

LAW

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**Dmitriy Bezzubov¹,
Yevgen Yeryashov²****LEGAL MECHANISMS TO ENSURE SECURITY OF ENTREPRENEURSHIP
(AVIATION ASPECT)**

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E-mail: ¹dbezzubov@ukr.net; ²kuzmich-2002@yandex.ua**Abstract**

Purpose: the purpose of our research is an analysis of existing threats, dangers and challenges of entrepreneurship in conditions of the present and the formulation of the basic foundations for forming methods of ensuring the legal security of enterprises of transport sphere. Determine a place and role of enterprise security businesses and legal mechanisms of its provision **Methods:** using the comparative method of scientific knowledge revealed major threats in entrepreneurship and basic provisions for legal mechanisms to ensure the security of enterprises through the definition of an administrative method Regulation of legal relations. **Results:** the problem of business security companies is determined through the teachings of administrative, air, space law and application of the achievements science of economics and management. Each of the sciences forms an interdisciplinary approach to the question of business security in the system of modern economic and legal relations. In the modern economic system security problem business formed through the activity of the State and the possibilities of intervention in the activities of the economic entities of the transport sector. Definition of business security companies in the General Security is due to the presence of the following legal factors and mechanisms: a) a market economy based on competition, is a very dynamic system, and thus very dangerous; b) the Ukrainian market is at a stage of formation and mechanisms are not yet spent; c) in the country the missing steel standards rights protect the interests of entrepreneurs. In fact, business security is formed through a combination of economic, legal and social factors of its provision. **Discussion:** in this article author offers basic provisions regarding the legal mechanisms providing entrepreneurship.

Keywords: enterprise; entrepreneurship; legal mechanism; security.**1. Introduction**

From the first years of the transition of Ukraine to market-type economy is very acute question security exercise of economic activities, in particular on the micro-level entities.

One of the main problems of the market economy is to ensure the safety of the operation of enterprises in the transport sector. Security entrepreneurship is the process of establishing the threats of normal functioning of the enterprise and use administrative leverage in order to neutralize threats of an economic nature.

2. Analysis of the research and publications

A problems of legal mechanisms to ensure security of entrepreneurship is reflected in the writings of

such scientists as Armash N., Bezzubov D., Zarosylo V., Gorbatyuk Ya., Zhmur N., Kozyreva V., Korneev Yu., Sopilko I., Slobodoska S., Homyachenko S., Yuldashev S., Yeryashov Y, and other famous scientists in the sphere of economic management and civil aviation.

3. Research tasks

The main tasks of this research study are: detection of existing mechanisms to ensure security of entrepreneurship; formation of a theory and practice maintenance of enterprise security by administrative mechanisms; to define of categories of threats to business; classification security of business; determine specifics security of a transport enterprises.

4. Research results

Common threats to the economic security of enterprises in the transport sector are: a) economic threats – that is the probability of getting the negative economic results from the operation of the enterprise in the form of economic damage, financial loss and the result of the negative economic activities; b) technical threat is defined and unknown threat [1].

The major security problems of the business activities in Ukraine are: a) market economy built on competition, is a very dynamic system, and thus very dangerous; b) market is on stages of formation and mechanisms are not yet processed; c) in the country lacking norms of law to protect an interests of entrepreneurs.

Security experts believe that one of the ways for non-governmental enterprises of preconditions for economic survival in the conditions of market relations is to identify and neutralize threats to the economic stability of the company, which is the core activity for ensure the safety of the enterprise [2].

The subject's safety depends on various factors. Detriment can be suffered as a result of unfavorable economic policy, illegal actions of competitors, crisis phenomena in the economy, unpredictable changes in market conditions, natural disasters, emergencies, the management incompetence, social tension, etc.

Therefore, the factors that affect at level of safety of enterprises can be internal and external, economic and noneconomic, objective and subjective. Has been vulnerable

The object of the Security Business, primarily economic, there is a whole system of its functioning. Hitting at least one of the objects of the enterprise, the latter undergoes appropriate exposure on a site of the company that may be a danger or a threat of loss of balance, equilibrium production-economic mechanism of enterprises. Each enterprise (entity) has as a general object security, and specific features of its activities.

The immediate organization providing of safety listed above objects put on the subjects of enterprise, namely, responsible persons, departments, service agencies, agency and institution [3].

A subjects safety of enterprise can be classified by the following signs: I. *Depending on belonging*: own security services, which are included in the structure of subjects management and kept their money. The structure of these units is based depending on level of the establishment of the firm,

an array of issues, which holds these services guide enterprises in a particular stage of its development; independent commercial or Government Organization that employed by the entity to perform functions on individual or all aspects of it security. Such subjects tend to specialize or to pure has-security services, or purely on economic, legal or consulting services. II. *Depending on the direct participation in the enterprise*: a) special entities created exclusively for the performance of functions to ensure the safety of the company, as its own security service and involved on the conditions contract; no special subjects, to direct the functions which included a number of actions that are aimed at ensuring the safety of the enterprise; b) the rest of the personnel and units involved in the implementation of measures to ensure the security of the enterprise has an exceptional character. III. *Depending on the form of ownership and subordination*: Government authorities exercising the powers of the safety of the subjects of financial and economic activity, the structure of which they are, or to provide services to third party companies under the agreements, an example of which is the activity. The State service for the protection of the MIA of Ukraine regarding the security measures of all without exception, commercial banks in Ukraine; b) non-governmental bodies are represented by security organizations, think-tanks, and consulting services for the appropriate fee under contract to provide services to the public objects, information protection, commercial secrets, etc. To this group belong to the subjects of their own security service enterprises of private ownership. IV. *Depending on the legal basis of functioning (the legitimacy of subjects)*: a) *the official bodies that operate within the framework of the current legislation of Ukraine and international treaties, consent to be bound by the Verkhovna Rada of Ukraine* ; b) *no legitimate structures whose activity takes place outside the legal field of Ukraine. Now their functioning has momentum, which is caused by the failure of the subjects of business from their "services", but deny their existence is not necessary. Specify the subjects offer their services through threats, violence, massacres while ensuring the protection from such structures, but under the condition of financial dependence. Typically, these services offer to subjects of business whose activities fully or partially going on shadows, that is a reason to blackmail.*

The list of the above-mentioned subjects security enterprises, except the last, successful forms of market services for security business. Most domestic entrepreneurs form the demand on the physical security of buildings, collection, a complex of protective measures from a racket and listen to telephone communication channels, premises by listening and tampering in the activity of computers and computer networks from intrusion and viruses [4].

Smaller demand on services regarding organization protection of recorded information, especially that contains State and commercial secret. Also not enough attention is paid to the work with personnel, admitted to the confidential information.

Enough with the position of the safety problem of external contacts of the company. It offers analysis of the reputation of the co-executors, contractors, their creditworthiness, financial capacity; a study of competitors, market research, that is providing the applied aspects of the safety of modern marketing. An exception is the only commercial banks, for whom the study of potential customers is a question of survival, closely connected with the return of loans [5].

From the perspective of analysis of contemporary global security services market is about 60% of the volume of deals are security services; maintenance services and counseling – to 15% respectively; services private investigations – 10%.

In turn, the market for security services consists of approximate equal parts concerning the protection of stationary objects, personal protection, protection of mass events, assistance goods and valuables during transportation. In this case, if the company does not have enough of their own possibilities and capabilities of the security company hired by the enterprise on an ongoing basis, the company appeals to market specialized services related to the markets of goods (technical security features), specialists and information.

It should be noted that the market of services in the field of security is difficult to analyze because it is characterized by the absence of clear boundaries. As a rule, firms that operate in this market is multidisciplinary and therefore highlight the companies that provide services only in the field of security can only be fairly conventionally [6].

The most common areas of their activities: protection of office premises; preparation and provision of bodyguards only; preparation of professional bodyguards only; consultation;

protection of freight transport; guarding parking lots; installation technical means of security [7].

Among other special services provided by specialized companies (agencies), dominated by such as the protection of mass events, the sale of weapons, the establishment of local cryptographic information protection, joint patrols with the police.

Security activity of enterprise structures related to the provision of transport services the dominant place place is given to organizational and legal measures to ensure security.

Organizational-legal measures to ensure the safety of entrepreneurship is a complex action and the use of regulations to ensure the stability of the operation of enterprises in all areas of activity of the enterprise.

In the structure of the organizational-legal measures to ensure security of the enterprise includes: a) structure of regulations and legislation in the field of security; b) competence of the management to ensure the safety of the enterprise; in); c) system of maintenance of economic safety. These components form a legal mechanism to ensure security. This mechanism is universal and can be applied to all areas of business activity. In fact you can talk about the administrative security model.

Model of providing business security can function only if you have all the elements and the necessary external conditions. The operation of this administrative model of providing public safety possible for the following conditions: a) changing of an environment; b) development situation of danger and threat; c) improvement of the model and its self-improvement adequately to complexity of threats and hazards (i.e., ability to self improvement on the existing practical and legal basis) [8]. Between the raised elements there is a logical connection that is caused by the necessity of operation model of security business activities exclusively in case of situations of threats and dangers and preventive functioning of this model or its individual structures in a certain period of time as well as. Links connecting speakers the following categories:

Links connecting speakers the following categories: a) common social development – i.e. the security business serving a necessary condition for the development of society; b) subjectivity - mandatory participation of a subjects of administrative law in activity to ensure public safety; c) object context – existence of objects of protection and need for their protection; d) situational context – possibility of design at some point of time (in case

of situations threat or danger); e) orientation of goal – having goals in the activities of subject providing business security (direct - overcoming situations of threat and danger, indirect - is not connected to public safety or has a preventive character); f) effectiveness (functionality) – the need for action to ensure public safety (law enforcement); g) visibility - practical activities, the existing results, display the state of public safety in external environment.

From the above we can define the category «system of providing of public safety (in broad terms)», namely: this is a system of theoretical, methodological, organizational-law, managerial measures aimed at ensuring the process of management state of public safety in the form of countermeasure threats and hazards in all aspects of the functioning of society and ensure a progressive and proper development of Ukrainian society in the future [9].

In a narrow sense, a system of business security – is a set of governmental and non-governmental organizations, regulations and authority control subjects that operate in the interests of optimum condition the functioning of the society.

So, firstly, in the system of providing business security select basic model: legal and organizational; constructive and no constructive; single target and multipurpose; secondly, the legal model provides the primary use of the regulations as a basis for making managerial decisions in the system providing business security; thirdly, the organizational model is based on the powers, resources and the feasibility of the solutions adopted, the practical adequacy of managerial decision level threats and dangers; fourthly, the structural model of making managerial decisions presupposes the existence of time and necessary information when making decisions no constructive (situational) model of decision-making under conditions of risk and danger; fifthly, the same target model provides solutions aimed at solving one problem, multipurpose solution for simultaneous multiple tasks; sixthly, the national security management system involves the use of analysis of spheres of influence, monitoring and forecasting of events and the development of effective models of management decisions in order to achieve the State of absence of threats to society, i.e. the social security.

Regulations in the field of security business form certain directions of this activity.

A set of normative acts in the field of administrative law allows you to define formally the

legal aspect of the category of providing business security from the perspective of security categories.

Formally-legal aspect of the category «business security of Ukraine» provides the effect of a security sector activities to ensure the security of business and marked as such the main properties of security categories contained in the existing normative-legal acts of Ukraine:

1. Business Security as the active category is determined by the system: social security-specific activities that are authorized by the subject of the law.

Business security is a state of social environment in the area of business in which the absent threats and dangers. Achieving this condition may only exercise the actions of authorized entities providing business security. These actions should have a few signs of activity – the implementation of powers by the impact on the external environment, i.e. on its status and the possible change in such a State; purpose – the purpose and objectives of these actions should be scheduled in advance of the final result (theoretical – restore or maintain a condition of security practical implementation is the full functioning of individual industries or links society in the absence of threats and hazards); constancy in time and space – such activity should not stop regardless of external circumstances (for example, in the absence of danger or threats).

Regarding the transport sector, the regulation on safety management system of trains in the State administration of railway transport of Ukraine indicated that train traffic safety management system – is a complex of measures that the personnel of the Railway, the railway companies and their departments to effectively carry out the work in the field of movement of trains. This provision is an example of the process of ensuring technical transportation safety how to prevent the emergence of possible threats and the dangers of man-made.

The Air Code of Ukraine (May 19, 2011) defines, that aviation security «protection of civil aviation from acts of unlawful interference, which is provided by a set of measures involving the human and material resources». Impact of this type of security is similar to security of railway transport air code determines adherence to public safety when using aircraft and air threat prevention nature (for example, flight safety of aircraft over residential quarters of cities).

2. Business Security as passive category is determined by the system: public safety – lack of risk, threat, danger.

Social security is the condition of absence of threats and hazards to the environment of a business at a specific time. This definition can be considered a business security system: space – time - man. Each of these components has its own effect on passive safety.

Space is a part of the territory that is secure, that is where the missing the threat and danger of any origin. Time – a time of absence of threats and dangers to the moment of the occurrence of situations of threat or danger. Since time is not static, it is impossible to predict the likely time period of occurrence of threat or danger in a passive environment. Time in relation to safety advocates passive and static category, since it is considered to be the date of the occurrence of threats and dangers. Man is the most capacious element of this system, as advocated at the same time the object of protection and the likely source of the emergence of threats and dangers. This occurrence may be due to vigorous activity, and through inaction of the individual.

Regarding a scope of transport in the «The regulation on safety management system of trains» «security – a lack of threat to life, health, property, animals, plants and environment that exceeds the risk».

3. Business Security as a specific activity of subjects of rights is determined by the following formula: safety - is a purpose of activity same State authority.

Social security acts as an element of the definition of specific objectives in the activities of all entities providing business security. Determining the goals and objectives of business security – is an element of social and economic life, the lack of this element creates the danger of the emergence of crises due to the uncertainty of the society in the future.

4. Business Security as an element of the protection of the economy is determined by the system: the social security is a security state of business from threats, dangers, risks.

A state of enterprise security is the absence of threats to society. In fact, this is the ultimate goal of the entities providing business security, but along with that is the initial point of reference a state of functioning of the enterprise. Business security is a constant, zero state of threats and dangers. This state is a clear and real and has practical application

through a goal of achieving security in entities providing business security.

In a transport sector regulation of this direction is carried out by the regulatory definition at «The regulation on safety management system of trains», which indicates that the traffic safety – «it is train movement protection the rolling stock, which is characterized by absence of limiting risk arising of transport events and its effects, which can cause damage to life and health of citizens, environment, property of individuals or legal entities».

At terminological legal dictionary specified, that information security is a special status of protection and security of information from unauthorized actions, that bear danger or threat of modification or destruction of data.

5. Business security as an element of legal field is determined by the following formula: entrepreneurial security is a compliance activity of enterprise to specific requirements or value (documents).

General provision business security is carried out and is provided through an availability of appropriate legal framework, i.e. the existence of laws, decrees, resolutions, orders. Without these regulations entrepreneurial security does not have enforcement powers, speaking purely theoretical abstraction.

Therefore, according to analysis, we can highlight following main features of the modern state of legal maintenance of business security: universal (activity of business security is mandatory for all participants of economic relations); subjective direction - business security is provided by activities of subjects providing business security; situational context - period of absence risks and dangers and likelihood occurrence situations threats and dangers in the future; functionality – business security as a function of executive powers; definition of tasks and goals – business security as a basis existence of company; visibility – absence threats and dangers in practical plane functioning of an enterprise, that has a time and place [10].

Security business management structure reveals an internal build system. A structure, that displays warehouse and hierarchy of different levels of management that function to achieve a certain goal, called organized. It can be a two-level, multi-staged, have horizontal or vertical nature. In the organizational structure there are also linear,

functional and mixed. types, and in structure of executive authority - whole, separate, freestanding structure of administration.

A function of management business security is a special kinds activities, that express directions or stage targeted impact on relationships and people in process ensuring public safety and management of it. Management functions have ensure an effective reaction control system to change a state of managed system.

Common functions: planning, organizing; special – coordination and control; auxiliary functions – stimulation and learning [11, 12].

The main functions management of business security include:

planning – is a form of targeted impact on groups of people, that involves setting goals and tasks in field ensuring of business security, determining ways and means to achieve these goals as well as;

organization - is a form of targeted impact on groups of people, that involves creation of new and streamline functioning organizational structures as elements of process of implementation of plans providing business security;

coordination - is a form manifestation of targeted impact, that sufficient consistency in actions groups of people as part of process achieving goals in a field of entrepreneurship security;

stimulating and learning – is a forms of targeted impact on people by encouraging and training them to actions, that increase effectiveness of entire management system providing business security;

control - is systematic verification of activity people to detect deviations established regulations of security or requirements in the process of implementation of goals to ensure safety of business, and control exercised by authorized bodies of executive power regarding to controlled entities and other organizations in the manner prescribed by applicable regulations.

Thus, we can conclude that a legal mechanism to ensure enterprise security is part of public relations in sphere of economy.

References

- [1] Demko G.J., Wood W.B. (1999) *Reordering the World. Geopolitical Perspectives on the 21st Century*. Westview Press, p.98.
- [2] Vallerstain I. (2003) *End of the familiar world: Sociology of the 21st century* (Rus. ed.: Inozemcev V. Konec znakovogo mira: Sociologiya XXI veka. Moscow, Logos Publ., p. 43).
- [3] Bek U. (2001) *Obshestvo riska na puti k novomu miru* [Risk society towards a new modernity]. Moscow, Progress-Tradiciya Publ., 304 p.
- [4] Fromm A. (2006) *Revolution of hope* (Rus. ed.: Panfilova T. Revolyuciya nadyezhdy. Moscow, ACT Moscva, Publ., p. 33.
- [5] Ippolitov K. (2014) *Ekonomicheskaya bezopasnost': strategiya vozrozhdeniya Rosii* [Economic security: revival strategy of Russia]. Moscow, RSPB Publ., p. 43.
- [6] Bin'ko I., Shlemko V. (1997) *Ekonomichna bezpeka Ukrainy: sutnist' i napryamky zabezpechennya* [Economic security of Ukraine: the essence and direction of ensure]. Kyiv, NISD Publ., p. 78.
- [7] Makarenko V. (2006) *Bezopasnost' kak element politiki gosudarstva* [Security as an element of State policy]. Moscow, Mysl' Publ., p. 145.
- [8] Ilyashenko S. (2004) *Ekonomichnyy ryzyk* [Economic risk]. Kyiv, Centr navchal'noy literatury Publ., p. 54.
- [9] Ivchenko I. (2007) *Modeluvannya ekonomichnyh ryzykiv i ryzykovykh sytuacij* [Modeling of economic risk and risky situations]. Kyiv, Centr navchal'noy literatury Publ., 344 p.
- [10] Lukyanova V., Golovach T. (2007) *Ekonomichnyy ryzyk* [Economic risk]. Kyiv, Akademvydav Publ., p. 88.
- [11] Minayev S. (2011) *Bezopasnost' organizacii* [Security as an element of State policy]. Moscow, Sistema tehnologiy Publ., 356 p.
- [12] Panov M., Tyhyy V. (2000) *Bezpeka yak fundamental'na kategoriya v metodologiy pravoznavstva* [Security as a fundamental category in the methodology of jurisprudence]. Visn. Akad. prav. nauk Ukrainy - Bulletin of the Academy of legal sciences of Ukraine, no. 3, pp. 54-57.

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Юридичні механізми забезпечення безпеки підприємництва (авіаційний аспект)

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Мета: аналіз існуючих загроз, небезпек і викликів підприємству в умовах сьогодення та формулювання базових основ для формування методів забезпечення правової безпеки підприємств транспортної сфери. Визначення місця і ролі підприємницької безпеки підприємств та юридичних механізмів її забезпечення. **Методи дослідження:** використовуючи компаративний метод наукового пізнання виявлено основні загрози в підприємницькій діяльності та визначено основні положення щодо юридичних механізмів забезпечення безпеки підприємств через визначення адміністративного методу регулювання правових відносин. **Результати:** проблема підприємницької безпеки підприємств визначається через вчення адміністративного, повітряного, космічного права та застосування напрацювань науки економіки та менеджменту. Кожна з наук формує міждисциплінарний підхід до питання підприємницької безпеки в системі сучасних економічних та правових відносин. В сучасній економічній системі проблема безпеки підприємництва формується через призму діяльності держави та можливостей втручання в діяльність суб'єктів господарювання транспортної сфери. Визначення підприємницької безпеки підприємств в системі загальної безпеки визначається через наявність наступних юридичних факторів та механізмів: а) ринкова економіка, побудована на конкуренції, є дуже динамічною системою, а значить і дуже небезпечною; б) український ринок перебуває на стадії становлення, і тому його механізми ще не відпрацьовані; в) в країні відсутні сталі норми права захисту інтересів підприємців. Фактично, підприємницька безпека формується за рахунок поєднання економічних, правових та соціальних факторів її забезпечення. **Обговорення:** в даній статті автори пропонують основні положення щодо юридичних механізмів забезпечення підприємництва.

Ключові слова: безпека; підприємництво; підприємство; юридичний механізм.

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Юридические механизмы обеспечения безопасности предпринимательства (авиационный аспект)

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Цель: анализ существующих угроз, опасностей и вызовов предпринимательству в современных условиях и формулировка базовых основ формирования методов обеспечения правовой безопасности предприятий транспортной сферы. Определение места и роли предпринимательской безопасности предприятий и юридических механизмов её обеспечения. **Методы исследования:** используя компаративный метод научного познания, выявлено основные угрозы в предпринимательской деятельности и определено основные положения касаются юридических механизмов обеспечения безопасности предприятий через определение административного метода регулирования правовых отношений. **Результаты:** проблема предпринимательской безопасности предприятий определяется через учения административного, воздушного космического права и применения наработок науки экономики и менеджмента. Каждая из наук формирует междисциплинарный подход к вопросу предпринимательской безопасности в системе современных экономических и правовых отношений. В современной экономической системе проблема безопасности предпринимательства формируется через призму деятельности государства и возможностей вмешательства в деятельность субъектов хозяйствования транспортной сферы. Определение предпринимательской безопасности предприятий в системе общей безопасности определяется через наличие следующих юридических факторов и механизмов: а) рыночная экономика, построенная на конкуренции, есть очень динамичной системой, а значит – и очень опасной; б) украинский рынок пребывает на стадии становления, и поэтому его

механизмы ещё не отработаны; в) в стране отсутствуют устоявшиеся нормы права защиты интересов предпринимателей. Фактически, предпринимательская безопасность формируется путем сочетания экономических, правовых и социальных факторов её обеспечения. **Обсуждение:** в данной статье авторы предлагают основные положения, касающиеся правовых механизмов обеспечения предпринимательства.

Ключевые слова: безопасность; предпринимательство; предприятие; юридический механизм.

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