

У зв'язку з цим можна припустити, що саме синергетичний підхід може розглядатися як результат еволюції системного підходу і є одним з перспективних напрямків його розвитку.

Необхідність використання синергетичного підходу при формуванні системи забезпечення економічної безпеки національної економіки зумовлена актуальними завданнями щодо формування нової парадигми економічної безпеки. Використання цього підходу зумовлене, насамперед, необхідністю реалізації асиметричної відповіді на загрози національній економічній безпеці, наявністю нелінійних факторів (ефектів), які виникають на етапах планування і істотно проявляються при практичній реалізації програм соціально-економічного розвитку держави.

Сутність цього підходу в контексті розгляду економічної безпеки національної економіки можна сформулювати як дослідження економічних закономірностей і взаємодій економічних суб'єктів в економіці, як складної системи, на основі інтеграції синергетичної теорії, процесів самоорганізації і стратегічного ринкового управління, що дозволяє розвивати економіку як цілісну систему, в становленні нової впорядкованої структури на основі кооперативної взаємодії її підсистем.

Забезпечення економічної безпеки національної економіки з точки зору загальної концепції синергетичного розвитку економічних систем має бути орієнтоване на формування синергетичного ефекту. Основними інструментами при цьому є організаційно-економічні важелі, представлені у вигляді інтеграції та перетворення внутрішньосистемних відносин і зв'язків.

Виходячи з викладеного, можна зробити висновки, що не пов'язуючи себе до кінця з жодним із вже наявних, раніше сформованих і тих, що носять традиційний для науки характер, методологічних напрямків, синергетична парадигма спрямована до критичного осмислення існуючих концепцій світобудови, законів і принципів його розвитку. Будучи принципово відкритим для критики та діалогу науковим феноменом вона сприяє становленню нового світобачення та нової наукової ідеології в цілому, сутність якої полягає в ідеї універсального еволюціонізму та самоорганізації складних систем (до яких належать і економічні), ідеї, які сьогодні більшою мірою стануть сутністю сучасних досліджень і бачення світу.

Список літератури:

1. Князева Е.Н. Случайность, которая творит мир (новые представления о самоорганизации в природе и обществе) / Е.Н. Князева // В поисках нового мировидения: И.Пригожий, Е. и Н.Рерихи. – М.: Знание. Серия: Философия и жизнь (№7), 1991. – С.3-20.
2. Кочубей Н.В. Синергетичні концепти в нелінійних соціально-культурних контекстах: автореф. дис. на здоб. наук. ступеня д-ра філос. наук: спеціальність 09.00.09 – філософія науки / Н.В. Кочубей. – К, 2010. – 23 с.
3. Кун Т. Структура научных революций / Т.Кун.– М.: Прогресс, 1977. – 300 с.
4. Райзберг Б.А. Современный экономический словарь / [Б.А. Райзберг, Л.Ш. Лозовский, Е.Б. Стародубцева]. – [5-е изд., перераб. и доп.]. – М.: ИНФРА-М, 2006. – 495 с.
5. Чижов Е.Н. Экономическая синергетика о соотношении порядка и хаоса / Е.Н. Чижов, В.П. Решетило // Белгородский экономический вестник. – 2009. – №2(54). – С.51-58.

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SPECIFIC OF FORMATION AND THE ISSUES OF IMPROVING OF INTERNATIONAL LEGISLATION ON DISABILITY PENSION (IN THE CONTEXT OF STUDIES OF INDIVIDUAL BILATERAL AGREEMENTS)

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Abstract: In this article, it has been attempted to analyze the features and identify the deficiencies in legal regulation of pensions (benefits) for disabled people in agreements between Ukraine, CIS (Commonwealth of Independent States) and Baltic Sea Countries (Latvia, Lithuania, Estonia) and to present some proposals for its improvement.

Key Words: International Social Security Legal System, Disability Pensions, Employment History (Insurance Period), Disabled Person (Invalid).

Аномація: У статті здійснена спроба проаналізувати особливості та виявити недоліки правового регулювання пенсійного забезпечення інвалідів в угодах України з країнами СНД та Прибалтики та викласти пропозиції щодо їх удосконалення.

Ключові слова: міжнародне соціальне законодавство, пенсії по інвалідності, трудовий (страховий) стаж, інвалід.

Problem statement. The main point of Social Policy in Ukraine is to create terms, conditions and guaranties to secure everybody's right for retiring appropriately.

Although recently the legal basis of pensions and benefits has been entirely changed, it still remains legally economically and organizationally imperfect.

That's why International Legal regulation of this area is significantly important in creating and developing the effective legal mechanism to ensure people's rights for retirement.

The analysis of latest researches and publications. Some aspects of International Social Security Legal System, including Pensions, have been studied and considered by such researchers and scientists as V. Belyaev, M. Zaharov, I. Kiselyov, E. Tuchkova, N. Korobenko, T. Kravchuk, I. Mykhailova, I. Okley but still a lot of problems in legal regulation of Social Security of Disabled People (Invalids) remain unsolved and require a solution.

Allocation of previously unsolved parts of the problem. This rises the need to research the current state of Pension Legislation and analyze its relation and level of compliance with international standards and accordance of International Law to our reality.

The objective of this article is to identify the gaps in legal regulation of Pension Security System for disabled people (invalids) in agreements between Ukraine and CIS, Baltic Sea Countries and to develop the proposals for its improvement.

The main material. Currently the established system of International Social Security Legislation includes legal and social standards to protect human rights and extends on disability support pensions.

Bilateral Agreements on cooperation are very important here in particular.

Thus, a bilateral agreement between Ukraine and the Government of the Republic of Georgia on cooperation in the field of pensions from January 9, 1995 [1] regulates all types of citizen's pension provision, or to be established by the legislation of both Parties, except for military pensions. This Agreement has identified the implementation of pension provision, including disabled people (citizens of the Parties, persons without citizenship, their families), and is based on permanent residence, except for the cases covered by Articles 6 and 7 of this Agreement. For example, if the same pension of the same type of the same Legislation provided by the Parties for resettling pensioner to the new residence is covered by it (the same Party's Legislation), the payment for the previous residence is suspended from the first day of the month following the month this resettlement takes place (part 1 art. 6 of the Agreement). But in this case terms and conditions of retirement under the new place of residence are not defined as well as the terms and conditions of Employment History acquired outside of Ukraine to the same seniority established in Ukraine.

Similar rules on disabled pensions are contained in the Agreement between Ukraine and the Government of the Republic of Azerbaijan from 28 July 1995 [2] on cooperation in the pension. But unlike the previous Agreement this one contains certain terms and conditions for retirement of pensioner's resettling from the one Party's territory into the other's. For example, part 2 Art. 6 of this Agreement provides assignation of the pension on the new place of residence from the month following the month the pension was suspended in the previous place of residence but no longer than 6 months before the month the Resident / Residential Permit is granted.

In August 29, 1995 Ukraine and the Government of the Republic of Moldova made an Agreement which guaranteed citizen's rights for pension provision. Unlike the Agreement with the Republic of Georgia and Azerbaijan this one (the Agreement) defines the terms of "Permanent Residence" and "citizens". However the term of "citizens" – who are citizens of Ukraine and

Moldova and living on the territory of both of these Parties-should be defined in the Article 1 of this Agreement as well as those citizens who have a right for pension provision according to the Legislation of both countries. In addition it would be reasonable to foresee here an order which provides the pension calculation according to insurance period and all the earnings (income) during work experience.

The Agreement between the Ministry of Social Security of Ukraine and the Ministry of Social Security of Kazakhstan about cooperation in pension provision from September 21, 1995 [4] also covers all types of pension provision plus situation with disabled people (invalids) according to their place of residence. The fact that Article 1 of this Agreement acknowledges the term of "Permanent Residence" as the place of factual residence declared as such by the Legislation of both Parties is quite contradictory. It is appropriate to advise to define this term as "the place of residence" specified and recognized by Law of the Parties. The term of "citizens" used in art. 1 of the Agreement as well as in the Agreement with the Republic of Moldova requires more detailed clarification.

Some other conditions that weren't previously mentioned in the Agreements are set in the case of relocation of the pensioner who is the citizen of the Country who takes place in the Agreement to the territory of other's Party of the Agreement. So according to the Art. 5 of this Agreement the retirement in this case is taking place from the date of the suspension of pension payment from previous residence but no longer than 6 months from the day of the request in written form for the pension, applied at the previous place of residence to the Social Secure Department.

In December 14, 1995 the Agreement between Ukraine and the Government of the Republic of Belarus was made in which there were some guaranties according citizen's pension rights [5]. To compare with previously analyzed Agreements the main feature of this one is that the term of "citizen" is much more full and extended and gives the full list of people who belongs to this category such as citizens of both Ukraine and the republic of Belarus, foreign citizens and refugees who reside permanently on the territory of any of Contracting Parties.

Besides Art. 2 of this Agreement defines all types of pensions covered by its action. And the situation with disability pensions for citizens permanently residing on the territory of one of the Party and have moved for permanent residence to the territory of the others specifically controlled by this Agreement. Similar to the Agreement with the Republic of Moldova, this one covers and regulates disability pensions and benefits due to work injury or occupational deceases; order of enrollment of Employment (Insurance) History (experience) gained according to the Law of any of the Contracting Parties or in USSR before 1st of Jan, 1992 (Art. 6); the evaluation of pension depending on Income received after the person have moved out to the territory of any of Contracting Parties and evaluation of pensions without minimal Employment (Insurance) History after relocation and resettlement (Art. 7). But unlike the Agreement with the Republic of Moldova, this Agreement explains the term of "minimum essential Employment (Insurance) Experience", which more accurately refers to the one given in Ukrainian Law.

Article 8 of this Agreement regulates the order of termination of pension's payments of pensioner resettled to the territory of another Contracting Party and the procedure for retirement at the new place of residence

and also specifies that the pension which has been set on the bases provided by Law of the Contracting Party has to be paid in full till the right for the same or similar type of pension will be confirmed and accepted by Law of the Contracting Party where resettlement took place. This statement is not perfect as it narrows the right of disabled pensioners to choose the type of pension, as in this case it is not considered if the pensioner wants to receive a pension "of any other kind" or perhaps it is more profitable for him/her to wait for the establishment of the same type of pension that he/she's received and up to that time to get a pension transfer.

The Agreements between Ukraine and the Government of the Republic of Estonia from February 20, 1997 [6], Ukraine and the Government of the Republic of Latvia from February 26, 1998 [7] and Ukraine and the Government of the Republic of Lithuania from April 23, 2001 [8] about cooperation in Social Security are more adjusted to our reality and more relevant to the reformed system of pension provision. Therefore we are able to note the following:

1. The term of "residence" is clearly defined in them but has got different meanings. For example in the Agreement between Ukraine and the Republic of Estonia it means the place of residence established by the Law of Ukraine (Ukrainian meaning) and the person who is permanent resident of Estonia or foreigner who has got Residential Permit for specific period of time (Estonian meaning); in the Agreement between Ukraine and the Republic of Latvia it means permanent or temporary legal residence on territory of Ukraine or Latvia; and in the Agreement between Ukraine and the Republic of Lithuania it means the actual legal residence of a person including his permanent or temporary residence in order to obtain the right for permanent residence.

2. Unlike the other Agreements, the Agreement with Latvia establishes that the payments of contributions to the State compulsory Social Insurance are made by the employer, employee or self employed starting from the first working day according to the Legislation of those Contracting Party under which action it falls.

3. There is an attempt to define the term of "pension", but in the Agreement with the Republic of Estonia it has already been included in the concept of the term "help" but it's impossible to agree here because the Legislation of Ukraine is different and those are completely different terms. Besides in the Agreement with the Republic of Latvia the term of "damage's recovery" is a special legal category.

4. The types of Social Security, Disability Pensions and benefits were defined and covered by these Agreements for the first time.

5. These Agreements describes the terms, conditions and rules for appliance the Law towards relations coming up at area of work, place of residence etc.

6. The Agreements between Ukraine and the Republic of Estonia and the Republic of Latvia define the term of "periods of insurance" and the Agreement between Ukraine and the Republic of Lithuania defines

the term of "employment (insurance) experience for the first time-that is the periods for the payments and fees for the State's Social Insurance during employment or self employment which are recognized by Law or any other periods equal to the employment (insurance) experience according to the Law. Article 16 of the Agreement between Ukraine and the Republic of Latvia defines that the employment history (seniority) acquired on both territories of Ukraine and the Republic of Latvia before January 1, 1991 is the insurance regardless of social insurance contributions and is used during the process of pension appointed and calculated on the territory of both Parties even if one of them (the Party) doesn't pay any pensions for this period.

7. Article 18 of the Agreement between Ukraine and the Republic of Latvia guaranties that the pension provision can't be lower then the specified minimum of pension provided by Law of one of the Parties. However to pay the difference in them is the responsibility of the Party the residence takes place on.

8. The establishment of pension rights is caused by the accumulation of periods of insurance according to the Laws of both Parties and they do not coincide completely or partially in time. However part 3 of the Article 15 of the Agreement between Ukraine and the Republic of Estonia seems quite controversial because it provides that the right for pension and retirement according to the Law of one of the Party accrued excluding the insurance experience gained according to the Law of another Party and the Party shall appoint a pension only on the basis of insurance acquired under its Law. This rule can not be compared with the Law of Ukraine "About Compulsory State Pension Insurance" [9] Article 29 which establishes that pension for each year of insurance beyond retirement age is increased by a percentage.

9. These Agreements defines more appropriately what party under what circumstances and when makes payments according to health problems or occupational deceases. And it's very important to point out the Article 17 of the Agreement between Ukraine and the Republic of Lithuania which provides guaranties for cases of poor health of the person who receives a disability pension.

Conclusions. Carrying out the Pension Reform and establishing of new Laws about disability pensions inevitable rise the question about the impact of pension standards of Legislation of CIS (Commonwealth of Independent States) and Baltic Countries (Latvia, Lithuania and Estonia) to the Legislation of Ukraine. The availability of Legislation about disability pensions is already enough for the process of approaching to the International Social standards. On the one hand side it reflects the needs of disabled people for State's Support and on the other side it defines the state's established guidelines and social mechanisms for their realization. The study and research of international documents will enable Ukraine to become the part of International System which guaranties citizen's rights for disability pensions and will help to create conditions for effective application of worldly recognized principles and norms of international law by public authorities.

The Sources:

1. The Agreement between the Government of Ukraine and the Government of the Republic of Georgia about cooperation in the field of pension provision from January 9, 1995. Official site of Verhovna Rada : <http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi>.
2. The Agreement between the Government of Ukraine and the Government of the Republic of Azerbaijan about cooperation in the field of pension provision from July 28, 1995. Official site of Verhovna Rada : <http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi>.

3. The Agreement between the Government of Ukraine and the Government of the Republic of Moldova about guaranties of citizen's rights in the field of pension provision from August 29, 1995. Official site of Verhovna Rada : <http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi>.
4. The Agreement between the Ministry of Social Security of Ukraine and the Ministry of Social Security of the Republic of Kazakhstan about cooperation in the field of pension provision from September 21, 1995. Official site of Verhovna Rada : <http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi>.
5. The Agreement between the Government of Ukraine and the Government of the Republic of Belarus about guaranties in the field of pension provision from December 14, 1995. Official site of Verhovna Rada : <http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi>.
6. The Agreement between the Government of Ukraine and the Government of the Republic of Estonia about cooperation in the field of social security provision from February 20, 1997. Official site of Verhovna Rada : <http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi>.
7. The Agreement between the Government of Ukraine and the Government of the Republic of Latvia about cooperation in the field of social security provision from February 25, 1998. Official site of Verhovna Rada : <http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi>.
8. The Agreement between the Government of Ukraine and the Government of the Republic of Lithuania about pension provision from April 23, 2001. Official site of Verhovna Rada : <http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi>.
9. The Law of Ukraine about compulsory State's Pension Insurance from July 9, 2003. – Verhona Rada's Newsletter. – 2003. – № 49–51. – Page 376.

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ВАЛЮТНІ ІНТЕРВЕНЦІЇ ЯК ІНСТРУМЕНТ РЕГУЛЮВАННЯ ВАЛЮТНОГО КУРСУ В УКРАЇНІ

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Анотація. В статті розглянуто валютні інтервенції як один із основних інструментів валютного регулювання курсу в Україні. Проаналізовано рівень впливу валютних інтервенцій на курс національної валюти та визначено роль золотовалютних резервів при здійсненні валютних інтервенцій.

Ключові слова: валютний курс, валютні інтервенції, золотовалютні резерви, валюта, валютно-курсова політика НБУ.

Аннотация. В статье рассмотрены валютные интервенции как один из основных инструментов валютного регулирования курса в Украине. Проанализирован уровень влияния валютных интервенций на курс национальной валюты и определена роль золотовалютных резервов при осуществлении валютных интервенций.

Ключевые слова: валютный курс, валютные интервенции, золотовалютные резервы, валюта, валютно-курсовая политика НБУ.

Summary. In the article foreign exchange intervention as one of the main instruments of monetary regulation course in the Ukraine. The level impact of foreign exchange intervention on the currency and the role of gold reserves in the implementation of foreign exchange intervention.

Keywords: exchange rate, currency interventions, international reserves, currency, exchange rate policy of the NBU.

Вступ. Напряг зміни валютного курсу національної грошової одиниці впливає на результати економічної діяльності та виконання боргових зобов'язань. Саме тому, завданням валютно-курсової політики держави є забезпечення стабільної зовнішньої купівельної спроможності національних грошей. Це виражається в підтримці стабільного валютного курсу національної грошової одиниці держави.

Постановка проблеми. Останнім часом важливого значення набуває питання подальшого

регулювання валютного курсу, а це, в свою чергу, залежить від правильного вибору країною інструментів валютного регулювання. Україна, як і більшість країн світу, з цією метою використовує валютні інтервенції, що при певних обставинах можуть сприяти розв'язанню проблеми стабілізації курсу національної валюти.

Метою дослідження є аналіз ефективності проведення Національним банком України валютних інтервенцій, їх впливу на сформування курсу національної валюти, а також дослідження впливу золотовалютних резервів на здійснення валютних інтервенцій.

Аналіз останніх досліджень і публікацій. Проблемами, пов'язаними з ефективністю та джерелам для проведення валютних інтервенцій та їх впливу на курс національної валюти, займалися такі вчені-економісти як Барановський О., Боришкевич О., Береславська О., Міщенко В., Савлук М., Мороз