholars enable to deepen the scientific understanding of economic interests as an object of administrative and legal research.

The purpose of this research is to determine the essential content of economic interests as an object of administrative and legal research. Accordingly, the tasks of this study are: 1) to study the concepts of interests, economic interests and their significance for the development of society and the State; 2) to study the characteristics of economic interests in the context of the legal regime of administrative law; 3) to determine the current assessment of the role of administrative law in Ukraine in ensuring and protecting economic interests.

2. Principles of economic interests

In general, such a fundamental category as 'interest' is based on a deep analysis of human nature and its interaction with various social institutions (including both legal and political). Firstly, interests reflect the orientation of consciousness and will of individuals (or groups) to satisfy certain needs or desires, being motivating factors that encourage certain actions and determine the conduct of the relevant actors. When considering the motives of human behaviour in the legal field through the prism of interests, it is important to understand that, firstly, interests can be grouped into material (related

to satisfaction of physical and economic needs) and intangible (related to spiritual, cultural and moral values), as well as into individual (belonging to individuals) and collective (reflecting the needs and goals of groups of people or society as a whole). Secondly, interests are socially significant categories that require to be protected and regulated by legal provisions. It should be noted that interests are recognised as legal categories if they have legal significance and meet the requirements of legal principles and provisions. In this context, law is a tool for recognising legal significance, as well as harmonising and balancing different types and kinds of interests, ensuring their fair and equal satisfaction.

Considering the category of 'interest' as a purely legal category, it is important to remember that interest from this perspective should be viewed as a conscious need or desire, which is met by exercising the rights and obligations reflected in legal provisions and directly or indirectly reflected in the requirements of the principles of law of a modern human-centred state. Legally significant interests may be of different nature (personal, public, economic, political, etc.), and they may be in compliance with the law (legitimate interests that meet the requirements of legal provisions and are subject to protection by the state) or not (unlawful interests that contradict the established legal order and, therefore, are subject to restriction or direct prohibition by law). These circumstances are important because interests in the legal system of Ukraine, as in any other legal and democratic state, play a key role in the creation and implementation of legal provisions. Therefore, lawmakers should respect and protect the diverse interests of the parties to the law, ensuring a balance and fairness in their enjoyment. On the other hand, the entities that implement the law (in particular, public administration bodies) also focus on protecting interests in dispute resolution and decision-making.

It should also be noted that in reality, one can also observe the unity of legally significant interests, which is manifested in the following aspects: First, these interests are personified in specific individuals involved in economic activity and/or in the process of ensuring the economic security of the state. Second, each interest is aimed at meeting vital needs, which characterises consumer conduct. Third, the commonality of legally significant economic interests implies a system of direct or indirect interrelations, coordination, subordination and determination of economic interests. This is due to the fact that in practice, no economic interest can be exercised by a participant in legal

relations without a set of connections with other interests that originate from this participant or from other participants in legal relations, which may be affected by actions and decisions taken to meet this interest. Fourth, the social basis for the unity of economic interests is the system of social institutions, among which social norms and traditions, as well as established rules of conduct mediated by public morality and law, are of particular importance.

Recognising the special public legal significance of economic interests, we note that they are also typically a full-fledged object of economic activity which is the object of administrative and legal research and, at the same time, the object of administrative and legal adjustment. Economic interests can be viewed as a relevant object, given the circumstances of reality, such as:

1) *The economic interests of parties to legal relations, who can also be participants in administrative-legal relations.* They reflect the needs and goals of the actors operating in the relevant legal field. These actors are involved to varying degrees in administrative and legal relations, which makes their interests an important element in the formation and implementation of administrative and legal provisions and mechanisms for regulating actions and decisions taken by this group of actors. It is important to consider several key aspects when analysing this feature. First, a human being, as a carrier of a system of interests, is an integral part of society and interacts with the environment, striving for self-preservation and harmony in his or her social existence. Second, this aspiration is manifested through overcoming negative impacts and implementing universal values. These aspects are important because all participants in legal relations, whether individuals or legal entities, are human beings. Therefore, economic interests apply to various actors of administrative law, but it is important to consider that in the context of these actors, the so-called 'universal character' of economic relations is manifested through the 'specific character' of economic interests objectified by different actors. Therefore, this specificity requires careful consideration when defining and regulating the economic interests of these actors;

2) *The economic interests are regulated, implemented, and protected in accordance with the provisions of administrative legislation and are embodied in the state's economic policy.* It should be noted that administrative law regulates the economic interests of the state, as well as the main economic interests of legal entities and physical persons in Ukraine, directly reflecting these interests or deriving them from

existing norms. Administrative law establishes rules and procedures that regulate economic activity, protect economic interests and ensure compliance with legal provisions in the economic sector. Therefore, these provisions form the basis of the administrative and legal regime for ensuring economic security and legally predictable, harmonious interaction of legal entities involved in the economy. In this context, it is important to consider that the current administrative legislation of Ukraine covers a wide range of issues. They include taxation, licensing, control over compliance with economic standards, antitrust and anti-cartel regulatory frameworks, and other aspects that ensure the economic security of the state at all levels of its functioning. These rules not only regulate but also protect economic interests, promoting stability and predictability in economic relations. In addition, the realisation of economic interests of legal entities is embodied in the economic policy of the state, which is an integral part of public administration and is an important object of modern administrative law. The economic policy includes measures and actions aimed at achieving such economic goals as sustainable growth, improving the welfare of the population, providing employment, developing critical infrastructure, etc. In this context, it is also important to consider that public economic policy is formed on the basis of an analysis of national interests, which include both internal needs to maintain the administrative and legal regime of economic security and external obligations and challenges that affect the normal interaction of legal entities involved in economic relations;

3) *Third, the implementation of economic interests is closely related to the state's efforts to ensure economic security, achieved through the economic function of the state and the creation of conditions favourable for national security.* It is important to emphasise that the priorities of the modern development of any state depend on the clarity of the formulation of national interests and understanding of the mechanisms for their protection. Scientists rightly note that one of the main goals of sustainable development of the state is to ensure national security in all its forms (Pavlenko, 2022), including economic security. Therefore, economic security at all levels of public and state activities is possible only with a clear understanding of the priorities in the economic sector that determine this security.

3. Peculiarities of economic interests as an object of administrative and legal research

A comprehensive analysis of economic interests as an object of administrative and legal research reveals that they are achieved mainly

through public administration. In this context, the tasks that have already been addressed to varying degrees by Ukrainian administrative lawyers come to the fore:

a) Create and maintain infrastructure, which is the basis of the socio-economic system of society. This infrastructure includes tangible and intangible objects, systems and services necessary for the functioning and development of society. These are the production and economic infrastructure, which includes transport (roads, railways, ports, airports), energy (power plants, power lines, gas pipelines), industrial facilities (factories, plants, production complexes) and communication networks (telephone lines, the Internet). Social infrastructure includes educational and medical institutions, cultural and sports facilities, as well as social services that meet the basic needs of the population and improve the quality of life, which contributes to social stability and human capital development. Institutional infrastructure should also be noted, which includes the legal and organisational structures that ensure the efficient functioning of the economic system. In this case, it refers to public service bodies responsible for economic security at all levels, as well as civil society actors (trade unions, employers' associations, consumer protection organisations) and financial institutions (banks, insurance companies, investment funds) that provide access to financial resources and financial risk management. As for the financial and market system, it includes the credit and banking system and the markets for goods and services, as well as financial markets;

b) Create a legal framework for the functioning of economic entities is one of the key functions of a modern state aimed at creating stable and predictable conditions for doing business. These activities include the development, adoption and implementation of regulations governing the activities of business entities and guaranteeing the protection of property rights and compliance with contractual obligations. This legal framework is then subject to continuous improvement to ensure the efficient functioning of the economic system;

c) Control over the observance of market competition rules as one of the most important functions of the state in ensuring fair and efficient functioning of the market economy, which, in turn, contributes to meeting economic interests. The main purpose of such control is to prevent monopolistic practices through the adoption of antimonopoly legislation and the operation of the Antimonopoly Committee of Ukraine. Second, to monitor compliance with anti-cartel legislation and supervising cartel agreements in the market, including combating agreements between competitors aimed at restricting competition, price fixing, market division

and other anticompetitive actions that harm the economy by increasing prices for consumers and limiting the choice of goods and services. Thirdly, to support fair competition in the market, which stimulates innovation, improves the quality of goods and services, and reduces prices. Fourth, to protect consumers and small entrepreneurs, who are the most vulnerable market participants and often suffer from anti-competitive practices by big business and entities associated with oligarchic influence.

4. Conclusions

Economic interests are a fundamental component of social development, which determine the performance of business entities and influence the economic policy of the State. The administrative and legal research of economic interests enables to identify the essence, structure and mechanisms of protection of such interests, which contributes to the formation of a scientific basis for the creation of effective regulations and the development of effective approaches to the formation of an efficient economic policy. In addition, the consideration of economic interests as an object of administrative and legal regulation opens up new opportunities for a deeper understanding of the role of the state in ensuring economic security. It should be considered that meeting economic interests is only possible if there is effective public administration in the economic sector, which includes the creation and maintenance of infrastructure, proper legal regulation of economic activity, control over compliance with market competition rules and implementation of public economic policy. It is important to consider social, political and legal aspects in the formation and realisation of economic interests, which enables sustainable economic development and improvement of the population's welfare.

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ЕКОНОМІЧНІ ІНТЕРЕСИ ЯК ОБ'ЄКТ АДМІНІСТРАТИВНО-ПРАВОВОГО ДОСЛІДЖЕННЯ

У статті досліджується сутність та значення економічних інтересів як особливого об'єкта адміністративного права. Автором аналізується категорію «інтерес», її матеріальні та нематеріальні аспекти, а також різні її типи – індивідуальні та колективні інтереси. Така фундаментальна категорія, як «інтерес», ґрунтується на глибокому аналізі людської природи та її взаємодії з різними соціальними інститутами (включаючи як правові, так і політичні). Економічні інтереси розглядаються як особливий елемент дійсності, що формується у суспільній свідомості та відіграє ключову роль у суспільному розвитку, визначаючи поведінку насамперед суб'єктів господарювання та впливаючи на економічну політику держави. Економічні інтереси можуть розглядатися в якості об'єкта адміністративно-правового дослідження та об'єкта адміністративно-правового регулювання, беручи до уваги щонайперше три обставини дійсності. Перша – економічні інтереси є інтересами суб'єктів права, які можуть бути також учасниками адміністративно-правових відносин. Друга – регламентація, реалізація та захист економічних інтересів здійснюються у відповідності до норм адміністративного законодавства та втілюються в економічній політиці держави. Третя – реалізація економічних інтересів тісно пов'язана з діяльністю держави щодо забезпечення економічної безпеки, що досягається за рахунок реалізації економічної функції держави та створення сприятливих умов національної безпеки. Акцентується увага на необхідності правового регулювання та захисту економічних інтересів, враховуючи їх юридичне значення. У статті розглядаються різні підходи до визначення та регулювання економічних інтересів адміністративно-правовими нормами та обґрунтовується, що ці інтереси постають в якості об'єкту правового регулювання, що потребують чіткого визначення та захисту з боку держави. Особлива увага приділяється аналізу ролі адміністративного права в забезпеченні та захисті економічних інтересів. У статті досліджуються нормативно-правові акти, що регулюють економічну діяльність, а також інституційні механізми, які сприяють реалізації та захисту економічних інтересів. Автор підкреслює важливість публічного адміністрування у сфері економіки, що включає створення та підтримання інфраструктури, правове регулювання економічної діяльності, контроль за дотриманням правил ринкової конкуренції та реалізацію державної економічної політики. У висновках до статті узагальнюються результати дослідження та вказується на необхідність комплексного підходу до розгляду економічних інтересів у рамках адміністративного права, що дозволить забезпечити ефективний захист прав суб'єктів господарювання та сприятиме економічному розвитку держави.

Ключові слова: адміністративне право, державна політика, економічна безпека, економічні інтереси, правове регулювання, публічне адміністрування.