

of Ukraine, where unity is ensured by the common legal basis of the mechanism and the unified nature of its organizational structure.

The analysis of normative legal sources and professional literature makes it possible to note that the functional mechanism of providing economic security consists of such elements as: state apparatus; system of local self-government; authorities of the Autonomous Republic of Crimea. According to many domestic researchers, the leading role in this mechanism is played by: President of Ukraine; Verkhovna Rada of Ukraine; The Cabinet of Ministers; National Security and Defense Council of Ukraine; Ministry of Economic Development and Trade of Ukraine; Constitutional Court of Ukraine; courts of general jurisdiction; police; bodies of local government, local self-government; economic entities of the enterprise, organization; citizens and associations of citizens.

The legal and regulatory framework for ensuring economic security for today is generally established and consists of several levels of legal acts: international legal acts, the Constitution of Ukraine, the Basic Law of Ukraine «On National Security of Ukraine» of June 21, 2018, statutory and sectoral laws, subordinate normative acts, as well as some political-legal documents of declarative character.

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PROBLEMATIC ISSUES IN COUNTERACTING LEGITIMATE ECONOMIC ACTIVITY

In article 206 of the Criminal Code of Ukraine is protected only economic activity, which is lawful. Therefore, the requirement to terminate an activity that the victim can not and should not engage in accordance with the law (for example, the termination of an activity that can be carried out only if there is a license in the absence of the victim) does not constitute the composition of the crime.

The requirement to terminate economic activity includes, in particular, the requirement: to liquidate a legal entity whose activities are controlled (or whose activities significantly affect) the victim; sell (transmit) it to other persons; submit an application to cancel the registration of the victim as an individual entrepreneur to the appropriate authority. This concept also covers the requirement to cease to carry out business activities. The form of claim, as well as the termination of such activity, are not relevant for the qualification of an act.

As regards the requirement to restrict economic activity, it requires, in particular, the requirement: to reduce the volume of industrial production, trade operations, services, to stop such activities in certain places or regions, to stop occupation of certain types of economic activity, or at least one of such separate types, to break or restrict business relationships with certain partners. The requirement to enter into an agreement (a civil law contract, an employment contract or any other agreement), the execution of which may result in pecuniary damage or restrict the legal rights or interests of the person engaged in economic activities, may in particular concern the agreement: which, in the case of its execution directly leads to causing property damage to the victim or other persons; about the full or partial transfer to the victim of his rights in relation to the management of a legal entity (for example, a sale agreement, another paid assignment of shares of a joint-stock company, a share in the authorized fund of another economic partnership); on sale or other paid transfer of means of production, premises or other property necessary for conducting business activity; the refusal of the victim or the corresponding legal entity from certain types of activity, activity in certain points or regions, limitation of the volume of such activity; the sale of the victim or the organization he represents, his products only to certain persons; about the adoption of an unwanted victim for a certain position in the enterprise concerned. The requirement not to execute the concluded agreement takes place when the offender proposes to the victim to refuse to execute the relevant agreement, which may lead to pecuniary damage or restrict the legal rights or interests of the victim or other person engaged in economic activity.

Action of article 206 of the Criminal Code of Ukraine extends not only to cases where the victim requires actions to the detriment of

his personal interests, but also those situations where the victim (for example, the director of the corresponding firm, which is not its owner) require the commission of actions that will harm the interests of a certain legal entity. Also, the cases where the guilty ones put forward the appropriate requirements combined with the above-mentioned threats to a person who is unable to comply with these requirements, mistakenly believed that it has more powers or has a greater impact than the owners or managers of the legal person - the subject of economic activity. In cases when unlawful requirements to the victim were to transfer to other persons someone else's property, the right to such property or commit any other acts of property, the fine should be qualified according to article 189 of the Criminal Code of Ukraine. Forcing the victim to fulfill or not fulfill civil obligations in the absence of signs of extortion and causing material damage or limitation of the legal rights and interests of those engaged in economic activities, if there are grounds to qualify under article 355 of the Criminal Code of Ukraine.

According to the signs of the objective side of the act, stipulated article 206 from the act stipulated by article 355 of the Criminal Code of Ukraine is distinguished by the stage of the contractual process on which the demand is made - only the stage of execution of the contract in article 355 of the Criminal Code of Ukraine and the stage of the conclusion and execution of the contract in article 206 of the Criminal Code of Ukraine. Depending on the content of the claim, the investigated act may qualify under various articles of the Criminal Code of Ukraine: if the content of the claim is directed to the execution of a particular agreement, the act must be qualified according to article 355 of the Criminal Code of Ukraine, and if the content of the claim is aimed at concluding an agreement or failure to perform an agreement in the presence of other necessary signs, such acts must be qualified according to article 206 of the Criminal Code of Ukraine.

If the essence of the claim advanced to the victim was the commission of him or the legal entity he represents, actions which lead to a restriction of economic activity and, in accordance with the law, are prohibited by anti-competitive concerted actions, the fine should be qualified as a set of crimes under article 206 of the Criminal Code of Ukraine and the relevant part of article 228 of the Criminal

Code of Ukraine. The presentation of an unlawful claim to the victim about the transfer to another person of someone else's property, the right to such property or the commission of any other actions of a property nature should be additionally qualified under article 189 of the Criminal Code. The crime is terminated from the moment of the nomination of any of the items specified in Part 1 of article 206 of the Criminal Code of Ukraine, combined with the corresponding threat, and bringing them to the victim.

List of references

1. Гринишин О. Розмежування ст. 206 КК України «Протидія законній господарській діяльності» та ст. 355 КК України «Примушування до виконання цивільно-правових зобов'язань» у контексті посягань на свободу договору / О. Гринишин // Вісник Львівського університету. Серія юридична. 2016. Вип. 64. С. 201-207.

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ARTICLE 211 OF THE CRIMINAL CODE OF UKRAINE «PUBLICATION OF LEGAL ACTS THAT REDUCE BUDGET REVENUES OR INCREASE BUDGET EXPENDITURES IN CONTRAVENTION OF THE LAW»: THE OBJECTIVE SIDE OF THE CRIME

As stated in the Constitution of Ukraine, the state budget system is based on the principles of just and impartial distribution of wealth between citizens and territorial communities.

The act envisaged in art. 211 of the Criminal Code of Ukraine, has recently become a threatening scale for the whole country as a whole. The public danger of such an act is that it misleads the state and other types of budget charges, which are the main instrument that characterizes the parameters of the economy, the social direction of society and the state of its social security.

Statement in the new wording of Art. 210 and art. 211 of the Criminal Code of Ukraine, implemented on the basis of the Law of Ukraine of July 8, 2010 «On Amendments to Certain Legislative Acts of Ukraine in Connection with the Adoption of the Budget Code of