
ENSURING NATIONAL ECONOMIC SECURITY IN THE FUNCTIONAL STRATEGY
OF THE STATE BORDER GUARD SERVICE OF UKRAINE

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Abstract. The authors researched the functional peculiarities of the State Border Guard Service of Ukraine in the context of ensuring the national economic security of the state. They provided the overview of scientific approaches to defining notions «border security» and «operational and service activities». The main regulatory documents, which were adopted depending on the period of functioning of the state law enforcement body to ensure inviolability of the state borders, have been indicated. The authors highlighted the essence of the operational and service activities of the State Border Guard Service of Ukraine by defining key functions of this law enforcement body and revealing the distinctive features of each of them. They also identified priority areas for the implementation of joint operations to provide border security under the Strategy of the Integrated Border Management for the period up to 2025. Particular attention was put to the rules of some regulatory documents of current Ukrainian legislation, which specify the peculiarities of operational and service activities of the State Border Guard Service of Ukraine, the issues of structural construction of this law enforcement body, the formation of its personnel, etc. The article contains the results of operational and service activities of the State Border Guard Service of Ukraine according to the database of February 20, 2020. The means of ensuring the economic security of the national economy have been systematized by the customs of the State Border Guard Service of Ukraine, which allowed identifying existing threats in the field of foreign economic activity, generalizing the problems in the customs regulation system.

Keywords: national economic security; border security; the State Border Service; operational and service activities; integrated border management

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1. Introduction

Border of any country is important element of infrastructure, which is analyzed in scientific literature from wide range of perspectives (Mikhaylov et al., 2018; Ohotina et al., 2018; Kasornbua, Pinsame, 2019; Nakruang et al., 2020; Chehabeddine, Tvaronavičienė, 2020). The functioning of the effective system of the state border protection is an integral part of ensuring the national security of the country. Herewith, in the context of globalization processes and European integration policy, the authorities' decision-making processes to ensure the border security of Ukraine require their approximation to European standards in this field. New challenges and threats appear in the area of border security. Their solution can be achieved by means of operational response on the part of the state law enforcement bodies.

The development of the modern model of the state border protection appears to be possible by taking into account the successful European experience and requires a focus right on European standards. Among them, in particular, the implementation of the effective model of integrated border management has been one of priority areas. It is important to note that, as of today, the best European practices based on the European principles of integrated border management have already been introduced under the new National Strategy on Integrated Border Management.

Counteracting external challenges and threats to the national security of the state envisages a coherent and effective work system of the State Border Guard bodies, the activities of which relate to the provision of the border security. In the light of the foregoing, one considers it quite relevant to study the legal status of the State Border Guard Service of Ukraine, its structure and priority areas of operational and service activities in the context of ensuring the national security of the country.

2. Literature Survey

The main activity of the State Border Guard Service of Ukraine is to ensure inviolability of the state border of Ukraine, that is, to provide the border security of Ukraine through the operational and service activities. It is against this background that, special attention should be paid to giving definitions to such terms as «border security» and «operational and service activities». These terms have not found their legal support, so to highlight their features we should refer to the views of scientists on this issue.

On the basis of axiological (values-based) approach, Hrynkiv (2019) defines the border security of Ukraine as the protection of national values and ethnic heritage from getting considerable (substantial for the country) border damage. In the mentioned definition, the concept of national values includes their border component as well. In other words, the state border of the country, the units of the State Border Guard Service of Ukraine, which protect and defend it, as well as border areas should also be considered as national values and protected from all possible harmful sources.

Shincaruk et al. Author's team (2019) draw their attention to the priority areas for guaranteeing border security, including the elimination of threats related to the activities of transnational and cross-border criminal organizations (groups), particularly those ones, which specialize in international terrorism, smuggling of migrants, trafficking of human beings and their organs, drugs and drug precursors. Scientists have concluded that, the global, regional and national systems of border security provide the protection of borders:

- (1) global border security system implies the existence of an effective framework for ensuring security, which operates on multilateral basis and makes it top priority to establish a stronger international community, international institutions, which work under the rules of international law;
- (2) at the state level, national border security system has been operating as an integral part of the framework that ensures the national security of Ukraine in the border space;
- (3) regional security is ensured within the set of countries, which belong to a particular geographical zone, and is being built in interaction with national and global security.

Tseveloyv & Zhuk (2017) see the need for border security as a logical consequence of the emergence of a state phenomenon, and the necessity of territorial delimitation between countries by establishing state borders, and safeguarding sovereign rights within the state territory as well.

Border security is defined by scientists as a condition, when the state sovereignty, territorial integrity, as well as civil rights and freedoms of a person with regard to borders are guaranteed. The border security of Ukraine is ensured by implementing the range of legal, organizational, regime, counterintelligence, intelligence, operational and investigative, special and military activities aimed at protecting border security objects, including the state sovereignty, territorial integrity, economic potential, etc.

Kuprienko (2016) considers that, the conceptual basis of border security, as of the peculiarity of social objects' quality development under the influence of the border factor, is being formed of critical security research areas of the European school of security. The most influential idea behind the conceptual deepening of such research is the notion of public security, which applies to both state security and human safety.

Sharap (2019) regards border security as one of the most important components of the state national security, since the safety of state borders is one of the key factors to affect territorial integrity and sociopolitical stability of any country. At the same time, the author calls the training system of personnel, who are ready to counteract external threats to the country, one of the essential aspects that influences the formation of an effective border security system.

Hanba (2019), in the context of the border security of Ukraine, emphasizes the regulatory, security and defensive relations, which include: (1) operational and investigative relations; (2) military-controlling international relations; (3) operational security relations; (4) counter-terrorism operational military relations caused by the implementation of the Counter-Terrorism Strategy Plan; (5) biometric control legal relations associated with the development, enhancement and the increased efficiency of biometric control at crossing border checkpoints; (6) high-risk military service relations; (7) criminal procedural relations; (8) operational and service relations of cooperation between the State Border Guard Service of Ukraine and another law enforcement bodies at the national and international levels; (9) criminal-analytical relations; (10) information-analytical relations; (11) canine relations, which are related to the need of further activities of the canine services within the state border protection bodies of Ukraine and so on.

As to the definition of the term «operational and service activities», Prytula (2019) defines the operational and service activities of the State Border Guard Service of Ukraine as a series of measures and actions at different levels, which are based on operational (investigative) activities accompanied by the work of the related types of public service functions. The latter concerns analytical framework, informational, personnel, administrative and other kinds of the state regulation of law enforcement activity for the protection of the state border of Ukraine, the places of permanent and temporary stay of the President of Ukraine and other officials, determined in the Law of Ukraine «On State Protection of State Authorities of Ukraine and Officials», as well as the foreign diplomatic institutions of Ukraine. Thus, in the context of the above, the operational and service activities of the State Border Guard Service of Ukraine is the key instrument in a large-scale mechanism which serves as the state protector of national society.

Pshenychna (2017) notes that, based on the content of the Law of Ukraine “On the State Border Service of Ukraine”, operational and service activities are a complex of law enforcement, operational, regime and other measures aimed at the implementation of their function.

Mahas's (2018) study regarding the effectiveness of operational and service activities attracts interest. The scientist defines operational and service activities as the level of task performance for ensuring the integrity of state borders by the bodies (units) of the State Border Guard Service, which is determined by the ratio of results achieved to the energy, time, and other resources expended.

3. Methods

One held the research of the functional peculiarities of the State Border Guard Service of Ukraine in the context of ensuring the national security of the country using the set of general scientific and special juridical methods, among which dialectical, historical, epistemological and legalistic methods can be distinguished.

Dialectical method of research let us find definitions for the terms «border security» and «operational and service activities» through the revealing of the views of scientists to their interpretation and determination of the special features. The author's definition of the notion «border security» was introduced.

With the help of historical method one determined the timeline periodization of the main formation stages of the State Border Guard Service of Ukraine, starting from the declaration of Ukraine's state independence in 1991 until the present days. The main legal documents, which were adopted depending on the period of functioning of the state law enforcement body to ensure the inviolability of state borders, have been indicated.

Epistemological method was used to highlight the essence of the operational and service activities of the State Border Guard Service of Ukraine through defining key functions of this law enforcement body and revealing the distinctive features of each of them; identifying priority areas for the implementation of joint activities to provide border security under the Strategy of the Integrated Border Management for the period up to 2025.

Legalistic method revealed the content of the rules of some current Ukrainian regulatory documents, which determine the peculiarities of operational and service activities of the State Border Guard Service of Ukraine, the structural issues of this law enforcement body, the formation of its personnel, etc.

4. Results

Ensuring the national security is one of the foreground, strategically significant areas for the development of the state and its position in the world community (Reznik et al., 2020). According to Art. 17 of the Constitution of Ukraine, ensuring the security of the state and protecting the state borders of Ukraine shall be entrusted to respective military formations and law enforcement bodies of the state, whose organisation and operational procedure shall be determined by law (Constitution of Ukraine, 1996). One of such special-purpose law enforcement bodies is the State Border Guard Service of Ukraine.

The history of the formation of the State Border Guard Service dates back to the declaration of the independence of Ukraine in 1991. During the first period from 1991 till 1993, the formation of the Border Troops of Ukraine took place. Along with that, the organization of the state border protection, the development of the legal framework for Border Troops functioning, staffing and service, as well as the establishment and formation of organizational-personnel structure of the State Border Committee occurred. Significant events of the second stage, that is a period from 1994 to 1999 inclusive, were completion of the deployment of Border Troops; taking new border areas under protection; the development of border infrastructure and technical equipment; the creation of personnel training system. All that took place within the framework of the Complex Program of the State Border Development of Ukraine, approved by the Decree of the President of Ukraine of December 16, 1993 № 596/93. The next (third) stage, in 2000-2005, was marked by the reformation of the Border Troops of Ukraine into a law enforcement agency – the State Border Service of Ukraine, that was held in accordance with the Action program aimed at maintaining the state border regime of Ukraine and the border zone regime, developing the border guards of Ukraine and customs authorities up to 2005, approved by Decree of the President of Ukraine in November 16, 2000 № 1241/2000. In the fourth phase, which covers the period of almost 10 years (from 2006 till 2015 inclusive), the establishment of a European-type border agency, border infrastructure development and technical re-equipment became strategic areas. For that purpose, the Development Concept of the State Border Service for the period up to 2015 was designed and approved by the Decree of the President of Ukraine in June 19, 2006 № 546/2006. In addition, the Resolution of the Cabinet of Ministers of Ukraine of June 13, 2007 № 831 approved the state target law-enforcement program “Construction and reconstruction of the state border” for the period up to 2015. Since 2016, the Cabinet of Ministers of Ukraine has approved strategic documents for the development of the State Border Guard Service of Ukraine for the period up to 2020, taking into account the issues of protection and defense of the state border.

To date, the legal basis for the organization and activity of the State Border Guard Service of Ukraine, its general structure, number of staff, functions and powers are determined by the Law of Ukraine «On the State Border Service of Ukraine» of April 3, 2003 № 661-IV (hereinafter referred to as Law of Ukraine № 661-IV). In addition to the mentioned law, the legal basis for the activity of this state body is provided by the Constitution of Ukraine, the Law of Ukraine «On the State Border of Ukraine» of November 4, 1991 № 1777-XII, the Law of Ukraine «On the State Protection of the State Authorities of Ukraine and Officials» of March 4,

1998 № 160/98-VR, the Law of Ukraine «On Intelligence Services» of March 22, 2001 № 2331-III, the Law of Ukraine «On the Operational and Investigative Activities» of February 18, 1992 № 2135-XII, the Law of Ukraine «On Prevention of Corruption» of October 14, 2014 № 1700-VII, the Law of Ukraine «On the Fight Against Terrorism» of March 20, 2003 № 638-IV, etc.

It is also noteworthy that, to provide effective implementation of the state policy on the protection of the state border and Ukraine's sovereign rights in its exclusive (maritime) economic zone, the Strategy for the Development of the State Border Service was designed and approved by the Order of the Cabinet of Ministers of Ukraine of November 23, 2015 № 1189-p. The Cabinet decision of July 8, 2015 № 695-p established the Plan for the Joint Operational Protection of the State Border with the Member States of the European Union - the Republic of Poland, the Slovak Republic, Romania and Hungary, as well as with the Republic of Moldova.

The operational and service activities of the State Border Guard Service of Ukraine envisage the implementation of tasks, which are defined in Art. 2 of the Law of Ukraine «On the State Border Service of Ukraine». We offer to go through each task in detail and to reveal its content.

The functions of the State Border Service of Ukraine are as follows: (1) protecting of land, sea, river, lake and other water-borders of Ukraine in order to prevent any illegal crossings, ensuring the observance of the border regime and the border zone regime; (2) performing border control and allowing passage across the state border of Ukraine and to/(out of) the temporarily occupied territory of persons, vehicles, cargos, as well as detecting and suppressing unlawful attempts at crossing the state border (Law of Ukraine № 661-IV, 2003). Art. 2 of the Law of Ukraine « On the State Border of Ukraine» states that, the protection of the state border of Ukraine is a vital component of the nationwide system for the provision of national security. It involves the implementation of measures by the State Border Service of Ukraine to ensure the inviolability of the state borders of Ukraine on land, sea, rivers, lakes and other reservoirs in accordance with the powers granted to them. Along with that, the State Border Service of Ukraine is responsible for the coordination of activity between military formations and law enforcement bodies with regards to the protection of the state. The border control is carried out by the employees of this Service when the crossing of the state border of Ukraine takes place; as well as the admission across the state border of Ukraine of persons, vehicles and cargos (Law of Ukraine № 1777-XII, 1991).

Among the functions of the State Border Service of Ukraine, one underlines the task of protecting the sovereign rights of Ukraine in its exclusive (sea) economic zone and performing the control over the right realization and the fulfilment of obligations in this zone by other states, Ukrainian and foreign entities and individuals, international organizations (Law of Ukraine № 661-IV, 2003). The procedure of protecting the sovereign rights of Ukraine in its exclusive (sea) economic zone is established by the special Regulation № 642, which was approved by the Resolution of the Cabinet of Ministers of Ukraine in June 12, 1996. The Regulation defines the powers of the State Border Service officials while performing their activities to ensure the protection of exclusive (sea) economic zone, among which are the following:

- (1) to stop and examine, in accordance with the established procedure, vessels and water-craft fishing or extracting other sea resources; to conduct search, research and others operations connected with this activity, as well as to perform other works in the exclusive (sea) economic zone, and to inspect the documents of persons engaged in fishing or other works;
- (2) to suspend or to stop fishing and other works in case of the violation of the rules concerning exclusive (sea) economic zone established by legislation, or in case of the absence of the relevant permission (approval) for them;
- (3) to suspend or to stop scientific sea research held through the violation of the legal requirements concerning exclusive (sea) economic zone;
- (4) to draw up protocols on violations in exclusive (sea) economic zone;
- (5) to detain vessels that violate the legislation of Ukraine or the norms of international law;
- (6) to apply penalties in cases stipulated by law regarding exclusive (sea) economic zone, etc (Regulation № 642, 1996).

The functions of the State Border Guard Service of Ukraine include carrying out intelligence, information-analytical and operational and investigative activities in the interests of ensuring defence of the state border of Ukraine. Thus, in accordance with Art. 5 of the Law of Ukraine «On the Operational and Investigative Activities», the units that carry out operational and investigative activities have been specified. Among them, the State Border Guard Service of Ukraine is an intelligence agency of the specially authorised central body of executive power, which implements the state policy regarding the state border protection (human intelligence, operational-technical, own security) by the units of internal security and own security, operational documentation, as well as operational investigative and operational-technical units (Law of Ukraine № 2135-XII, 1992). According to Art.6 of the Law of Ukraine «On Intelligence Services of Ukraine», the State Border Service of Ukraine, being the intelligence body within the special central executive authority for the state border protection issues, is empowered to carry out intelligence activities (Law of Ukraine № 2331-III, 2001).

The State Border Guard Service of Ukraine participates in the fight against organized crime and counteracts illegal migration across the state border of Ukraine and within controlled border regions. According to the Integrated Border Management Strategy for the period till 2025, approved by the Decree of the Cabinet of Ministers of Ukraine № 687 of July 24, 2019, the State Border Guard Service of Ukraine is defined as the subject of integrated border management - the coordinated activity of the competent authorities of Ukraine and military formations. Integrated border management is aimed at creating and maintaining a balance between ensuring the appropriate level of border security and preserving openness of the state borders for legal cross-border cooperation, as well as for travelers. The priority missions for joint activities on ensuring the border security are:

- (1) to complete the demarcation of the state border;
- (2) to expand the network and to improve the work of border contact points at the common border with adjacent states;
- (3) to improve the practice of joint patrolling with adjacent countries;
- (4) to perform legal regulation of the powers of foreign professionals;
- (5) to expand the geography of joint operations with Frontex;
- (6) to refine the functions within the Black Sea border cooperation Forum (Strategy of the Integrated Border Management for the period up to 2025, 2019).

The legal basis for the cooperation of the European Border and Coast Guard Agency (Frontex) with the State Border Guard Service is the Working Arrangement on the establishment of Operational Cooperation of 2007. Within the framework of promoting, coordinating and developing the management of European borders Frontex performs the following functions:

- (1) helps to identify migratory patterns, as well as trends in cross-border criminal activities, to analyse data related to the situation at EU external borders;
- (2) monitors the situation at the borders and helps border authorities to share information with member states;
- (3) carries out vulnerability assessments to evaluate the capacity and readiness of each member state of EU to face challenges at its external borders, including migratory pressure;
- (4) coordinates and organises joint border operations to assist member states at the external borders, including in humanitarian emergencies and rescue at sea;
- (5) provides relevant European Border and Coast Guard staff to be deployed in rapid interventions;
- (6) deploys vessels, aircraft, vehicles and other technical equipment provided by EU member states, etc (The official website of Frontex).

The staff of the State Border Service of Ukraine participate in the fight against terrorism, execute tasks aimed at ending activity of illegally militarised and armed formations (groups), organised groups and criminal organisations that violated the procedure of crossing the Ukrainian border (Law of Ukraine № 661-IV, 2003). The fight against terrorism implies activities to prevent, detect, stop and minimize the consequences of terrorist actions. The State Border Service of Ukraine is one of the subjects carrying out the fight against terrorism, in accordance with the Art. 4 of the Law of Ukraine «On the Fight Against Terrorism» (Law of Ukraine № 638-IV, 2003).

As specified in the Law of Ukraine «On the State Protection of the State Authorities of Ukraine and Officials», the State Border Guard Service of Ukraine is required to provide the state protection for the places of permanent and temporary stay of the President of Ukraine and officials: the Chairman of the Verkhovna Rada of Ukraine; the Prime Minister of Ukraine; the Chairman of the Constitutional Court of Ukraine; the Chairman of the Supreme Court; the First Deputy Chairman of the Verkhovna Rada of Ukraine; the First Vice-Prime Minister of Ukraine; the Minister of Foreign Affairs of Ukraine; the General Prosecutor (Law of Ukraine № 160/98-VR, 1998).

In addition to the mentioned functions, within the framework of operational and service activities, the State Border Guard Service is charged to perform the following:

- (1) protection of the foreign diplomatic institutions of Ukraine;
- (2) coordination of the activity of military formations and the relevant law enforcement bodies related to the state border protection and managing the passage to temporarily occupied territory and back;
- (3) coordination of the activity of state bodies carrying out various types of control over border crossings and admissions across the state border of Ukraine and to the temporarily occupied territory and back, or participating in the provision of the border regime, the border zone regime and regime at border checkpoints, as well as in arrival/departure checkpoints (Law of Ukraine № 661-IV, 2003).

The State Border Guard Service of Ukraine is a law enforcement body of special purpose and has the following general structure:

- (1) Specially authorised central body of executive power on the protection of the state border (Administration);
- (2) Territorial bodies of the specially authorised central body of executive power on the protection of the state border (Eastern Regional Directorate; Northern Regional Directorate; Western Regional Directorate; Southern Regional Directorate; Azov-Black Sea Regional Directorate; Donetsk-Luhansk Regional Directorate);
- (3) Marine Guard, consisting of detachments of Sea Guards;
- (4) Bodies of protection of the state border - Border Guard Detachments, individual checkpoints, aviation units;
- (5) Intelligence body of the specially authorised central body of executive power on the protection of the state border (The official website of the State Border Guard Service of Ukraine).

The total numerical strength of the State Border Guard Service of Ukraine is 53,000 persons, including 45,000 servicemen. The management of the State Border Guard Service of Ukraine is performed by the Head of the State Border Service of Ukraine, who is appointed to and dismissed from office by the President of Ukraine upon submission of the Prime Minister of Ukraine. The Head of the State Border Service of Ukraine has deputies, who are appointed by the President of Ukraine upon submission of the Head of the State Border Service of Ukraine. (Law of Ukraine № 661-IV, 2003).

The personnel of the State Border Service of Ukraine consist of the servicemen and employees of the State Border Service of Ukraine. Persons seeking employment within the bodies of the State Border Service of Ukraine shall, upon the provision of their written consent, be subjected to special vetting in accordance with the procedure provided by the Law of Ukraine «On Prevention of Corruption». It is important to note the limitations on the employment. That concerns, in particular, persons, who have an unexpended or unspent conviction due to the commitment of a crime, except exonerated persons, or who were subjected to an administrative penalty in the past year for the commitment of a corrupt offence (Law of Ukraine № 661-IV, 2003). The law provides for the appointment of the border representatives of Ukraine and their deputies from the staff of the State Border Service of Ukraine in order to resolve issues related to observance of the border regime of Ukraine, to fulfill international treaties on these issues, as well as to create appropriate conditions for the peaceful resolution of border conflicts and incidents at the particular state border area (Law of Ukraine № 1777-XII, 1991).

The operational and service units of the State Border Guard Service of Ukraine are:

(1) a border detachment is the basic operational part, responsible for the protection of a section of the border independently, or together with other bodies of protection of the state border and the Marine Guard, for ensuring the observance of the border regime and the border zone regime, as well performing, in accordance with the established procedure of border control, admissions across the state border of Ukraine and to the temporarily occupied territory and back of persons, vehicles and cargo;

(2) an individual checkpoint is an operational element, responsible for facilitating, in accordance with the established procedure of border control, admissions across the border of Ukraine of persons, vehicles and cargo. The structure of an individual checkpoint can include other checkpoints subordinated to it, departments of border control, as well as control posts;

(3) an aviation unit is an operational part, responsible for protecting the state border together with other bodies of border protection and the Marine guard, ensuring the observance of the border regime and the border zone regime, as well as protecting the sovereign rights of Ukraine in its exclusive (sea) economic zone.

There are a number of indicators in the world to assess the level of trade facilitation to ensure the national security of the state. There are indicators used for comparative analysis and indicators designed to analyze the situation, assess, and measure the effectiveness of state border authorities. In this article, the Trade Facilitation Index as the most informative in terms of national trade and customs security is used. The index consists of seven factors: (1) the availability and use of information and communication technologies; (2) access to domestic markets; (3) access to foreign markets; (4) accessibility and quality of transport infrastructure; (5) availability and quality of transport services; (6) efficiency and transparency of border administration; (7) corruption risks. The dynamics of the index for 2019 in terms of a number of countries is shown in Figure 1.



Figure 1. Components of the Trade Facilitation Index in terms of individual countries (2019)
(Trade Facilitation Index, 2019)

Detailed analysis of the Trade Facilitation Index of Ukraine and other countries on its main components allows determining a high position on access to domestic markets (24th place). At the same time, to improve Ukraine's future in the Trade Facilitation Index, it is necessary to simplify access to foreign markets (110th place), improve administrative regulation of business (125th place), and increase transparency and efficiency of bor-

der administration by simplifying customs procedures. Further transformations in the international economic space, which are characterized by growing international trade, its complexity as a result of information and technological development, as well as increasing the level of external threats necessitate significant changes in approaches to economic security in the field of regulation. These factors lead to significant institutional transformations in the world in the systems of state control over trade. In particular, in many countries, customs administrations are assigned with tasks that are not «inherent» in the classical function of state customs. However, due to the growing pressure of the international trading community on the need to simplify international trade procedures, the customs administrations of leading countries face the task of developing and implementing control tools that provide minimal intervention of state regulatory authorities in the operational activities of the State Border Guard Service of Ukraine (the use of risk-oriented customs control instruments, prior information systems, intelligence activities, etc). This is done in order to simultaneously ensure economic security in the field of economic security and simplify foreign trade procedures (Vogel et. al. 2008). Thus, one of the priority tasks for the domestic sphere of customs regulation is the formation of a system of economic security in the field of customs procedures, which through the use of appropriate mechanisms and tools provided a balance of security and simplification of international trade procedures (Figure 2).

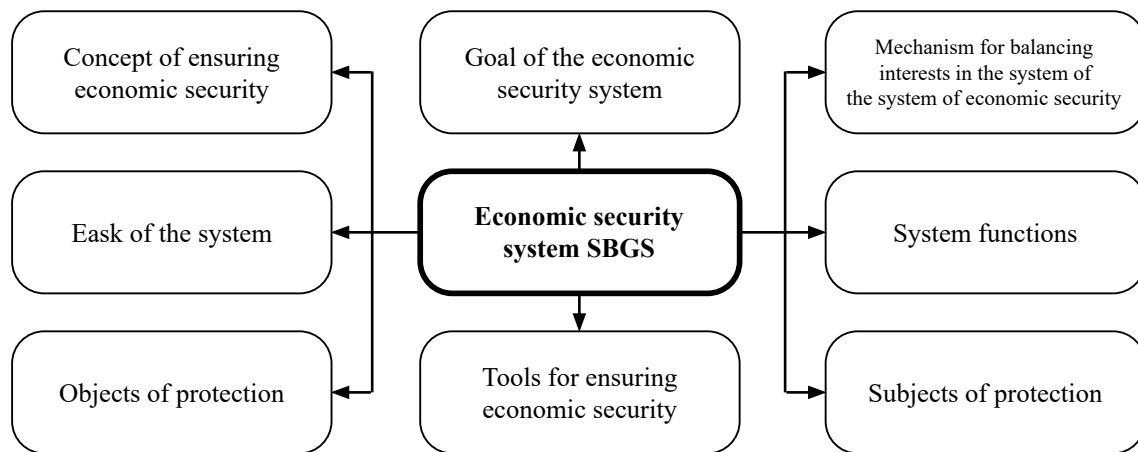


Figure 2. Components of economic security systems for the State Border Guard Service of Ukraine

The purpose of the economic security system for the State Border Guard Service of Ukraine is the timely detection and prevention of all possible external threats to the security of the state and society, sustainable economic development of the national economy. The task of this system is to eliminate contradictions between economic interests of economic entities and the state in the field of customs clearance, creation of the favorable conditions for the equal realization of vital economic interests of all economic entities in terms of further harmonization of domestic customs legislation with international standards (Sharap, 2019). Insufficient study of economic security in the field of customs clearance, as well as the search for ways to effectively operate the economic security system in this area, necessitates the development of a concept, within which it is necessary to form theoretical and methodological aspects of economic security, to systematize the categorical apparatus, to develop appropriate tools and a mechanism for balancing the interests of the state and business in the system of ensuring economic security (Figure 3).

The concept of ensuring economic security for the State Border Guard Service of Ukraine based on balancing the interests of the state and business is built on finding a compromise between the control measures of revenues and fees to ensure economic security in the field of customs clearance and business simplification based on their economic interests. The practical implementation of revenues and fees in the performance of their functions should be aimed at maintaining the optimal combination and realization of economic interests of business entities and the state, which will minimize the emergence of existing contradictions, which in many cases are a source of significant threats to Ukraine’s economic security.

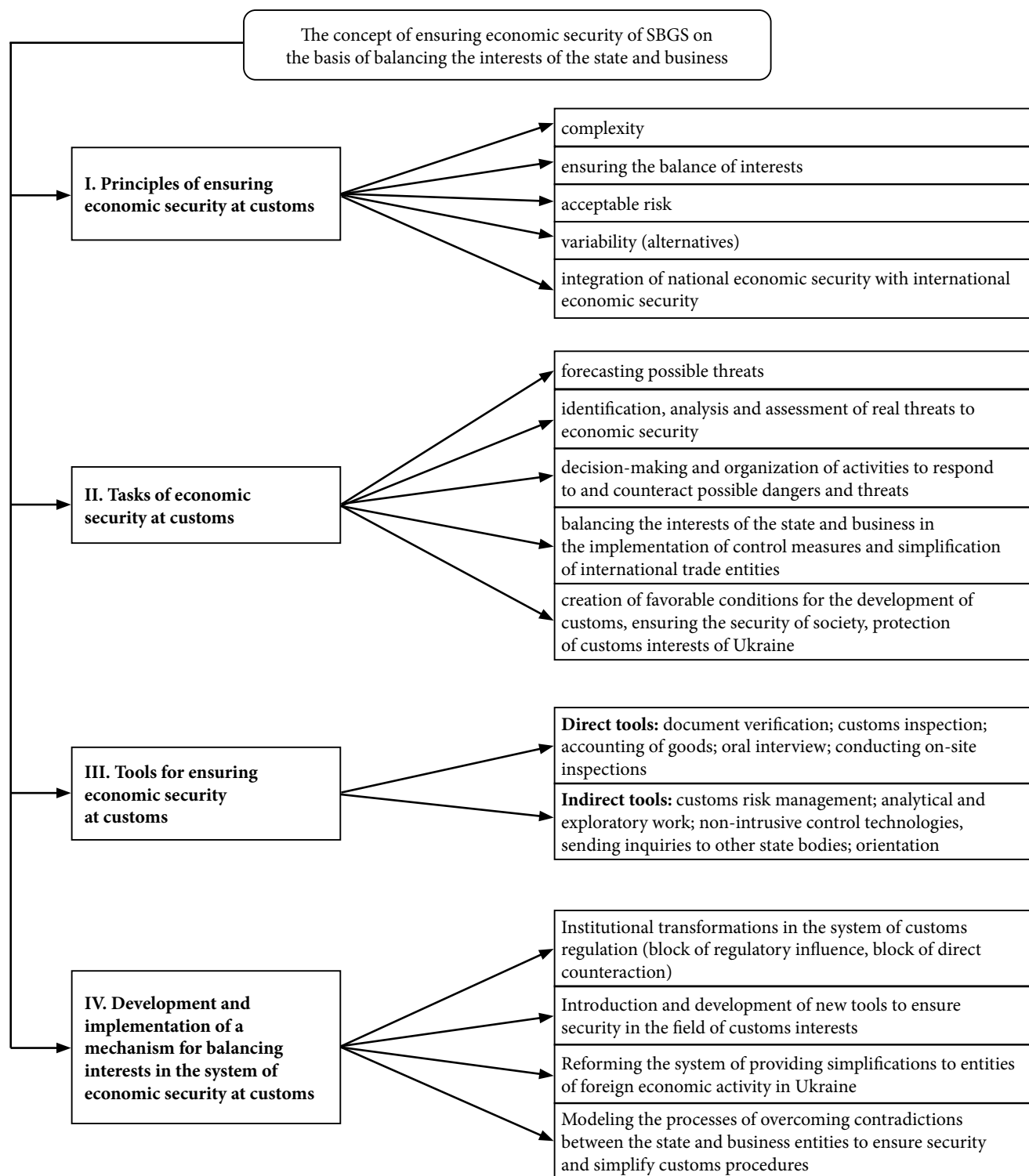


Figure 3. The concept of ensuring economic security in the work of the State Border Guard Service of Ukraine on the basis of balancing the interests of the state and business

In addition, at the heart of such a system of national economic security at customs, it is necessary to develop mechanisms to stimulate the activities of each economic entity to pursue their economic interests without compromising the national ones (Wilmott, 2007). Such a management system must take into account the specifics of the functioning of all participants in the international supply chain, as well as the mechanisms that can most effectively influence each entity in order to achieve socially significant goals.

Thus, one of the defining elements of economic security in the customs sphere is the concept of its ensuring, which determines the relevant state policy and strategy. The basic conceptual categories of the concept of economic security in the customs sphere are given in Table 1.

Table 1. The main functional elements of economic security in the work of the State Border Guard Service of Ukraine on the basis of balancing economic interests

Element	Content
1. Economic security of the national economy in the customs sphere on the basis of balancing the economic interests of the state and business	the state of the system of economic relations between all participants in the international supply chain and state institutions in the field of international trade regulation, which provides the possibility of full realization and protection of their vital economic interests from external and internal threats by eliminating the preconditions for the emergence and overcoming of existing contradictions and achieving a balance of their interests
2. The concept of ensuring economic security in the customs sphere on the basis of balancing the economic interests of the state and business	the system of views, ideas, and approaches to ensure the economic security of the state in the customs sphere, as well as a set of interrelated activities aimed at identifying, analyzing, and leveling threats in terms of balancing the economic interests of the state and business
3. Object of economic security in the customs sphere	system of economic relations in the field of customs procedures and international trade
4. Entities of economic security in the customs sphere	state institutions that define and implement customs policy (bodies of revenues and fees)
4. Balance of interests in the customs sphere	the nature of the interaction between state institutions and business in the field of customs procedures, in which there is minimal interference of state regulatory authorities in the activities of foreign trade entities without threats to the economic security of the national economy
5. The mechanism of balancing interests in the system of economic security in the customs sphere	consistent set of relevant organizational procedures, organizational, economic, and legal measures, economic instruments to ensure economic security in the customs sphere on the basis of balancing the interests of the state and business

The economic security of the national economy in the customs sphere as a complex multilateral phenomenon reflects the state of the system of economic relations between all participants in the international supply chain (exporters, importers, carriers, customs intermediaries, etc.) and state institutions in the field of customs border crossing, which provides the possibility of full realization and protection of economic interests from external and internal threats through the achievement of a balance of interests of each of the participants in the relationship through the optimal balance of interests of the state and business (Drobyazko et. al. 2019). In other words, the concept of economic security in the customs sphere is an evaluative category that characterizes the state of the system of economic relations from the standpoint of the existence of contradictions between the interests of economic entities and government agencies.

5. Discussion

Upon the research results of scientists' approaches to the interpretation of the notion «border security», we suggest the following definition: border security is an integral part of the national security of the state, which implies the implementation of operational and service activities by authorized state law enforcement agencies to ensure the integrity of the state border of Ukraine, to counteract external challenges and threats to the national security of the state through the use of effective regulatory, protective and defensive mechanisms.

While the notion of border security has repeatedly been the subject of scientific study, it hasn't found its definition in terms of legislation yet. Taking into account the fact that, the main activity of the State Border Guard Service of Ukraine is to ensure the border security of Ukraine through the implementation of operational and service activities, we consider it necessary to enshrine this notion in the Law of Ukraine «On National Security of Ukraine».

It is also important to note that, Art. 2 of the Law of Ukraine “On the State Border Service of Ukraine” defined the basic functions of the State Border Service of Ukraine, the implementation of which is considered to be the operational and service activities of this law enforcement agency. One should notice that, the term «opera-

tional activities» can be repeatedly found in that law. This notion can also be found in the Regulation on the Operational and Investigative Department of the State Border Service; the Procedure of work of administrative agencies of the State Border Guard Service of Ukraine to prepare for operational and service activities in the next calendar year or another period. That's why, in the light of the above, it is essential to fix the concept of operational and service activities at the legislative level, in particular, in the Law of Ukraine «On the State Border Service of Ukraine».

Conclusions

It is enshrined at the constitutional level that, ensuring the security of the state and protecting the state borders of Ukraine is entrusted to respective military formations and law enforcement bodies of the state, whose organization and operational procedure is determined by law. One of such special-purpose law enforcement bodies is the State Border Guard Service of Ukraine. The main function of the State Border Guard Service of Ukraine is to ensure the inviolability of the state border of Ukraine, ie to provide the border security of Ukraine through operational and service activities.

The history of the formation of the State Border Service dates back to the declaration of independence of Ukraine in 1991. To date, the main regulatory document, which determines the legal basis for the organization and activity of the State Border Service of Ukraine, its general structure, number of staff, functions and powers, is the Law of Ukraine «On the State Border Service of Ukraine».

It has been proven that as a result of the ever-increasing pressure of the international trade community on the need to simplify international trade procedures, the customs administrations of leading countries face the task of developing and implementing control tools that provide minimal intervention of state regulatory authorities in the operational activities of participants in international trade. This is done in order to simultaneously ensure economic security in the field of customs regulation and simplification of foreign trade procedures. The formation of a system of economic security in the trade sphere and customs clearance and border crossing is one of the priorities for the domestic sphere of regulation, which through the use of appropriate mechanisms and tools would provide a balance of security and simplification of international trade procedures.

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