

ЕКОНОМІКА ТА УПРАВЛІННЯ НАЦІОНАЛЬНИМ ГОСПОДАРСТВОМ

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доцент**ANALYSIS AND CHARACTERISTIC OF THE
RELATION BETWEEN THE ECONOMIC LAW
AND ECONOMIC SCIENCES****АНАЛІЗ ТА ХАРАКТЕРИСТИКА
ВЗАЄМОЗВ'ЯЗКУ ГОСПОДАРСЬКО-
ПРАВОВОЇ ТА ЕКОНОМІЧНОЇ НАУК**

Urgency of the research. The economic law and economic sciences are exploring the same economic concepts, categories, phenomena and processes are intersected. Taking into consideration the importance of places occupied by law and economics in society, it seems particularly topical to make an attempt to identify the relations of economic law and economic sciences.

Target setting. In this research we attempted to explore relations between economic law science and economic theory.

Actual scientific researches and issues analysis. Issues considered in this paper have been analyzed in the economic and legal sciences quite well.

Uninvestigated parts of general matters defining. The subject of research often is a theme of reviews of lawyers and specialists of economic theory, but this researches often have narrow content.

The research objective. The article representing the nature and development prospects of relations between economic law science and economic theory.

The statement of basic materials. To comprehending of the relations of economic law with economic science we must to correlate the content and scopes of their subjects matter.

So, by the science of economic law it is accepted to understand a system of knowledge about the legal basis for organization and implementation of economic activity.

By economic science it is accepted to understand a system of knowledge about economy and the economic aspects of organization and implementation of economic activity.

So, the economic law and economic sciences have very close relations, because in the center of their experience is economic activity.

Conclusions. Between the science of economic law and economic theory are close relations, manifested in a number of common components of their objects of cognition and in uninterrupted, comprehensive and mutual reverse interaction and exchange of knowledge.

Keywords: juridical science; law, economic law; economic law science; economic theory; economic science; economics.

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Актуальність теми дослідження. Господарсько-правова та економічна науки досліджують одні й ті ж економічні поняття, категорії, явища та процеси. З урахуванням важливості місць, які займають право та економіка в суспільстві, видається особливо актуальним здійснити спробу виявлення взаємозв'язку господарсько-правової та економічної наук.

Постановка проблеми. У цьому дослідженні здійснена спроба розкрити взаємозв'язок науки господарського права та економічної теорії.

Аналіз останніх досліджень і публікацій. Аналітиці розглядуваних у цій роботі питань присвячується значна увага в економічній та юридичній науках.

Виділення недосліджених частин загальної проблеми. Тематика дослідження досить часто виявляється предметом огляду правників та фахівців економічної теорії, однак ці дослідження часто мають звужений зміст.

Постановка завдання. У статті відображені сутність та перспективи розвитку взаємозв'язку господарсько-правової та економічної наук.

Виклад основного матеріалу. Для осмислення взаємозв'язку науки господарського права з економічною наукою ми повинні співвіднести зміст і рамки предметів їх вивчення.

Так, під наукою господарського права прийнято розуміти систему знань про юридичні основи організації та здійснення господарської діяльності.

Під економічною наукою прийнято розуміти систему знань про економіку та економічні аспекти організації та здійснення господарської діяльності.

Отже, господарсько-правова та економічна науки мають досить тісний взаємозв'язок, адже у центрі їх пізнання знаходиться господарська діяльність.

Висновки. Між наукою господарського права та економічною теорією існує тісний взаємозв'язок, що виявляється у низці спільних складових їх предметів пізнання та у нерозривній, всебічній і взаємозворотній взаємодії та взаємопостачанні знань.

Ключові слова: юридична наука; право; господарське право; господарсько-правова наука; економічна теорія; економічна наука, економіка.

Urgency of the research. Today no one is against the thesis that in the context of the object of the research of economic law and economic sciences the same economic concepts, categories, phenomena and processes are intersected. The abovementioned is related to the fact that a key and central category both of economic law and economic sciences is an economic activity in various forms of its manifestation.

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The outlined statements give an idea about the close relations between science of economic law and economic science. At the same time the analysis of economic and law literature sources shows that having a different essence's nature and performing different functions the science of economic law and economic science quite often explore the essence and content of some economic concepts, categories, phenomena and processes from different points of view. At first sight this trend seems not fairly rational. However, proper clarification of this issue requires to carry out a thorough analysis of its particular aspects.

In the given context and taking into consideration the importance of places occupied by law and economics in society, it seems particularly topical to make an attempt to identify the relations of economic law and economic sciences. This, as it seems, will have a beneficial result for the improvement of scientific approaches to understanding of their basic categories, will help to eliminate existing contradictions and in coordination between them, will ensure their development in close and indissoluble interaction and exchange of knowledge, as well as will generally promote development of economics, economic and legal systems.

Target setting. In the content of this research we attempted to explore the nature, characteristics and development prospects of relations between economic law science and economic theory.

Actual scientific researches and issues analysis. Issues considered in this paper have been analyzed in the economic and legal science quite well.

Uninvestigated parts of general matters defining. The subject of relations of economic law and economic sciences often is a theme of reviews of lawyers and specialists of economic theory. However, the relevant researches often have narrow content and nature, which indicating a lack of completeness and sufficiency of the scientific view. Accordingly, the researched issue needs further learning.

The research objective. The article represents the nature, characteristics and development prospects of relations between economic law science and economic theory.

The statement of basic materials. So, in order to generally comprehend the relations of one of the juridical science branches, namely the science of economic law, with economic science that in modern conditions of development called the economic theory, and thus differentiate them, we should to correlate general aspects of their doctrines nature, and to begin with the content and scope of their subjects matter.

In the context of sciences of various branches the common notion is that every science has its subject and content. However, if the science subject is a certain set of facts and phenomena, which are the object of its attention, when its content is a system of knowledge (terms, statements, conclusions, concepts, etc.) about the corresponding facts and phenomena.

Accordingly, the economic law science as a separate branch legal science has its own subject and method. In particular, by the science of economic law it is accepted to understand the legal doctrine about the economic law as a branch of law, which includes a system of knowledge (terms, statements, conclusions, concepts, ideas, judgements, etc.) about the legal basis for organization and implementation of business (economic) activity, as well as some other related issues. The abovementioned economic law system of knowledge is based on the results of analysis, synthesis, comparison, systematization, description, grounding, forecasting and planning of legal processes in the economy sphere and in its goals is focused on the providing of further development of economic law and economic legislation in terms of the development on its basis some new (and improvement of the existing ones) legal forms and methods of organization and implementation of economic activity in order to ensure economic development and progress of the society and the state as a whole. In addition, it should be noted that the economic law science is not limited to these goals, because it has a number of other functions, including economic and political, determinative, practical and organizational, prognostic, interpretative, instrumental, systematization of knowledge about the economic legislation and law, etc. [1, p. 31].

Thus, economic law science is a system of interrelated teachings about the economic law as a branch of law. In addition it should be recalled that in understanding of economic law as a separate legal branch it is accepted to proceed from understanding of its subject as a systematic totality of eco-

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conomic relations that arise and develop in the process of organization and implementation of business (economic) activity, as well as in the process of its management and regulation [2, p. 6].

Apart from the abovementioned we should also agree with the views of lawyers that the economic law science researches the historical background and means of legal regulation of economic activity, identifies patterns and trends in the development of legal regulation of economic relations, estimates the current state of the legal regulation of economic activity, based on which recommendations (legislative initiatives) on improvement of legal regulation of economic relations are formed [3, p. 51; 4, p. 49].

Taking this into consideration, we have reasonable grounds to claim that the category of business (economic) activity is the key to economic law and economic legislation, because its organization, implementation and termination in accordance cause the emergence, deployment (development) and termination of economic legal relations, which by their nature are economic and are the subject of regulation of branches of economic law and economic legislation, and as well they are the subject matter of economic law science. In this context it should be noted that business (economic) activity in the plane of economic law science, as in branches of economic law and economic legislation, is seen as a special kind of economic activity concerning the manufacturing and sale of goods, execution of works and providing of services, which has systematic and paid nature, and is carried out by entities created specifically for this to meet the social needs with a view to make profit and/or to achieve other economic and social results. It is obvious that most aspects of the abovementioned understanding of the economic activity category were derived from the economic theory, which seems reasonable, since the corresponding category in its content and character are primarily economic.

As for economic science we will note the following.

In modern economic conditions most experts shared the view that the central and key category of economic theory is economy. Upon this the last-named category is considered in various aspects, in particular: as national economy; as a sphere of economic activities, in which amenities of life are created, distributed and consumed; as economic science, which studies economic phenomena and processes ongoing in society; a totality of economic relations between people in the sphere of manufacturing, distribution, exchange and consumption of products, which forming a certain economic system [5, p. 13-14].

Anyway, it is obvious that the economy as a very complex and multidimensional phenomenon is closely and inextricably linked to the human economic activity in the manufacturing, distribution, exchange and consumption of products. Upon this it should be mentioned that this approach basically has a very long history that is quite well explored in the sources of economic literature. In this regard it should be noted that one of the first who scientifically grounded the "economy" category was ancient Greek philosopher Xenophon (about c. 430-355 BC) in his "Economics" work as a combination of two Greek words: "oikos" (house, property) and "nomos" (knowledge, law, rule) that, as it noted in the economic literature, simply means "the art of housekeeping" and "household management" [6, p. 10-11]. Later the said understanding was greatly improved and developed in various contexts, which led to the finding of a number of patterns of economic sphere of society activities, and to clarifying of its multi aspect relations with other phenomena and processes taking place in public life.

Review of the economic literature indicates the number of various definitions of economic science (economic theory). At the same time their analysis leads to the conclusion that, somehow, the economic theory is associated with the study of social relations that arise and develop in the course of economic activity. Upon this such activity is considered as a separate human activity, related to direct production, distribution and consumption of economic benefits that take material form of products (goods, works and services). For example, O. A. Hritsenko (O. A. Гриценко) defines the economic theory as a science that studies the economic relations between people, resulting in the process of production, distribution, exchange and consumption of economic benefits. Upon this, as it seems, the scholar quite rightly focuses on the fact that economic relations are formed not only in the process of economic benefits production, but in the course of their distribution, exchange and consumption [7, p. 10-12]. Unfortunately, such approach of economic focus was not taken into consideration by legal experts and corresponding relations in the context of law and legislation were delineated within

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their selected branches, in particular: relations considering the manufacturing are regulated by economic law and economic legislation; relations of products' consumption mainly are regulated by civil law provisions and civil legislation; relations considering the exchange and distribution of the products are the subject matter of economic, civil, natural resources, labor and some other branches of law. The outlined approach can not be considered rational, since economic relations are integral and inseparable, and "complete picture" of their nature and content can be comprehended only in the complex perception of its all constituent elements and stages.

As another example of the economic theory definition we can provide the following: economic theory is a social science that studies the laws of economic systems development, activity of economic entities, aimed at effective management in conditions of limited resources to satisfy their unlimited needs [5, p. 22].

As for the goals and functions of economic theory, in this context scholars opinions are mainly the same, they differ only in meaningful interpretations in this regard. For example, on the ground of analysis of various sources of economic literature [8, p. 34; 5, p. 32-35; 7, p. 15] we should note the following functions of economic science: a) methodological, the essence of which is narrowed down to the recognizing of the economic theory as a basis for other economic sciences; b) cognitive (heuristic, analytical), which lies in study and description of the nature of economic phenomena and processes; c) practical, the essence of which is narrowed down to the development and grounding of recommendations for rational organization and implementation of economic activity; d) educational (worldview), which provides a formation in a society the bases of economical and rational thinking, as well as skills and abilities of economic behavior; e) prognostic, the contents of which involves the outlining by economic theory the prospects and directions of development of certain economic phenomena, processes, economic systems, etc., as well as economic development of society as a whole and so on.

Against this background we can confidently claim that the economic law and economic sciences have very close and inseparable relations, because in their sphere of experience (study, research, analysis, description, forecasting, etc.) a number of the same phenomena and processes related to economic activity can be observed. On the same occasion it comes to mind that in more general terms the law and economic are closely linked at general, as well as legal and economic system. This approach is supported by specialists in law and by economic experts as well.

However, the scientists' opinions about the the nature of outlined relations often differ. For example, according to some experts in economic sphere, the economic theory applies the achievements of other social and political sciences, including legal science, for well-grounded coverage of the nature and patterns of economic systems development [5, p. 37]. According to others, the link between the economic theory and law, providing their relations, is economic policy. From this point of view it is considered that the legal laws interact with the economy as the object of study of economic theory through the formation of the state economic policy, and the law is seen as an active factor of the economy reforming [7, p. 16-17].

According to lawyers, the interconnection of legal and economic systems mainly manifests in the context of the direct impact of legislation and its practical enforcement on economic relations. As it noted in this context in the legal literature, the legal system has to stabilize the economic relations, to discipline the participants of economic activities, to promote the search in a maze of economic mechanisms that can help the economy to overcome the crisis and raise the economy to a new level [9, p. 668].

Conclusions. Summarizing the results of the conducted research we will note that between the science of economic law and economic theory, for the objective reasons, are close relations, manifested in a number of common components of their objects of cognition. This, in particular, refers to the business (economic) activity, entrepreneurship, competition, property and other economic phenomena and processes, the economic and legal aspects of which are inextricably intertwined in the realias of social life.

At the same time, economic law science and economic theory quite often explore from different perspectives the essence and content of certain economic concepts, categories and patterns, as well as other phenomena and processes of economic nature. In light of the fact that the science of eco-

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economic law and economic theory have different nature and function this trend seems reasonable. Thus, if the main tasks of the first one is learning and description of development mostly legal processes in the economy sphere, in particular providing further improvements of economic law and economic legislation by finding, developing, grounding and implementation of new (and improvement of existing ones) legal forms and methods of organization and economic activity, when the key tasks of the second one are narrowed down to learning and describing the essence of economic phenomena and processes, and to the development and implementation of recommendations on rational organization and implementation of economic activity.

In this way, the branches of economic law and economic legislation and, accordingly, the economic law science are considered as being ordering and confirming in the law and legislation the forms and methods of economic activity grounded by the economic theory. Upon this economy and economic theory are sources (origins) for economic law and science of economic law through the provision of their systems by acquired and grounded economic knowledge, theories, concepts and so on about the nature of economic phenomena and processes, and about economic patterns of their existence and development.

However, the outlined relation should not be considered as unique and exclusive. There is also a reverse trend, since economic law science provides the economic theory with knowledge about the purely legal forms of organization and implementation of economic activity, and about their legal nature (essence) and particularities. Moreover, as it seems, the close interaction between the economic law and economic sciences should have a much broader scope, in particular should manifest in uninterrupted, comprehensive and mutual reverse interaction and exchange of knowledge. This need and the necessity for the comprehensive interaction between science of economic law and economic theory can be explained by various circumstances, in particular:

- firstly, it will facilitate the elimination of a significant amount of contradictions and inconsistencies between them, that will ensure the achievement of balance and harmony between economy and law, as well as will promote their development in close and indissoluble interaction;
- secondly, it will afford a ground for the formation of the complex economic and legal mode of thinking at the legal and economic experts, as well as at other members of society;
- thirdly, it will provide an opportunity to consider the realias of society's economic life in the light of complex economic and legal point of view and on the base of this to identify new patterns of development of certain economic phenomena and processes, some of which, by the way, are substantially multidimensional and such that not only covered by the subject of science of economic law and/or economic theory, as regarded as well through the prism knowledge of other sciences (sociology, politicalology, psychology, etc.);
- fourthly, it is generally will promote development of economy, and of economic and legal systems.

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