

законодавчому рівні, що юридична особа має право відмовитися від сплати податку до Фонду гарантування вкладів фізичних осіб, отже, таке страхування є добровільним. Проте у цьому випадку явних гарантій для юридичної особи не існуватиме.

Таблиця 1

**Порівняльна таблиця моделей створення явних гарантій повернення коштів
юридичних осіб у неплатоспроможних банках в Україні**

Критерій для порівняння	Законодавчі гарантії	Договірні гарантії
Сфера впливу	Закон є рівним для всіх, тому умови гарантування будуть запропоновані усім вкладникам однаково, а банки як гаранті можуть проявляти незначну юридичну ініціативу у межах законодавства.	Кожен банк створює гарантії на власний розсуд, умови гарантій у різних банках можуть відрізнятися, банкам дозволяється усе, що не заборонено чинним законодавством.
Вірогідність виникнення законодавчих прогалин	Закон розробляється із врахуванням умов та вимог чинного законодавства, тому вірогідність законодавчих прогалин мінімізується.	Договір має відповідати вимогам чинного цивільного законодавства, проте у випадку, якщо певне питання законом не регулюється, це створює передумови для порушення банком прав юридичної особи.

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**INFLUENCE OF RISKS, DANGERS AND THREATS ON
THE ENTERPRISE FINANCIAL SECURITY**

A scientific literature overview has made it possible to establish that among scientists there is no unambiguous interpretation of the categories «danger», «threat» and «risk».

As a result of the research of the various authors' scientific works, we have come to the conclusion that scientists agree on the existence of a connection between the concepts of «threat», «danger» and «risk», but there are significant differences in the views at their combination, native understanding. We support the authors' point of view who are inclined to believe that the primary category in this relationship is «risk». In the modern context, the company constantly operates under risk conditions, that is, the situation of uncertainty, since any decisions taken at an enterprise can have both a positive and a negative result, which depends on internal and external factors that have an impact on the company. These factors, in our opinion, are dangers and threats, where danger is the most concrete manifestation of threats. Based on the analysis of the categories «risk», «danger», «threat», one can formulate the following dependencies:

- risks are what may or may not occur; threat is the whole set of factors that can have a negative impact on the company; danger is that which is revealed, that is, the category is specific;
- risks and threats are always present when there is financial activity, whereas danger arises only in the presence of certain conditions;
- relationship between risk and the possibility of realizing dangers is straightforward: the higher the risk is, the higher the likelihood of the transition of threats from possibility to reality;

– relationship between the level of risk and the level of financial security is reverse: the higher the level of financial risk is, the lower the level of financial security, and vice versa.

Thus, in our opinion, an approach whose adherents describe the relationship between these categories by the formula «risk – threat – danger» is the most logical. The very concept «danger» indicates that it comes from the word «security» and means «lack of security». Consequently, the concept of «security» and «danger» are in essence diametrically opposed states and reflect the state of security and the state of insecurity of the enterprise's interests. The «threat» is an intermediate state, which is a possibility of negative influence, which may worsen the object's state. The correctness of the fact that the risk in this interrelation of categories is in the first place is also confirmed by the text of the Commercial Code of Ukraine. Thus, Articles 42 – 44 of the Commercial Code of Ukraine [1], in particular, state that entrepreneurship is carried out on the basis of commercial calculation and own commercial risk in order to achieve economic and social results and profit. Thus, it can be concluded that the purpose of entrepreneurship is to generate profit, and the risk is an integral attribute of the process of making managerial decisions. Consequently, every entrepreneur, taking managerial decisions, goes to a certain risk, in the result of which he benefits or loses. In case of adverse developments, as a result of making risky decisions, there is a business threat. Even natural disasters, which can cause significant damage, up to the loss of business, should be considered as a threat that arises as a result of the decision to invest in entrepreneurial activity (and not in securities, for example). Dangers, which are a concrete manifestation of threats, that is, a threat to action, impede the enterprise development or cause its operation termination. The risk management actions should be considered to be entrepreneurship's driving force. Most successful enterprises are obliged by their successes to develop and launch new products, introduce new methods of production and sale, penetrate into new markets, although it is risky. The lack of action in the business sector is associated with the risk of unused opportunities [2, p. 10].

Therefore, we consider it expedient to consider the «threat» as an objectively existing possibility of negative influence on the object, as a result of which the normal state of its functioning may be violated, and «danger» – as the most specific manifestation of threats, that is, «danger» is not potential, but already a real negative effect. The criterion for distinguishing between threats and dangers is the threshold value of a particular indicator, which characterizes a certain sphere of financial activity of the enterprise. In the case where the indicators do not exceed the thresholds, there are threats, that is, possible negative actions. Threats that have already exceeded the threshold value should be considered dangers, that is, negative impacts. In our opinion, the main features of threats and dangers in the enterprise's financial security are:

– threats and dangers are objective and the most characteristic of the enterprise's activities in a market economy. The objective nature of the threats to financial security is manifested irrespective of whether they are taken into account by the subjects of the provision of financial security or not;

– the source of threats is the destructive actions of certain negative factors of the external and internal environment, as well as the conditions of functioning of the enterprise financial system on the possibility of realizing the enterprise's specific financial interests and ensuring its financial security;

– as a result of the threat negative impact, its action poses a direct danger to the enterprise, which can manifest itself in the form of direct losses (loss of income, capital, etc.) and indirect ones (loss of profit, decrease in the enterprise financial reputation, etc.);

– the threats to enterprises' financial security are unstable, as they can be changed in the development of the subsystem of the enterprise's financial security.

Financial risk is a possibility of a negative result from the measures taken to ensure the enterprise financial security. It becomes obvious that the main task of managing financial risks is to ensure the enterprise financial security in the process of its functioning and development, which is the methodological link between financial risk and financial security at the enterprise level.

Considering the essence of the concepts «risk», «danger», «threat», it is advisable to identify the main threats, dangers and risks that violate the normal state of the enterprise financial security. Analyzing financial security, the priority should be given to the study of financial risks. This is necessary to create an effective financial security strategy and an effective risk management system as an integral part of financial security management.

As a result of the conducted research, we consider it expedient to highlight the following types of financial risks that have an impact on the enterprise financial security: political and legal,

inflation, deposit, interest, tax, currency, selective, financial stability, insolvency, investment, innovation, credit, lost profits, liquidity, bankruptcy, informational and criminal. In the area of origin, we propose to divide all financial risks that have an impact on the enterprise financial security into internal, external and mixed ones.

Thus, the source of the external risks is external environment, in relation to the enterprise. That is, external risks are risks that are not directly related to the enterprise activity and which it has no influence on, but can only be foreseen and taken into account in its activities (unforeseen changes in the exchange rate, inflation rate or market interest rate). Internal risks are the risks that arise from the enterprise activity itself and its audience. These risks arise in the event of ineffective management, false marketing policies or intercompany abuse (wrong choice of investment objects, investment in low-liquidity assets, inappropriate capital structure of the enterprise, etc.).

Mixed risks can be caused both by the impact on the enterprise environment and the activities of the enterprise itself. Mixed risks, include political, legal, tax, crime and information risks. These risks can be considered from two positions. The first – as a result of miscalculations of the managerial staff and unlawful or unskilled actions of the employees of the enterprise (the enterprise non-compliance with law requirements, regulations, transactions, incorrect choice of the taxation system, incorrect calculation of tax payments, theft of individual assets by enterprise staff, imperfect studying information when making managerial decisions). The second – as a consequence of the influence of external, uncontrollable enterprises, factors (legislative changes, introduction of new taxes, changes in tax rates, raider hijacking, hacker attacks).

Consequently, as a result of the study, we have come to the conclusion risks are the source of uncertainty and negative impacts on the enterprise financial security, which is conditioned by the urgent need to manage financial risks that are primary in relation to threats and risks to financial security. In addition, the stage of assessment of major financial risks having an impact on financial security must necessarily be taken into account when developing an integrated system for assessing the level of the enterprise financial security. Ensuring an adequate level of the enterprise financial security depends on its own current concept of financial security management, which should be based on the development of a strategy for financial security management, financial security management policies and a mechanism for managing the enterprise financial security.

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ФІНАНСОВА ВІДПОВІДАЛЬНІСТЬ ЗА ПОРУШЕННЯ ВАЛЮТНОГО ЗАКОНОДАВСТВА

Сьогодні валютне регулювання не зводиться до встановлення валютних обмежень, оскільки Україна прагне до повної їх відміни й лібералізації угод, що здійснюються з валютними цінностями. Це пояснюється процесом інтеграції країни у світову економіку, у тому числі вступом України до СОТ, у зв'язку з чим актуальною є вимога підвищення прозорості національного валютного законодавства. Виконання Україною вимог вступу до СОТ зумовлюють необхідність розроблення заходів щодо лібералізації валютного ринку