

DOI: 10.55643/ser.2.52.2024.563

Mariia Blikhar

Doctor of Legal Sciences, Professor,
Head of the Department of
Administrative and Informational Law,
Lviv Polytechnic National University,
Ukraine;

e-mail: blikharm@ukr.net

ORCID: [0000-0003-2974-0419](https://orcid.org/0000-0003-2974-0419)

LEGAL REGULATION OF FINANCIAL INTELLIGENCE OF ENTERPRISES IN THE CONDITIONS OF INCREASING INFLUENCE OF MODERN FACTORS

ABSTRACT

The purpose of the article is to study the peculiarities and problematic aspects of the legal regulation of financial intelligence of enterprises in the conditions of increasing influence of modern factors. Based on the results of the conducted research, it was established that at the current stage of the functioning of the national legal system, the organizational and legal mechanisms for regulating financial intelligence at the enterprise level are weak and require revision, improvement and strengthening. It was established that when considering financial intelligence at the enterprise level, the main emphasis is placed on its structural component, such as competitive intelligence. The ambiguity and specificity of the legal basis for the regulation of financial intelligence of enterprises have been revealed, the main difference of which is the formation of legal norms in interdependence with the peculiarities of the country's legal system and its affiliation to the Anglo-Saxon or Romano-Germanic legal system. It has been proven that the financial intelligence system functions successfully at such well-known global companies as Procter & Gamble and Motorola. The main problems of the introduction and implementation of intelligence activities at enterprises were identified, most of which are due to the insufficient number and inefficiency of the management of information, labour and technological resources of the economic entity. The main vectors of improving the legal regulation of financial intelligence of enterprises in the conditions of increasing influence of modern factors are proposed, in particular: (1) the urgency and necessity of implementing the legislative regulation of the economic and legal category "financial intelligence of an enterprise" is substantiated; (2) the necessity of enshrining at the legislative level the basic organizational and legal principles of increasing responsibility for committing acts related to the unauthorized receipt, use and transfer of information at the enterprise has been proven.

Keywords: financial intelligence, regulatory and legal support, legislative acts, intelligence activity, competitive intelligence, enterprise

JEL Classification: L21, M29

INTRODUCTION

A feature of the modern world order is globalization, geopoliticization, and mega regionalization of processes and phenomena occurring in the economy, society, and politics. Against the background of increasing dynamic changes on a global scale, the emergence of new significant transnational phenomena is observed, one of which is the illegal use of social and economic systems for the purpose of illicit enrichment and personal gain. Under such conditions, at the current stage, there is a rapid development of economic crime, which is spreading on an international scale and is becoming more active in each of the countries of the world, causing destabilization of the processes of financial and economic activity by economic entities. The presence of crisis situations in the activities of enterprises determines the need to find effective methods of countering destabilizing factors. One of these methods is financial intelligence, as a separate modern tool for monitoring the activities of economic agents, which is able to ensure effective counteraction to destabilizing factors and the stability and effectiveness of their activities at all levels of social relations. However, it is worth noting that the level of

Received: 23/03/2024

Accepted: 20/06/2024

Published: 30/06/2024

© Copyright
2024 by the author(s)



This is an Open Access article
distributed under the terms of the
[Creative Commons CC-BY 4.0](https://creativecommons.org/licenses/by/4.0/)

regulatory and legislative provision of financial intelligence in the system of existing legal relations is sufficiently low. At the same time, its essence and mechanisms of implementation in the current legislation are regulated more quickly on a national scale than at the level of enterprises, which, in fact, are not legally regulated. It is obvious that the issue of researching the peculiarities and problematic aspects of the legal regulation of financial intelligence of enterprises in the conditions of the increasing influence of modern factors is extremely relevant and requires in-depth study.

LITERATURE REVIEW

The study of peculiarities and problematic aspects of the legal regulation of financial intelligence of enterprises in the conditions of the increasing influence of modern factors are reflected in the works of not many foreign scientists, but within the borders of Ukraine, among domestic scientists, this topic is outlined rather indirectly. Moreover, financial intelligence as an economic and legal category in Ukraine is identified with financial monitoring and is studied as a specific direction of financial control. This approach, according to some scientists [1], is due to the insufficiency and limitation of the legislative regulation of this term, as well as the fact that its essential characteristics fully correspond to the terminology of financial monitoring. However, it is worth noting that more significant developments in this direction are available in foreign countries, where the term "financial intelligence" is more common and is mainly used in research.

Evaluating the existing points of view on the investigated issues, it is worth noting the work of O. Smaglo [2, p. 2], which considers financial intelligence as a separate part of the management system designed to monitor, receive and transmit information about the state and dynamics of changes in the external and internal environment.

It is worth paying attention to the results of the study of institutional aspects of financial intelligence, made by V. Hobela and H. Leskiv [3, p. 36], in which it is noted that the legal principles of regulation of financial intelligence differ in different countries of the world and significantly depend on the country's affiliation to the Anglo-Saxon or Romano-Germanic legal system. In particular, scientists characterize the model of financial intelligence according to the Anglo-Saxon legal system by the precedent of law, the rigidity and strictness of the legislative regulation of the financial system, the high level of development of the financial market, as well as the transparency of the banking system and business, the coordination of the relationships of various ministries and departments. In accordance with the principles of the Romano-Germanic legal system, financial intelligence is characterized by a high level of automation and riskiness regarding the assessment of indicative indicators of financial transactions, the conservatism and liberalism of measures and their administrative type, the absence of clear statutory requirements for providing information on the financial activities of economic entities.

As for Ukraine and its peculiarities of legal regulation of financial intelligence, there are significant inconsistencies in the legal field. Moreover, some scientists believe that regulatory and legislative provisions of financial intelligence should correspond to key aspects of the legal provision of financial security of the state and business entities. In particular, V. Bilous, O. Bryginets, O. Dragan, L. Kasianenko, Yu. Anistratenko and others [4] claim that the mechanisms of legal provision of financial security include the basic principles of regulating the activities of financial intelligence units and the subjects of its provision closely interact with financial monitoring bodies at the state and local level. This thesis is fully justified since financial intelligence is aimed at preventing and countering economic crime related to financial resources, and financial security is focused on ensuring the optimal state of protection of the interests of the state and business entities in the financial sphere from the destabilizing influence of factors, challenges and internal and external environmental threats.

However, this approach is mainly focused on the study of financial intelligence at the macro level, and at the level of the enterprise, problematic aspects of financial intelligence are highlighted in the context of research in such a direction as competitive intelligence. H. Tahmasebifard and L. Wright [5, p. 3] its essence is considered through the prism of the collection, processing and analysis of information obtained from the external, internal and competitive environment and aimed at obtaining information about the technological, competitive and intellectual advantages of business entities.

A similar position is held by P. Carvalho [6], who conducts research on financial intelligence at the enterprise level within the framework of the theoretical and practical aspects of studying the features and problems of the functioning of competitive intelligence, but he considers it a specific type of intelligence activity of an enterprise aimed at ensuring the processes of information exchange.

On the other hand, C. Nenzhelele [7] and M. Mohammadi, B. Ghasemi, and S. Sarmadsaedi [8] consider the financial intelligence of enterprises as a tool for improving the quality of products and claim that it provides an opportunity to obtain information from competitors and form their own competitive advantages. At the same time, scientists have proven that the technology of financial intelligence at enterprises is designed not only to form an information base on the activities of competitors but also to provide protection measures against the loss and leakage of information from the enterprise and

its unauthorized use. According to K. Mashego and M. Sevdass [9] and A. Verreau, K. Nietzl, and U. Borghoff [10], modern innovative technologies of information data processing and analysis play an important role in this process, because increased competition in the business environment determines the need to attract new means of competitive struggle and protection of own information resources by business entities.

It is obvious that financial intelligence at the enterprise arose as a necessity to take measures to prevent intelligence actions by competitors and is aimed at protecting the enterprise from the external influence of attempts to collect, process, transmit and store data, evaluate and analyze it, therefore, V. Vorobyova and O. Jur [11] considers it a tool for ensuring protection and economic security. At the same time, scientists claim that competitive intelligence as a structural element of financial intelligence should regulate problematic issues of ensuring the security of not only informational resources but also labour, innovative and technological ones. However, as noted by L. Hornkol and A. Martinez [12], many issues regarding the competitive intelligence of an enterprise as an element of financial control and intelligence activities are currently unsettled, therefore, scientists emphasize the need to strengthen organizational and legal mechanisms in the field of competition law and policies of the European Union, which will allow for the formation of certain legal norms at the European level and their generalization in relevant standards that can be used by all members of the European community.

The current conditions of the development of financial systems, their globalization and the merging of borders indicate that the processes of transformational restructuring and digitalization continue, and the border between financial intelligence at the state level and at the level of enterprises is becoming smaller and smaller, therefore, according to F. Barrier [13] regulation of the mechanisms of application of modern mechanisms of financial and intelligence activity should be regulated in the legal field, taking into account the factors of a risk-oriented approach. Moreover, M. Kopytko and M. Vinichuk [14] prove that the unsettled issues of providing financial intelligence to the enterprise threaten to reduce its competitiveness and weaken its position in the market. It is an absolute fact that the activity of financial intelligence and competitive intelligence as its structural element is a significant factor in ensuring the competitiveness of business entities and a key to achieving success in a strategic perspective, therefore it requires clear, balanced and effective regulation within the legal field. In view of the above, the issues under investigation are extremely relevant and require in-depth study.

AIMS AND OBJECTIVES

The purpose of the article is to study the peculiarities and problematic aspects of the legal regulation of financial intelligence of enterprises in the conditions of increasing influence of modern factors. To achieve the goal of the research, it is necessary to solve certain tasks, the most important of which are the analysis of scientific approaches to understanding the essence of the legal regulation of financial intelligence at the enterprise level and the identification of problematic aspects of the implementation of intelligence activities by business entities, as well as the outline of the main directions of strengthening the legal regulation of financial intelligence of enterprises in Ukraine.

METHODS

During the study of peculiarities and problematic aspects of the legal regulation of financial intelligence of enterprises in the conditions of the increasing influence of modern factors, general scientific and special methods of analysis and scientific knowledge were used. In particular, the determination of the essence of legal regulation of financial intelligence at the enterprise level was carried out on the basis of the method of system analysis, abstract-logical approach, comparison and synthesis; the systematic and logical method was used to identify problematic aspects of intelligence activities by business entities; delineation of the main directions of strengthening the legal regulation of financial intelligence of enterprises in Ukraine was carried out using a cause-and-effect approach; the main research results and conclusions are formed on the basis of the method of generalization and systematization.

RESULTS

Financial intelligence, by its very nature, is an activity carried out by economic agents with the aim of preventing, detecting and countering offences and abuses in the financial sphere, and financial intelligence units at both the macro and micro levels are the subjects of such activities. In the process of our research, monitoring of the state of financial intelligence on the example of the functioning of these divisions at large enterprises turns out to be justified, such as the large industrial corporation Procter & Gamble.

For many years, the financial intelligence of this enterprise was built from daily reports and led to the development of a strategy for intelligence activities as such. Specialists who provided relevant services identified three basic areas of financial intelligence of the enterprise: monitoring of innovations, analysis of labour potential, and effectiveness of the use of information technologies in activities. Special attention should also be paid to the fact that if at first the support of ordinary employees was minimal, then later they became the central element of the company's intelligence system, thanks to which the company managed to reach a high level of implementation of the company's strategy [15, p. 17]. It is obvious that the provision of competitive advantages thanks to financial intelligence tools and the use of competitive intelligence tools helped to achieve the desired result and positive effect, in particular:

1. Attracting the maximum resource to intelligence activities, both among subjects and from the number of objects, that is, the number of components of the material and technical base.
2. The circle of consumers of information content among own employees and among partners and competitors was limited.

It is worth noting that in some cases there was a reluctance of the company's employees to communicate and work in the field of intelligence and to build effective cooperation on this component. In general, the basic leitmotif and motto of the company sounded like an unusually high role of financial intelligence and its powerful growth rates in the modern world for building an effective business strategy. However, the company clearly defined the main goals of its activity, according to which the goals of competitive and, accordingly, financial intelligence were adjusted, the main ones of which are systematized in Figure 1.

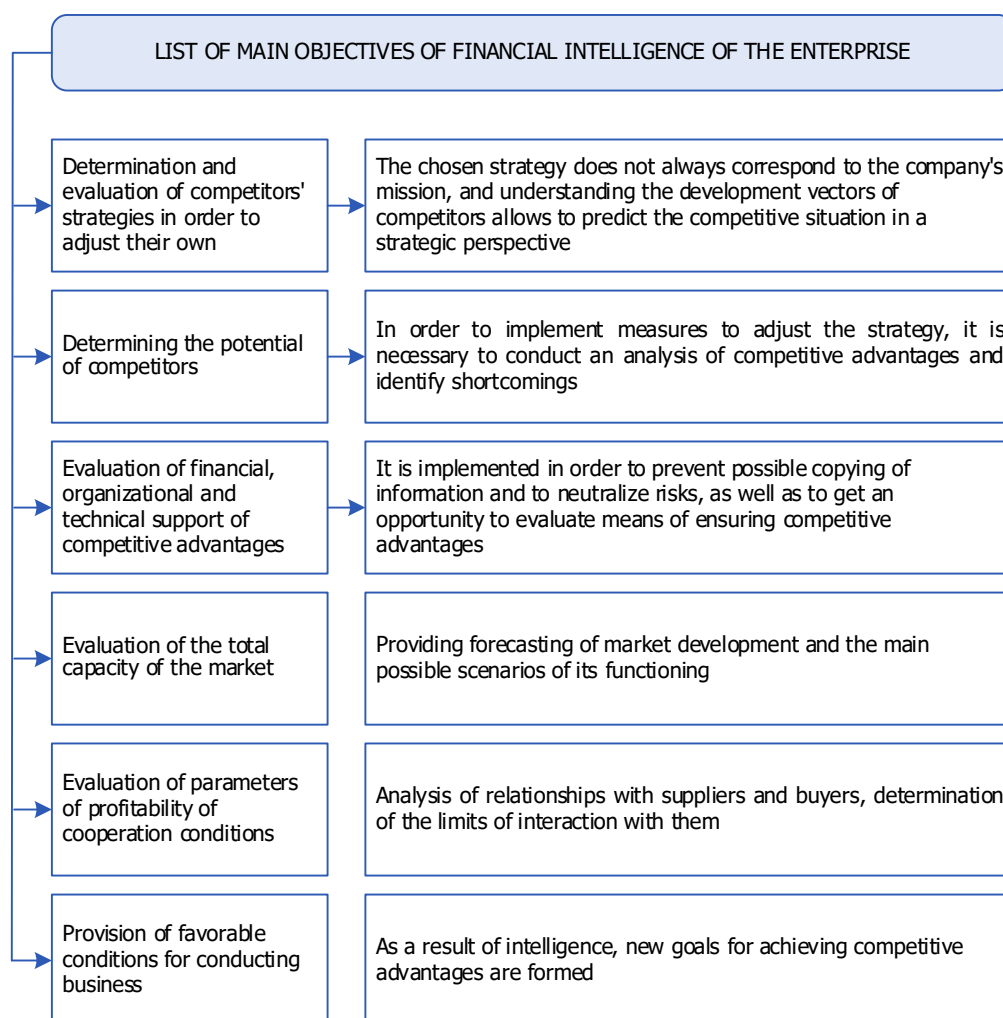


Figure 1. The main goals of financial intelligence of the enterprise. (Source: developed by the author based on: [16, p. 55])

It is obvious that achieving success requires building an effective company, establishing special intra-firm connections and other connections in the necessary environment, obtaining reliable, accurate and objective information, ensuring partnerships, as well as implementing special measures thanks to which it is possible to weaken competitors.

The financial intelligence of the technical company Motorola is characterized by a sufficient level of efficiency. If the financial intelligence system of the Procter & Gamble corporation is aimed at the fact that the management and specialists first approached this issue from the point of view of centralized, or rather generalized management, the essence of which is an all-encompassing nature with a gradual ascent to decentralization, then the Motorola company proposes to approach this issue narrowly specialized, niche, that is, the company advocates the creation of a specialized and professional financial intelligence system as a priority. However, in both cases, a positive effect is achieved in the presence of high-level specialists and professionals who are able to conduct intelligence activities at enterprises, manage them and ensure high-performance indicators.

Undoubtedly, the financial intelligence of the enterprise should be based on the principles of transition from generalization and centralization to the free organization of intelligence activities, that is the division into work units, company personnel and ordinary employees.

It is worth recognizing that the chairman of Motorola Corporation, R. Galvin, built one of the most effective financial intelligence systems recognized today in the globalized world. His statement is based on the fact that a quality financial intelligence system is based on a wide-ranging system of intelligence activities that extends to the entire company. The situation does not seem to be accidental, because R. Galvin for a long time served as an adviser to the foreign intelligence service under the President of the United States, therefore, he had the opportunity to accurately study the potential of intelligence activity in the context of its existence as a system, a key element of the enterprise, by assessing the values for the parameters of the performance indicators of the activity.

Intelligence specialists in the field of accounting and auditing, in the process of implementing financial intelligence tasks, gather information, on the basis of which they form rational opinions, and on their basis make appropriate conclusions. Moreover, without a proper financial intelligence system, it is impossible to build and program not only the progress and prospects of the enterprise, but it is also difficult to ensure the protection of one's own information, and therefore the enterprise, from unauthorized intervention by intruders, that is, even to preserve the already existing potential of the business entity. Such a concept consists of the need to form a team of highly qualified specialists in a given direction who are able to work for the corporate intelligence department.

According to A. Starostina and C. Adami [17], it is impossible to form a high-quality financial intelligence system based on the routine activities of the personnel support department or a similar unit, since the competitive intelligence unit must ensure professional systematic collection of information, which neither *de jure* nor *de facto* cannot be obtained by specialists engaged in other types of activities. It follows from the above that professionalism in this field involves the possibility of obtaining information exclusively by legal methods, which can be achieved thanks to the high-quality training of powerful personnel potential.

Financial intelligence of an enterprise that sets itself the task of tracking the movement of funds, tangible and intangible assets, income and expenses, calculating wages for employees, financial interaction with partners, or financial rivalry with competitors, can be carried out not only with the help of highly qualified employees, but also by the presence of a high-quality economic strategy of the enterprise, which places the right emphasis on the financial strategy. As you know, strategy is the timely and effective use of resources and assets. It can be assumed that the financial intelligence system of the Motorola Corporation built its strategy on such categories as people-centricity, where specialists in the field of financial intelligence work primarily on subjects – employees, and customers, and not on the object as such, which gives significant advantages in comparison with competitors, because it is customer orientation that can lead to high indicators of production processes.

Professionalism also became the basic principle of activity of the financial intelligence system of Motorola Corporation. Its manager and the department of corporate and strategic management, who headed financial intelligence, was a professional in his field.

Therefore, the analysis of the Motorola company allows us to obtain clear generalized conclusions that the Motorola financial intelligence system is based on the principles of national intelligence as an element of the state security system, which proves our assertions about the close relationship of financial intelligence at the macro level and at the enterprise level and, at the same time, substantiates the need for its legal regulation as a single whole object in compliance with such principles as continuity and complexity, confidentiality, compliance with legal and ethical norms, as well as the principle of a "special" situation (Figure 2).

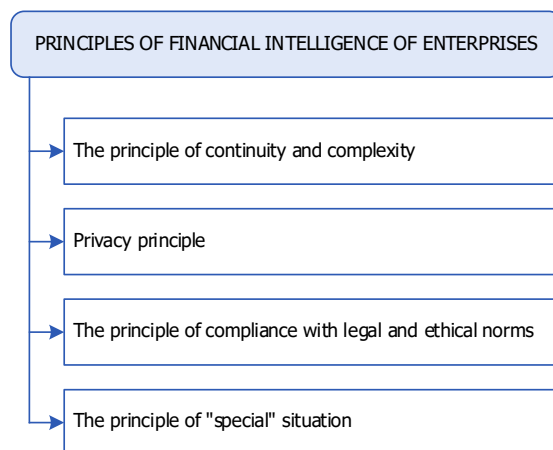


Figure 2. Basic principles of financial intelligence of enterprises.

Since the financial intelligence system of this corporation positions itself as super-effective, and most importantly, quite universal in terms of the possibility of building a similar one, it is appropriate to study its structure and functional characteristics. At the Motorola company, the financial intelligence board is headed by a central department with a rather limited number of employees (no more than 10), which provides the basic needs of the corporation. The basic corps, which is called to fulfil and implement the requests and instructions of the central corps in terms of the flawless performance of its functions, as a rule, carries out the processes of information collection and processing. The intelligence activity itself is manifested in a branched nature - in the context of the conviction of the heads of others, not directly related to the intelligence of structural units, about the need to be involved in the number of financial intelligences, or rather its basic corps of employees, whose functional duties, in addition to direct ones, include the function of contacts and regular cooperation with the financial intelligence department of the specified enterprise. In this case, we are talking about expanding the staff of financial intelligence to twenty or thirty people. This type of financial intelligence is surprisingly effective and multifunctional.

Employees have to permanently solve not so complex, but multifunctional tasks, regularly conducting comparative studies, as well as constantly familiarize themselves with both business, legislative and technological processes and trends.

Competent planning of the stages of a financial intelligence operation in order to detect violations in the field of accounting, auditing, financial reporting, income and expenses, involves not only setting goals, but also controlling each of the stages aimed at its implementation, and most importantly, correctly calculating basic resources - time and costs. The greatest difficulty arises with the specified resources since the terms and finances are the most difficult to control and scarce components of the operation. All this points to the fact that the planning of financial and intelligence operations, in its essence (except for the planning of goals), is the planning of finances and the timing of achieving results.

In general, the planning of the work of the financial intelligence service covers several stages: (1) description of the key objective of the activity, that is, the strategy; (2) determination of tactical goals at a specific stage of the case; (3) determination of need, including assessment of all factors that affect or may affect the case; (4) formation of a clear base of observation (a list of sources of information necessary for making rational decisions. This type of planning is generally accepted, but sometimes there is a special or special type of planning based on success factors. The main differences of this financial intelligence operation consist in the conducted communications of the company's management with the staff, in the language of which the management's emphasis is on factors from among the employees' statements, about the maximum efficiency, effectiveness, positivity of the factors that the company has, as well as on those that testify to the most negative facts, processes and trends.

So, on the basis of the conducted research, it can be stated that the task of financial intelligence is to understand and emphasize those factors that are the most financially effective or financially costly or can potentially cause financial success or financial costs.

DISCUSSION

Despite the fact that the problematic aspects of the study of financial intelligence of the enterprise are considered by both domestic and foreign scientists, in particular, A. Verreau, F. Barrier, M. Blikhar, I. Komarnytska, A. Martinez, K. Mashego,

L. Savchenko, M. Sevdass and others. The presence of a significant number of unresolved issues regarding the interpretation of its essence and legal regulation is still recorded both in Ukraine and in foreign countries. At the same time, financial intelligence is considered rather at the macro level, and at the micro level, its research needs to be deepened, especially in terms of the legal definition and regulation of the main mechanisms for providing intelligence activities. Moreover, the financial intelligence of the enterprises in European countries and in Ukraine is associated with competitive intelligence, which, as established, acts as its structural element.

The results of the study of the financial intelligence system of such well-known global companies as Procter & Gamble and Motorola prove that it plays an important role for economic entities and significantly depends on the information, labour and technological resources available at the enterprise and the efficiency of their management, as well as on the level of legal regulation of financial intelligence in the state.

CONCLUSIONS

Thus, the conducted research on the legal regulation of financial intelligence of enterprises in the conditions of the increasing influence of modern factors gives grounds to assert the incompleteness of the processes of forming the regulatory and legislative basis of regulation of financial intelligence in Ukraine and the world. Based on the obtained results, the limitations of the organizational and legal mechanisms for regulating financial intelligence at the enterprise level are stated, and the main emphasis is placed on its structural components, such as competitive intelligence. At the same time, it was established that the legal principles of financial intelligence regulation differ in different countries of the world and are formed depending on the peculiarities of the legal system in the country and its affiliation to the Anglo-Saxon or Romano-Germanic legal system. Conducted theoretical and applied research on financial intelligence of companies such as Procter & Gamble and Motorola made it possible to identify problematic aspects in the introduction and implementation of intelligence activities at enterprises, which are related to the availability and effectiveness of management of information, labour and technological resources of the business entity. In order to improve the legal regulation of financial intelligence of enterprises in the conditions of the increasing influence of modern factors, legislative regulation of this economic and legal category at the legislative level is necessary, as well as an assessment of the possibilities of increasing responsibility for actions related to the unauthorized receipt, use and transfer of information at the enterprise.

ADDITIONAL INFORMATION

FUNDING

The Author received no funding for this research.

CONFLICT OF INTEREST

The Author declares that there is no conflict of interest.

REFERENCES

1. Savchenko, L. A., Komarnytska, I. I., & Vinichuk, M. V. (2019). Strategic orientaries of legalization of the Economy of Ukraine: Economic and legal aspects. *Financial and Credit Activities: Problems of Theory and Practice*, 2(29), 101–112. <http://doi.org/10.18371/fcftp.v2i29.171850>
2. Smahlo, O. V. (2021). Funktsionuvannya systemy finansovoho monitorynhu v Ukraini. *Ekonomika ta suspilstvo*, 26, 1–7. <https://doi.org/10.32782/2524-0072/2021-26-28>
3. Hobela, V. V., & Leskiv, H. Z. (2021). Instytutsiina paralel finansovoi rozvidky krain anhlosaksonskoi ta romano-hermanskoj pravovykh simei. *Finansova rozvidka v Ukraini: zbirnyk materialiv naukovykh-praktychnoho seminaru* (25 lystopada 2021 roku). Lviv: LvDUVS. https://dspace.lvduvs.edu.ua/bitstream/1234567890/4149/1/25_11_2021.pdf
4. Bilous, V. T., Bryhinets, O. O., Drahan, O. V., & Kasianenko, L. M. et al. (2020). Pravove zabezpechennia finansovoi bezpeky Ukrainy: monohrafiia. Irpin: Universytet DFS Ukrainy. <https://ir.dpu.edu.ua/bitstreams/697b64ae-7618-4983-83fc-d42c628432ca/download>
5. Tahmasebifard, H., & Wright, L. T. (2018). The role of competitive intelligence and its sub-types on achieving market performance. *Cogent Business & Management*, 5(1). <https://doi.org/10.1080/23311975.2018.1540073>
6. Carvalho, P. (2021). Fundamentals of Competitive Intelligence. *Insight & Foresight*. https://www.researchgate.net/publication/352878002_FUNDAMENTALS_OF_COMPETITIVE_INTELLIGENCE

7. Nenzhelele, T. E. (2024). Competitive intelligence quality assurance model: A property sector case. *Corporate & Business Strategy Review*, 5(2), 186–200.
<https://doi.org/10.22495/cbsrv5i2art16>
8. Mohammadi, M.S., Ghasemi, B., & Sarmadsaedi, S. (2024). Development and Evaluation of Competitive Intelligence Based on Export Market Orientation. *International Journal of Innovation Management and Organizational Behavior (IJIMOB)*, 4(3), 47–54.
<https://doi.org/10.61838/kman.ijimob.4.3.6>
9. Mashego, K., & Sewdass, N. (2023). Ameliorating effect of competitive intelligence on SME innovativeness in emerging economies. *Journal of Intelligence Studies in Business*, 13(1), 76–89.
<https://doi.org/10.37380/jisib.v13iSpecial%20Issue%201.1.136>
10. Werro, A., Nitzl, C., & Borghof, U. M. (2024). On the Role of Intelligence and Business Wargaming in Developing Foresight. *Cornell University*.
<https://doi.org/10.48550/arXiv.2405.06957>
11. Vorobiova, V. V., & Dzhur, O. Ye. (2023). Konkurentna rozvidka u zabezpechenni ekonomichnoi bezpeky kompanii «Amazon». *Ekonomika ta suspilstvo*, 57.
<https://doi.org/10.32782/2524-0072/2023-57-26>
12. Hornkohl, L., & Martinez, A. (2024). Main Developments in Competition Law and Policy 2023 – European Union. *Competition Law of the European Union*.
<https://competitionlawblog.kluwercompetitionlaw.com/2024/01/23/main-developments-in-competition-law-and-policy-2023-european-union/>
13. Barrière, F. (2023). Financial law in the era of artificial intelligence: key topics and themes. *Law and Financial Markets Review*, 15(3–4), 312–322.
<https://doi.org/10.1080/17521440.2023.2215480>
14. Kopytko, M. I., & Vinichuk, M. V. (2022). Konkurentospromozhnist pidpriemstv v umovakh hlobalnoho innovatsiinoho rozvytku ekonomiky. *Vcheni zapysky Universytetu «KROK»*, 3(67), 62–68.
<https://doi.org/10.31732/2663-2209-2022-67-62-68>
15. National Security Strategy of Engagement and Enlargement. (1995). The White House, GPO, 213 p.
16. Horbal, N. I., Smereka, L. V., & Mykytyn, O. Z. (2019). Konkurentna rozvidka: sutnist, znachennia, perspektvy rozvytku. *Menedzhment ta pidpriemnytstvo v Ukraini: etapy stanovlennia ta problemy rozvytku*, 1(2), 53–60.
<http://doi.org/10.23939/smeu2019.02.053>
17. Starostina, A. O., & Adami, C. (2016). The Role of the Economic Intelligence in the Modern International Economic Relations. In: *Innovations in the Development of Socio-Economic System: Microeconomic, Macroeconomic and Mesoeconomic Levels*. Riga: Izdevnieciba Baltija Publishing. Vol. 1. p. 1–15.

Бліхар М.

ПРАВОВЕ РЕГУЛЮВАННЯ ФІНАНСОВОЇ РОЗВІДКИ ПІДПРИЄМСТВ В УМОВАХ ПОСИЛЕННЯ ВПЛИВУ ЧИННИКІВ СУЧАСНОСТІ

Метою роботи є дослідження особливостей і проблемних аспектів правового регулювання фінансової розвідки підприємств в умовах посилення впливу чинників сучасності. На підставі результатів проведеного дослідження встановлено, що на сучасному етапі функціонування національної правової системи організаційно-правові механізми регулювання фінансової розвідки на рівні підприємства є слабкими, потребують перегляду, удосконалення та посилення. Установлено, що при розгляді фінансової розвідки на рівні підприємства основні акценти ставлять на таку її структурну компоненту, як конкурентна розвідка. Виявлено неоднозначність і специфіку правових засад регулювання фінансової розвідки підприємств, основна відмінність яких полягає у формуванні правових норм залежно від особливостей правової системи країни та від її належності до англосаксонської або романо-германської системи права. Доведено, що система фінансової розвідки успішно функціонує в таких відомих світових компаніях як Procter & Gamble та Motorola. Виявлено основні проблеми запровадження та здійснення розвідувальної діяльності на підприємствах, більшість із яких обумовлена недостатньою кількістю й неефективністю управління інформаційними, трудовими й технологічними ресурсами суб'єкта господарювання. Запропоновано основні вектори вдосконалення правового регулювання фінансової розвідки підприємств в умовах посилення впливу чинників сучасності, зокрема: (1) обґрунтовано нагальність і необхідність здійснення законодавчої регламентації економіко-правової категорії «фінансова розвідка підприємства»; (2) доведено необхідність закріплення на законодавчому рівні основних організаційно-правових засад посилення відповідальності за вчинення діянь, які пов'язані з несанкціонованим одержанням, використанням і передачею інформації на підприємстві.

Ключові слова: фінансова розвідка, нормативно-правове забезпечення, законодавчі акти, розвідувальна діяльність, конкурентна розвідка, підприємство

JEL Класифікація: L21, M29