

FEATURES OF FINANCIAL AND LEGAL LIABILITY IN UKRAINE

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Abstract. The *subject* of the study is public relations in the field of financial and legal responsibility in Ukraine. *Methodology.* The methodological basis of the study is the methods of induction and deduction, the dialectical-materialistic method, the method of analysis and synthesis, and the historical method, which allowed for an objective understanding of the content and essence of the issues under study. The *aim* of the article is to analyse the theoretical aspects of the features of financial and legal liability in Ukraine in order to propose effective ways to improve the mechanism of these procedures. The *results* of the study have shown that the independence of financial responsibility in Ukraine is emphasised by the relevant criteria, which include the obligation of a person guilty of committing a financial offence to undergo measures of state coercion provided for by the sanctions of financial legislation. *Conclusion.* Financial responsibility in Ukraine is a legal relationship with a special procedural form of implementation. Financial and legal responsibility is an independent measure of financial sovereignty of the state, has its own legal nature and occupies a certain place in financial legal relations. At the same time, it should be said that liability for violation of financial legislation does not exist only within the framework of financial legislation. Financial responsibility is undoubtedly a type of legal responsibility and is primarily due to the special sphere of sectoral activity of the state and its authorised bodies, which today is considered to be the financial activity of the state, where not all subjects of law are involved, but only subjects of financial law and their financial obligations, which differ only in their ownership, price and public character. Another peculiarity is that, as a rule, financial and legal liability is by its nature restorative, aimed at eliminating negative and other undesirable consequences caused to the financial system of the state. This feature of financial and legal liability reflects the public nature of financial obligations, the fulfilment of which is ensured by the application of financial liability. Some peculiarities that distinguish financial liability in Ukraine are caused by the nature of financial offences that are the basis for financial liability and distinguish financial liability from other types of liability applied both in connection with administrative and disciplinary offences and in connection with criminalised financial crimes and civil offences, the subjects of which are usually independent individual subjects of financial activity, individuals, and companies.

Keywords: financial responsibility, financial law, legal responsibility, financial relations, financial control, financial offences, financial liability, legal liability, financial obligations, financial system.

JEL Classification: K20, G20, K40

1. Introduction

Financial law as a branch of Ukrainian law has an independent character, which indicates that its structure reflects measures of state coercion, of which measures of liability are an integral part. The place and role of legal regulation of financial relations largely determine the concept of financial responsibility and its structure.

Financial and legal liability has a certain specificity, which is determined by the peculiarities of the financial activity of the state and the mechanism of legal regulation of financial relations. Its separation into an independent type of legal liability is confirmed by the fact that there are procedural rules in financial legislation regulating the procedure in cases of financial offences.

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The peculiarities of the procedural form of financial responsibility are expressed in the mandatory procedure for the pre-trial settlement of certain categories of financial and legal disputes for a state body. Prior to filing an application with the court for the protection of the violated financial rights of the state, the financial control authority issues an order to the offender to remedy the deficiencies.

The existence of a pre-trial procedure for considering a case of a financial offence introduces two types of procedural relations into the mechanism of a protective financial legal relationship: financial and civil. Thus, first of all, the implementation of a material financial legal relationship is carried out within the framework of a financial procedure, which allows to establish the fact of a financial offence and to conduct proceedings in this case. If the perpetrator does not voluntarily comply with the requirements of the financial control authority, he will be held financially liable within the framework of the claim procedure in accordance with the norms of civil procedure (Romanenko, 2016).

Elements of financial responsibility may be included not only in the subject matter of financial law, but may also be regulated by other branches of law. Directly regulated by financial law are the relations that develop between the state and the violator of financial discipline. The relations that arise in the course of judicial review of a claim are the subject of civil procedural law. Thus, all these relations are regulated by both civil, corporate and commercial law and financial law, which significantly increases the relevance of studying this topic.

2. The Main Signs and Purposes of Establishing Financial Liability in Ukraine. Characteristics of Financial Offences

The financial sphere is of great importance for Ukraine, as it is connected with the role of finance in the life of the state. Therefore, the state authorities issue normative legal acts regulating financial legal relations.

Compliance with the norms of financial legislation includes the full and timely fulfilment of financial obligations, supported by state coercive measures.

State coercion in the financial sphere consists in the fact that Ukraine provides for a number of measures to influence persons who do not comply with the norms of financial legislation and to ensure their implementation against the will and desire of such persons.

An independent basis for the application of state enforcement measures for breaches of financial legislation is a financial offence.

Thus, depending on the nature of the financial offence in Ukraine, the following types of legal liability are distinguished: criminal, administrative and financial.

The legal liability of the perpetrator of financial crimes is established both judicially and extrajudicially, in the form of a unilateral act by the competent state financial authority.

Based on the nature of the offence committed in the financial sphere of Ukrainian law, various types of offences are distinguished, including: criminal offences, administrative offences, financial offences (Kostenko, 2009).

It can be concluded that a financial offence is a culpable act that violates financial and legal norms and entails financial and legal responsibility.

Financial offences have the following characteristics:

- Unlawfulness of the financial offence, i.e., violation of a financial and legal provision;
- guilt, which reflects the mental attitude of the offender to the act committed, which may be committed intentionally or negligently;
- negative consequences in connection with the commission of an unlawful act in the field of financial law;
- the existence of a causal link between the unlawful act and the unlawful acts and harmful consequences caused by it;
- punishability of the unlawful act constituting the content of the offence.

Corpus delicti of a financial offence are the elements established by financial law that allow an unlawful act to be considered a financial offence.

A perpetrator is a person who has committed an offence and is therefore legally liable. Both individuals and legal entities can be subjects of a financial offence.

The object of a financial offence is a legally protected social relationship that develops in the course of financial activities of the state and local self-government.

The subjective side is a set of features that convey the offender's internal attitude to the unlawful act committed and its consequences.

The objective side is a set of features that characterise the external manifestation of financial offences in real life (Gega, 2011).

Liability for financial offences is of a financial and legal nature. This type of liability is a special type of legal liability, different from other types of liability such as criminal and administrative law.

Financial liability in Ukraine is a measure of state coercion expressed in monetary form and applied by authorised state bodies and their officials to individuals and legal entities for committing offences in the sphere of financial relations (Kovalchuk, 2007).

This type of responsibility is industry-specific, as it regulates not only fiscal but also budgetary relations.

The following goals of financial responsibility in Ukraine can be identified:

- Protective – in the implementation of which society is protected from undesirable situations related to the violation of the state's property interests;
- incentive – which encourages lawful behaviour of financial law entities;
- educational – which involves education and prevention of repeated offences by financial law entities.

At the same time, the goals of financial responsibility in Ukraine are implemented through functions, where the latter, in turn, are closely linked to the application of financial and legal sanctions and have social consequences.

It is possible to identify the main features of financial liability in Ukraine, which serve to confirm it as an independent type of legal liability:

- A method of protecting financial relations established by the rules of financial law, which is an independent branch of law;
- the main ground for bringing to financial and legal liability is an unlawful, culpable act in the form of an act or omission;
- financial and legal liability means applying specialised financial and legal sanctions to the offender;
- financial liability is of a property nature;
- financial liability measures are applied to both individuals and legal entities that have improperly fulfilled or failed to fulfil their obligations;
- measures of financial and legal liability are applied by a wide range of authorised state bodies and their officials;
- the procedure for applying financial and legal sanctions to a person who has committed a financial offence is governed by the rules of financial law.

Thus, the independence of financial responsibility in Ukraine is emphasised by the relevant criteria, which include the obligation of a person guilty of committing a financial offence to undergo measures of state coercion provided for by the sanctions of financial legislation.

3. Aspects of the Implementation of Financial Responsibility in Ukraine

Legal and financial responsibility relate to each other as categories of genus and species. The signs inherent in the generic concept of legal responsibility are necessarily manifested in specific concepts. Legal responsibility itself functions as a specific concept in relation to social responsibility. Therefore, when characterising legal responsibility, it is necessary to take into account the signs defining social responsibility, which find their specific refraction in the concept of legal responsibility. Furthermore, in philosophical research, social responsibility is considered as a unity of positive and negative aspects. The opinion of scholars who believe that legal liability is a type of social responsibility, and, accordingly, legal liability

has the main features and characteristics of social responsibility, seems to be fair. At the same time, legal responsibility has its own characteristics.

As a type of social responsibility, legal responsibility is characterised by the unity of positive and negative aspects of implementation. Therefore, the study of the concept of "financial responsibility" should adequately reflect the rules of logic, since the signs noted in the generic concepts of responsibility (legal and social) should be reflected in the specific concept. Hence, if a positive aspect is noted in the general social concept, it should be reflected in the specific concept of financial responsibility (Gega, 2011).

It is considered that legal liability is a normative, formally defined, guaranteed and secured by state coercion, persuasion or encouragement legal obligation of subjects of social relations to comply with the requirements of legal norms, which is implemented in lawful behaviour that entails approval or encouragement, and in the event of an offence, the offender's obligation to be condemned and restricted of a property or personal non-property nature, which is implemented in the protective legal relations of liability. In addition, it is considered that "tax", "budget" and "currency" liability are not independent types of legal liability, but rather types of financial liability (Litvintseva, 2016).

Both the general theory of legal responsibility and the theory of administrative responsibility had a great influence on the formation of the concept of "financial responsibility" in Ukraine. Financial responsibility is a form of legal responsibility, and the latter is a form of social responsibility. Thus, the content of financial responsibility also includes a positive aspect of its implementation.

The positive aspect of the realisation of financial responsibility is a practically unexplored phenomenon. Such an attitude to the positive financial responsibility cannot be recognised as a progressive trend in the development of the science of Ukrainian financial law, since in almost all branch legal sciences the positive aspect of the branch type of legal responsibility is actively studied at the monographic level (Fedorchenko, 2015).

The positive aspect of the implementation of financial responsibility is directly enshrined in the financial legislation of Ukraine. From the very beginning of the formation of the tax legislation, the legislator used the term "responsibility" not only in a negative sense, but also in a positive sense – as responsibility for future and present actions.

As an example, it is possible to cite a number of normative legal acts, which became invalid due to the adoption of the Tax Code of Ukraine, but in which the legislator's idea of the existence of a positive aspect of the implementation of financial responsibility is seen. For example, the Law of

Ukraine "On Value Added Tax" of April 3, 1997 No. 168/97-BP emphasised: "Taxpayers and their officials are responsible for the correctness and timeliness of tax payments." This implies that the legislator has in mind not only a negative but also a positive aspect of financial responsibility. This idea can be traced in the current legal acts (The Law of Ukraine "On Value Added Tax", 1997).

The positive aspect of the implementation of taxpayers' financial responsibility is enshrined in Article 67 of the Constitution of Ukraine: "Everyone shall be obliged to pay taxes and fees in the manner and in the amounts prescribed by law" (The Constitution of Ukraine, 1996).

Article 16 of the Tax Code of Ukraine directly establishes the obligations of taxpayers to pay legally established taxes, register with tax authorities, keep records of their income (expenses) in accordance with the established procedure, and so forth (The Tax Code of Ukraine, 2011).

R. Usenko defines the positive aspect of tax liability as "the legal obligation of an entity to act in strict and precise compliance with the requirements of the tax legislation of Ukraine" (Usenko, 2007). It should be noted that this position reflects the general theoretical concept of positive legal liability as a kind of legal obligation, but taking into account the specifics of tax legislation.

The Tax Code of Ukraine considers tax liability as a model, a model of lawful behaviour of persons obliged to pay taxes and fees, which gives taxation "transparency" and allows obligated persons to clearly see the boundaries of their legal status (The Tax Code of Ukraine, 2011).

Financial responsibility is an element of the financial and legal status of natural and legal persons affected by financial legislation.

The tax obligation is part of the taxpayer's tax obligations and the implementation of a constitutionally established measure of due conduct for the payment of legally established taxes and fees.

A tax obligation is a measure of proper conduct in financial legal relations, formulated in a rule of law.

According to A. Nechay, law is not only a measure of freedom, but also a measure of personal responsibility (Nechay, 2014).

Tax liability is a narrow concept and reflects only the peculiarities of financial responsibility of taxpayers. For the sphere of financial responsibility it is necessary to formulate the concept of financial and legal obligations, which would include the obligations of subjects of budgetary, monetary, tax and banking legal relations. For example, subjects of budgetary legal relations are responsible for the purposeful use of budgetary funds, timely transfer of budgetary funds, etc. Obligations imposed on credit institutions by the Law of Ukraine "On the National Bank

of Ukraine" of 20 May 1999, No. 679-XIV 10 (The Law of Ukraine "On the National Bank of Ukraine", 1999), the Law of Ukraine "On Banks and Banking Activities" of 7 December 2000, No. 2121-III (The Law of Ukraine "On Banks and Banking Activities", 2000) and other regulations have their own specificities (The Law of Ukraine "On Personal Income Tax", 2003). According to these normative legal acts, credit institutions are obliged to ensure their own stability, implement financial rehabilitation measures, and comply with mandatory standards established by the National Bank of Ukraine. Thus, the concept of financial responsibility is a collective one, which includes various responsibilities established by normative legal acts that make up financial legislation. Combining all these responsibilities into one group (a group of financial responsibilities) allows their implementation within the framework of financial legal relations. Tax, budgetary, public banking and monetary legal relations are types of financial legal relations.

The norm providing for financial responsibility formulates the obligations of the subjects of financial legal relations; it defines a model of future responsible or illegal behaviour and legally significant consequences of both responsible and irresponsible behaviour. Legal responsibility is defined in the norm, and which aspect of responsibility is implemented depends on the behaviour of the subject of financial legal relations.

The concept of the positive aspect of the realisation of financial responsibility should be defined by the category "financial responsibility". If there is no obligation to fulfil the requirements of the financial norm, there is no financial responsibility. The financial and legal norm serves as the formal basis of financial responsibility. The normativity and legal nature of positive financial responsibility arise directly from its fixation in the financial norm in the form of a certain model of behaviour and activity of organisations, which is implemented in the financially legitimate and responsible behaviour of subjects. Financial responsibility is formalised by financial regulations, its establishment takes place before the fact of legal or illegal behaviour. Financial responsibility "should consolidate in its norms the most progressive models of behaviour and prohibit (prevent) socially harmful and dangerous offences" (Usenko, 2007). Thus, taxation in Ukraine is based on the reasonableness and integrity of taxpayers, without which a positive aspect of the implementation of financial responsibility is impossible. In addition, reasonableness and good faith must be realised in legal and responsible behaviour.

The above allows to formulate the following signs of a positive aspect of the implementation of financial responsibility:

- Normativity;
- formal certainty, clarity and detail;
- the existence of a financial obligation to comply with the requirements of financial legislation;
- financially legitimate behaviour;
- state guarantee;
- provision by means of state persuasion, coercion or inducement.

Thus, a positive aspect of the implementation of financial responsibility is a normative, formally defined, guaranteed and state-provided financial and legal obligation of subjects of financial and legal relations to comply with the requirements of financial legislation, which is implemented in financial and legal behaviour requiring approval or encouragement.

Consider the negative aspect of the implementation of financial responsibility. If the subject does not comply with the requirements of financial regulations, violates them, then negative liability arises. From the moment of committing a financial offence, financial liability arises in the form of the offender's obligation to be condemned (censured) and to suffer adverse consequences of a non-material nature provided for by the sanction of the financial norm.

Y. Romanyuk defines the negative aspect of tax liability as the obligation to undergo personal and property deprivation included in the sanctions of tax norms. However, the obligation alone cannot characterise the financial responsibility as a whole. The obligation acts as an attribute (part) of the legal relationship. The definition of financial responsibility should include both the obligation of the financial offender to undergo adverse legal restrictions provided by the sanction of the norms of financial responsibility, and the implementation of financial sanctions, i.e., the direct suffering of adverse consequences by the offender. In such a construction, the enforcement of a sanction involving a measure of financial responsibility is part of the legal relationship established between the offender and the competent authorities. The implementation of a sanction means the implementation of a negative aspect of financial responsibility, which is expressed in negative legal restrictions of a property or organisational nature. The negative aspect of the implementation of financial responsibility is directed towards the future in order to prevent the repetition of financial offences. A sanction that provides for a degree of financial responsibility serves as a means of ensuring both the positive and negative aspects of the implementation of financial responsibility (Romanyuk, 2019).

O. Selivanov believes that "tax liability is the compulsion of taxpayers, fee payers, tax agents and other persons on the basis of a tax offence to perform their duties through the implementation of tax proceedings by authorised bodies and the application of tax sanctions." (Selivanov, 2010)

F. Fedorchenko wrote: "Financial and legal liability can be defined as the application of measures of state coercion to the violator of financial and legal norms by authorised state bodies, imposing additional encumbrances of a property nature on the offender." (Fedorchenko, 2015)

All these definitions are based on a general theoretical concept: legal liability is state coercion.

Coercion in financial legislation is a system of preventive, punitive and restorative measures established by the legislation of Ukraine. Measures of state coercion in financial legislation include seizure, confiscation of documents, summoning as a witness, etc. However, not all measures of financial coercion can be classified as measures of financial responsibility. Defining financial responsibility through the concept of "state coercive measures" makes it a vague, broad concept that merges with the entire category of financial and legal coercion (Kovalchuk, 2007).

Financial responsibility is not identical with the concepts of "financial coercion" and "financial coercion". At the same time, it is inconceivable without state coercion, which is one of its signs. State coercion is fixed in the sanction of the financial norm, and in the case of its application it is objectified in the consequences of a property, organisational and non-property nature.

O. Vasilik understands the use of punitive and restorative sanctions under tax liability (Vasilik, 2013).

A. Litvintseva considers tax liability as the application of sanctions (Litvintseva, 2016).

O. Romanenko believes that "tax liability is the application of tax sanctions for the commission of tax offences by authorised bodies to offenders (taxpayers and other persons)" (Romanenko, 2016).

Proponents of the concept of "financial responsibility – enforcement of sanctions" overlook another important point. An essential feature of any kind of legal responsibility is the state's condemnation of the offender. Condemnation (assessment) characterises financial responsibility. The decision of the competent authority to impose financial liability is a negative assessment of the identity of the financial offender and the act committed by the offender. Only on the basis of the condemnation (assessment) of the offender's actions is it possible to implement a measure of financial responsibility provided for by the sanction of the financial norm. The decision of the competent authority shall contain a condemnation of the actions of the financial offender. Without the conviction of a financial offender, it is impossible to apply a financial sanction. Consequently, the condemnation expressed in the decision of the authority authorised to apply financial liability measures is a mandatory sign of financial liability (Oparin, 2011).

The negative aspect of financial responsibility is realised in financial legal relations and is inseparable from them. Thus, the implementation of the negative aspect of financial responsibility in a protective legal relationship should be recognised as another important sign of financial responsibility. Hence, the negative aspect of the implementation of financial responsibility is an additional financial and legal obligation provided by the state coercion to undergo condemnation and restrictions of a property or non-property nature, implemented in a protective legal relationship of financial responsibility.

Summarizing the above, financial responsibility in Ukraine can be defined as the legal obligation of subjects of financial legal relations to comply with the requirements of financial legislation, implemented in lawful behaviour, and in the case of a financial offence, the obligation of the offender to undergo condemnation and restrictions of a property or non-property nature.

4. Problems of Financial Responsibility in Ukraine

The study of the concept of "legal responsibility", as well as the tasks assigned to it, goals and the process of forming its functions, has not only a cognitive and applied nature, but also the nature of assessing the consequences of the introduction of legal policy (Gega, 2011).

This makes it possible to better understand the aims and objectives of Ukraine's legal policy to create a true rule of law, to ensure an unprecedentedly high level of law and order, as well as the organisation of guaranteed and impeccable protection of human rights, allows to correctly understand the essence of social and legal justice provided and implemented by the state.

The analysis of the content and characteristics of legal responsibility, as well as the problems related to the legality of the legal grounds for its application, makes it possible to clarify the functions inherent in responsibility, to determine its place, role and significance in the life of society and the state, as well as in the mechanism of legal regulation.

Summarising the positions of various authors, it can be said that legal responsibility is a responsibility that is carried out on the basis of law and state laws. As far as the offence is concerned, it falls under legal responsibility. In other words, it is thanks to the offense that it is possible to reveal the goals, functions and principles of legal responsibility (Vasilik, 2013).

Despite the fact that financial and legal infringements are similar in appearance to administrative and disciplinary offences, they are a separate type of offence, where an illegal act or omission within

the framework of an offence may give rise to both financial and administrative liability. However, in addition to this generality, financial and legal infringements differ from the above-mentioned types of liability, which provide for criminal and administrative sanctions, in terms of the composition of the offence.

As for other characteristics of financial and administrative liability, it should be noted that this type of liability is distinguished from other types of liability by the subject of the offence. The subject of a financial offence is, as a rule, a participant in financial activity (organisation) that does not fulfil the financial obligations assigned to it, while the subject of an administrative offence is an official of the organisation that committed the financial offence (Romanyuk, 2019).

This paper suggests that the consolidation in Ukraine of two relatively independent types of state coercion of different nature in one legal provision is currently due to the purposes of punishment, i.e., in practice, when combining legal violations of the same area of activity, it is necessary to establish both punitive and restorative liability measures, and in some cases, if the offence poses a great public danger, fines should also be applied.

An entity that has breached an obligation not related to business activities is liable for the offence if it is guilty. Furthermore, the debtor may be held liable not only if it is guilty of breaching an existing obligation, but also if it intentionally or negligently undertook an obligation that it cannot fulfil.

The situation is somewhat different in the case of a breach of an obligation related to business activities. The subject of such legal relations is liable for breach of an obligation even in the absence of his or her personal fault in the breach of the obligation, as well as in the case when the obligation was not properly fulfilled due to circumstances that were objectively beyond his or her control. Such no-fault liability is based on the inherent risks of business activities. By entering into an obligation, an entrepreneur consciously assumes the risk of its fulfilment (subjective risk of the entrepreneur) and is not entitled to shift the losses from the breach to his/her business partner or consumer, referring to his/her innocence. But even in commercial obligations, the grounds for liability for breach are not unlimited, as they do not cover cases caused by circumstances beyond the control of the breacher, which are commonly referred to in law or practice as force majeure or acts of God. Here it is possible to speak about an objective risk. Failure to fulfil an obligation by an entrepreneur due to force majeure releases him/her from liability (Gega, 2011).

But even in commercial obligations, the grounds for liability for breach are not unlimited, as they do

not cover cases caused by circumstances beyond the control of the breacher, which are commonly referred to in law or practice as *force majeure* or due to overwhelming odds. Here it is possible to speak about an objective risk. Failure to fulfil an obligation by an entrepreneur due to *force majeure* circumstances releases him/her from liability (Gega, 2011).

The form of financial and legal liability is the external expression of the consequences of a sanction. Financial and legal liability can be expressed:

- As compensation;
- in a penalty form;
- in the form of a prohibition;
- in the form of coercion.

Research shows that, in practice, the unification of financial and civil liability is excluded or their joint application is impossible. As a result of such contradictory legal regulation, the state or municipality is unduly enriched at the expense of citizens or organisations that have committed an offence, which directly casts a shadow on the financial system and creates an opinion in society about the illegal activities of the latter, thus reducing its authority.

With a view to eliminating such fundamental gaps in the current legislation which contribute to an increase in the number of unlawful actions by public authorities, it is proposed that when developing legal provisions in the course of law-making, special attention should be paid to cases where two or more types of liability are established within one provision, in terms of their differentiation and introduction as an alternative to other types of liability (Vasilik, 2013).

Financial offences differ from civil law violations in their object, as they do not harm private property interests, but public interests, thereby damaging the financial system of the state.

Financial and legal liability, unlike other types of liability, is primarily and initially associated with a financial obligation and is inseparable from it. In other words, it is possible to apply financial liability even with a slight deviation from the financial obligation, whereas in the case of other types of liability a breach is mandatory. In this case, the peculiarity of financial responsibility is that its application is carried out within the framework of a special type of protective legal relations that arise and terminate in special cases established by financial legislation (for example, a change in the direction of spending of financial resources established by law as funds from the budgets of state bodies and local governments) (Ivanskiy, 2009).

On the basis of the generalisation of the analysis of the characteristics of financial responsibility, which have found their place and are rooted in the field of modern jurisprudence, the latter can be characterised as a set of measures of financial,

physical and moral impact established by financial legislation. This definition of financial responsibility is not exhaustive and reflects only its external aspects. On the other hand, financial responsibility, which indicates its role and importance in the life of society, must be revealed in the light of those patterns which reflect its internal content and which, through the consequences which establish responsibility, ensure the state coercion expressed in the legal norm.

That is, financial responsibility in Ukraine can be characterised as a set of measures of state coercion determined by punitive sanctions applied to a financial offender in case of violation of financial activities of state bodies and local governments.

5. Conclusions

The study of the problems of financial responsibility in Ukraine on the methodological basis of legal responsibility makes it possible to identify a number of features of financial responsibility that distinguish it from other types of legal responsibility.

Thus, financial responsibility is undoubtedly a type of legal responsibility and is primarily due to the special sectoral activity of the State and its authorised bodies, which is now considered to be the financial activity of the state, where it may not concern all subjects of law, but only subjects of financial law and their financial obligations, which differ exclusively in their ownership, price and public character.

Another feature is that, as a rule, financial and legal responsibility is, by its nature, legally restorative, the purpose of which is to eliminate negative and other undesirable consequences caused to the financial system of the state. This feature of financial and legal liability reflects the public nature of financial obligations, the fulfilment of which is ensured by the application of financial liability. Unlike other types of legal restorative responsibility, financial and legal responsibility is not designed to restore the rights and secure the legitimate interests of a particular person or organisation, but to ensure the financial stability of society as a whole and the financial system of the state.

One more feature of financial and legal liability is that it is ensured by the possibility of applying financial coercion measures.

The next feature that distinguishes financial and legal liability from other types of legal liability in Ukraine is that financial and legal liability is usually imposed on violators of financial activities by way of financial sanctions, which are independent measures of financial and legal coercion.

And finally, some of the features that distinguish financial responsibility in Ukraine are due to the nature of financial offences, which are the basis for the implementation of financial responsibility and

distinguish financial responsibility from other types of liability applied both in connection with administrative and disciplinary offences, and in connection with criminally prosecuted financial crimes and civil

law offences, the subjects of which, as a rule, are independent individual subjects of financial activity, individuals who, by their illegal behaviour, are qualified as specific offenders.

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