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## INTERACTION BETWEEN STATE, LAW AND ECONOMY

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The question of studying the relationship between state, law and the economy is one of the most acute political and topical at all times, from the very inception of these institutions to the end of their existence. The importance of studying this issue lies in the fact that its problems affect the interests and needs of various social groups. In view of the development of economic relations in the modern world, this topic is of particular interest. As a result of the profound changes that have affected the state, law and economy over time, their ratio and their impact on each other have changed.

Despite the fact that many scientific papers have been devoted to the analysis of this issue, it still remains relevant to this day.

**Material and methods.** The study of the interaction of the state, law and economy is carried out on the basis of economic processes analysis in the historical aspect. Such methods of scientific knowledge as historical, logical, systemic analysis and synthesis, induction and deduction were used.

**Findings and their discussion.** The question of the interaction of state and law with the economy is a question of their relationship and mutual influence. The general scheme of the interaction of state and law with the economy is quite clearly presented in the theory of Marxism. From the point of view of Marxism, the basis of all social life is made up of production relations, the totality of which forms the economic basis of society. Above this basis is the so-called superstructure, which, along with political, legal, moral, religious and other forms of social consciousness, also includes social institutions corresponding to these forms, including the state and law. Consequently, what is the economic basis of society; such are the state and law. In the modern domestic theory of state and law, the issue of the interaction of state and law with the economy is

proposed to be considered in a practical plane, linking it with the presence or absence of a market economy and market relations in society. Taking into account this criterion, three groups of social systems are distinguished: systems in which traditional market relations are completely or almost completely absent; systems with emerging market relations; and systems with highly developed market economies. At the same time, it is emphasized that in the world there is no general model of interaction of the state and law with the economy, suitable for all social systems without exception. Each of the selected groups of social systems is characterized by its own specific relationships between the state and law and the economy, their forms and methods of their interaction, their own principles of their relationship, their own limits of influence on each other [1, p. 263].

For systems in which traditional market relations are completely or almost completely absent (socialist countries, countries with authoritarian and totalitarian regimes), the interaction between the state, law and economy is characterized as follows.

Firstly, state ownership dominates in such systems. At the same time, the exclusive property of the state is land, its subsoil, waters, forests, the main means of production in industry and agriculture, means of transport and communications, banks, etc. The other forms of ownership are assigned a secondary and subordinate role.

Secondly, there is a strong connection between the state and law, on the one hand, and the economy, on the other. Such a connection, justified in emergency situations (for example, in a war), in ordinary life is fraught with the emergence of stagnation and crisis phenomena.

Thirdly, there is an excessive centralization of economic levers in the hands of the state, the concentration of the entire mechanism of economic management in central government structures.

Fourthly, rigid, centralized regulation is being replaced by a more flexible, decentralized regulation of economic relations.

Finally, in systems with a highly developed market economy (Great Britain, Germany, USA, France, Japan, etc.), the interaction of state and law with the economy is considered as the most preferable. The characteristic features of this interaction are as follows.

First, there are mainly partnerships between government and market structures.

Second, government intervention in the economy is minimal and reasonably necessary.

Third, administrative and legal means and methods of influence of the state and the right on the economy are organically combined with financial and other means and methods.

Fourth, in the hands of the state are concentrated only the minimum material resources that are objectively necessary for its normal existence and

functioning. But at the same time, the financial and tax systems are completely concentrated in the hands of the state.

Fifth, private ownership dominates all other forms of ownership, including state ownership.

Sixth, the legal regulation of economic relations is predominantly decentralized, providing the participants in economic relations themselves with ample opportunities when concluding agreements and performing other lawful actions.

For the modern correlation of the state-economy, law-economy are crucial because they determine not only the internal policy of the state, but also its position in the world [2, p. 272].

The state regulates not only domestic but also foreign economic activity. The strengthening of the role of the state in foreign economic activity is influenced by such factors as the aggravation of competition in world markets; destabilization of exchange rates; increased imbalance in the balance of payments; huge external debt.

Each state seeks to create favorable external conditions for the development of the national economy. Based on specific national interests, the state pursues either a policy of liberalization or protectionism. State regulation of the external environment takes place through a set of measures that can be subdivided into customs tariffs and non-tariff regulation measures. Currently, the state regulates foreign economic activity on a larger scale and more efficiently. At the same time, the regulation of foreign economic activity is aimed not at preventing competition, but at a more flexible impact on it.

It should be noted that the state is the only subject of foreign economic activity that has the right to establish binding "rules of the game" for others and for itself in a particular area. Thus, it turns out that in one person a political organization endowed with powers and a subject of economic activity is united. Entering into civil legal relations, the state should act as an equal participant in them along with other subjects of civil turnover both in the internal and external spheres. The state acts in the field of foreign economic activity in two forms:

Firstly, the state, as the bearer of state power, in a normative manner regulates property and other relations, establishes the content and limits of legal personality of individuals and legal entities, as well as the state education itself, takes measures to create favorable conditions for citizens to access the markets of other states. The state licenses certain types of activity, regulates foreign economic activity within its competence.

Secondly, the state, on an equal footing with other participants in property turnover, enters into civil law relations [3, p. 13].

The state, using its powers of authority, can conclude international treaties, participate in the creation of international organizations and intergovernmental commissions designed to promote the development of foreign economic activity for citizens of this state to access the markets of other states.

**Conclusion.** Thus, the relationship between state, law and economy is characterized by the inextricable connection of these three integral components of human life. When it comes to the relationship of law-economy or state-law, the presence of the third component of the connection is always implied, that is, the state-law-economy.

1. On the interaction of law and economics in historical terms, see: Problems of the theory of state and law: textbook. manual / ed. M.N. Marchenko. M., 2005, P. 263-272.

2. Problems of the theory of state and law: textbook. manual / ed. M.N. Marchenko. M., 2005, P. 272 – 283.

3. The ratio of law and economics (general theoretical aspects): abstract of thesis, dis./ cand. jurid. sciences. Orekhova T.R. M., 2000. - 13 p.

## THE STATE AS A SPECIAL SUBJECT OF FOREIGN ECONOMIC ACTIVITY

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Participants (or subjects) of foreign economic activity, along with the main subjects, which in international relations are states, and secondary - international organizations, are legal entities and individuals (national and foreign). The fundamental functions for the implementation of foreign economic activity lie with the state, which is directly involved, and also regulates this activity.

One of the main properties of the state, as a participant in foreign economic relations, is the legal capacity for independent international action, the independent exercise of rights and obligations. The fundamental rights of the state, as a subject of international economic relations, are, in particular, the maintenance and strengthening of relations with other subjects.

**Material and methods.** The study of the state as a special subject of foreign economic activity is carried out. Such methods of scientific knowledge as logical, systemic analysis, analysis and synthesis, induction and deduction are used.

**Findings and their discussion.** The main duty of the state is the conscientious observance of the principles and norms of international law. The peculiarity of the legal personality of the state as a subject of international relations lies in its right to participate in the so-called “diagonal” relations, in which, on the one hand, the state acts, and on the other hand, foreign legal entities and individuals.

The state, as a subject of foreign economic activity:

- develops foreign economic policy (including currency and credit, quotas and licensing of foreign economic activity), and also implements it;
- establishes the legislative basis for international economic relations in economic activity;