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LEGAL REGULATION ENSURING NATIONAL SECURITY AS NECESSARY ARRANGEMENTS FOR THE INTRODUCTION OF CRYPTOCURRENCIES

Abstract. The article analyzes the use of cryptocurrency in the economic turnover, which acts as a means of payment and accumulation, recognized at the legislative level by a number of states, including those entering the WTO; explores the possibilities of using cryptocurrency in the territories of states that are members of the WTO or other international organizations of economic integration, but did not legalize the possibility of introducing cryptocurrency into the national economy; Based on the analysis of the established advantages and possible negative qualities of the cryptocurrency, the directions of improving the legislation are proposed with the aim of minimizing the risks of public administration in the case of the introduction of the cryptocurrency into civil circulation as a means of payment and accumulation.

One of the main threats of the usage of innovative financial assets on the state territory are attributed to the decentralization of the release of cryptocurrency, the mining of cryptocurrency is currently carried out by solving a mathematical algorithm by almost any subject of law located, who has access to the Internet. In the article described the legal regulation of regional economic integration, the creation of a single economic space and the legal conditions of free, within the EAEU, movement of goods, works, services and financial resources, the legislation of the member states governing economic relations, which should be unified, which will allow business entities to freely carry out economic activities throughout the EAEU on equal terms, independent of the country of registration and the country of the place of economic activity.

The compliance of cryptocurrency turnover with prudential regulation of banking, a set of legal measures should be developed to minimize the risks of banking in the context of using cryptocurrency as a means of payment.

Key words: cryptocurrency, comparative law, currency law, effective legal framework, civil turnover, threat to national security.

Introduction. The modern world order, as noted above, is based, firstly, on the active development of new technologies, because of the development of which new objects are introduced into economic turnover that are not known to civil law as a system of law regulating economic relations [1, pp. 21-28] and, secondly, on intensively developing integration processes, which was also noted in our studies [2, pp. 111-118]. A spectacular example of new technologies are innovative financial assets called cryptocurrency, the use of which requires detailed legal regulation, including within the framework of integration processes [3, p. 6-10], as an example of which it is necessary to cite the international organization for Regional Economic integration “Eurasian Economic Union” (hereinafter referred to as the EAEU), created on January 1, 2015, the state’s parties of which are the Republic of Armenia, the Republic of Belarus, the Republic of Kazakhstan, the Kyrgyz Republic and the Russian Federation.

Both the development of new technologies, their introduction into the economy, and integration processes are subject to detailed regulatory environment and, in the economic sphere, primarily by the norms of the Civil Code [4, p. 5-9].

The effectiveness of civil law regulation, the stability of the direction of development of public relations regulated by the norms of the Civil Code, which should perform the functions of the main national normative legal act that creates the legal fundamentals for economic activity on the state territory, depends on the place that the Code occupies in the hierarchical system of normative legal acts of the state, which was the subject of our research [5, pp. 163-169]. Thus, by virtue of their place in the hierarchical system of normative legal acts of Armenia, Kazakhstan, Kyrgyzstan and Russia,

the Civil Codes of these states occupy the position of an “economic constitution”, i.e., a normative legal act having the highest legal force after the constitution in the system of civil legislation of these states, which guarantees the stability of legal regulation of economic relations. Unlike the Civil Codes of the EAEU member states, the Civil Code of Belarus occupies a subordinate place in relation to the acts of the Head of State [6, pp. 61-64] and cannot claim the role of an “economic constitution”, which reduces the level of stability of public relations regulated by the Civil Code of Belarus and, in the light of participation in the EAEU, the investment opportunities of the Republic of Belarus, primarily for economic entities of Armenia, Kazakhstan, Kyrgyzstan and Russia.

At the same time, in the context of the development of regional economic integration, the creation of a single economic space and legal conditions for the free movement of goods, works, services and financial resources within the EAEU, the legislation of the participating states regulating economic relations must be unified [7, pp. 121-123], which will allow business entities to freely carry out economic activities throughout the entire territory of the EAEU on equal terms, regardless of the country of registration and the country of the place of economic activity. The proposed approach will comply with the principle of free movement of goods, services and financial resources, enshrined in the Civil Codes of Armenia, Kazakhstan, Kyrgyzstan and Russia.

Currently, the popularity of cryptocurrencies as a means of payment and accumulation is growing despite its high volatility. So, for example, on 26.05.2012, the exchange rate of Bitcoin, the most popular cryptocurrency, to the US \$ was \$5.15 per 1 Bitcoin. At the peak of its popularity on 17.12.2017 one Bitcoin was worth \$19,083.6, on 31.12.2019 one Bitcoin was \$7,166.15, and on 02.02.2020 it was \$9,422.3 [8]. At the same time, i.e., with significant volatility of the cryptocurrency, interest in it as a means of settlement is growing due to certain qualities inherent in cryptocurrencies that are absent from the classical currencies of the world. The states that have legalized cryptocurrency as a means of payment are Australia, Vanuatu, Marshall Islands, New Zealand, Papua New Guinea, Samoa, Japan, Tunisia, South Africa, Germany, Italy, Argentina, Brazil, Venezuela, Colombia, Bahamas, Canada, Mexico, USA [9], which is due to several positive qualities that cryptocurrency has as a means of settlement. Thus, cryptocurrency is information about digital codes recorded in digital wallets, access to which is closed with a personal access key, i.e., in fact, an innovative financial asset is created, stored, and transferred between legal entities through computer technologies, which give the cryptocurrency innovative qualities that make it popular in economic turnover, as noted above. These qualities, in relation to the existing state of affairs, include, first of all, the high speed of making payments through the use of the worldwide computer network Internet and the absence of intermediaries (banks or non-bank credit and financial organizations) between the creditor and the debtor, which unprecedentedly reduces the settlement procedure. The use of a worldwide computer network in the calculations in cryptocurrency gives it another innovative feature – the possibility of unhindered and at any convenient time, regardless of the “banking day”, transactions to any point in the world where there is access to the worldwide computer network Internet. At the same time, that is, in the presence of the above innovative qualities of cryptocurrencies that allow transactions to be carried out without borders and, in fact, instantly regardless of the location of the creditor and debtor, no commission is charged for the transfer of cryptocurrencies due to the absence of the same intermediaries, which reduces the costs of economic entities and either reduces the cost of products, or, while maintaining the cost, increases the profit of the manufacturer.

The positive qualities of cryptocurrencies in general and Bitcoin, in particular, should also include the inability of blocking (freezing) funds, for example, on the initiative of tax authorities or on the basis of a court decision, which is possible in the case of using a bank account opened in a non-cash national or foreign currency, cancellation of payments made, as well as the impossibility (technical complexity) of counterfeiting Bitcoin created using modern (innovative) Blockchain technology.

In addition, cryptocurrency has such a quality as the decentralization of the issue – the possibility of its generation (creation, receipt, mining) is provided to any entity anywhere in the world with access to the worldwide computer network Internet, with the appropriate hardware and software,

as well as the anonymity of the owners of digital wallets and, accordingly, transactions carried out by them.

It should also be stated that Bitcoin, Ethereum, Ripples, Litecoin and other cryptocurrencies provide functions and capabilities that destroy the system of traditional settlements denominated in foreign currency, mainly in US dollars" [10, p. 277]. This reduces the dependence of the world economy, the possibility of the emergence (or even simulation) of another global financial crisis on the US dollar, currently recognized as the world reserve currency.

At the same time, in the presence of a number of undoubtedly positive qualities of innovative financial assets, their characteristics such as decentralization of issue, anonymity of owners of digital wallets and, accordingly, transactions, entail a number of negative consequences for public administration, and the high volatility of cryptocurrencies acts as a risk factor for any subjects when using cryptocurrencies as a means of accumulation and settlements, which was the subject of our research [11; 12, pp. 93-102]. In particular, "the presence of a currency that is not controlled by state structures can lead to an imbalance, instability, an uncontrolled currency can be used to make connections outside the legal economy" [13, p. 155]. The anonymity of the owners of digital wallets and transactions makes cryptocurrency, as a means of settlement, attractive, first, for the shadow economy, which uses the anonymity of payments in cryptocurrency within the framework of criminal supplies of prohibited items and substances, criminal services provided.

"The free dissemination of information about electronic currency determines the active use of cryptocurrencies in drug trafficking, weapons, forged documents and other criminal activities. These facts, as well as the possibility of uncontrolled cross-border transfer of funds and their subsequent cashing, serve as prerequisites for a high risk of potential involvement of cryptocurrencies in schemes aimed at the legalization (laundering) of proceeds from crime and the financing of terrorism" [14].

As one of the most striking examples of illegal trading using cryptocurrencies as a means of payment, it is advisable to cite the history of the "illegal online store Silk Road, which operated in 2011-2013. The platform, which was called the underground eBay, used bitcoins for settlements between sellers and buyers. The volume of sales through Silk Road was estimated at \$14 ~ 15 million per year, and by the time the site was closed, and its founder was arrested, the total volume of transactions amounted to 9.5 million bitcoins" [15].

Materials and methods of research. Thus, it should be stated that the use of cryptocurrencies, which is undoubtedly an innovative financial asset gaining popularity in the world of economics, along with the positive has negative sides, which, in our opinion, are currently reduced primarily to the fact that:

- the state has no control over persons who create cryptocurrencies and (or) are owners of digital wallets containing information about the number of digital codes belonging to the wallet owner due to the anonymity of participants in the distributed register of digital transactions;
- a miner (a person who receives cryptocurrency by solving mathematical algorithms) has a real possibility of exchanging the created digital codes for national or foreign currency, i.e., generating income unrelated to the production of a socially useful product, which can be qualified as the issue of money, the exclusive right of which currently owned by the state;
- a person with a cryptocurrency has the possibility of anonymous (not controlled by the state) exchange of digital codes for objects of economic activity prohibited from civil circulation on the state territory.

The above-mentioned main negative aspects of the introduction of cryptocurrencies into civil and, accordingly, economic circulation on the state territory can prevent the state, as a system of political management of society, from performing the functions assigned to it, including such as ensuring law and order, economic, taxation and financial control and, as a consequence, social support of the population.

The specified list of the main negative aspects of the use of cryptocurrencies indicates the need for detailed legal regulation of the processes of creating (mining) cryptocurrencies, creating (acquiring) electronic wallets for storing digital codes created or obtained as a result of participation

in transactions, as well as the use of cryptocurrencies as a means of payment when making payments for transferred products (goods, works, services). Moreover, due to the wide variety of cryptocurrencies in the world, it is advisable to recognize the decision at the legislative level of the question of which specific cryptocurrencies (one, two, etc.) will be allowed for circulation on the state territory. In particular, “according to the current list investing.com, as of March 15TH (2018 – **author's note**), there are 1,658 cryptocurrencies. On Monday, March 13TH, there were 1,638 of them and less than 1,600 just a couple of weeks ago.” [16].

Results and their discussion. Results and their discussion. From the above, it obviously follows the need to introduce a set of legal measures aimed at preventing (minimizing) the negative consequences (risks) of introducing cryptocurrencies into civil circulation, which, first of all, must be carried out as part of the modernization of the civil law system [17, pp. 109-140; 18, p. 39-47], taking into account the participation of the Republic of Belarus in the EAEU and the related need to unify the civil and economic legislation of Belarus with the civil and economic (entrepreneurial) legislation of other member states [18, pp. 180-182; 20, pp. 115-134], which is especially relevant in the conditions of digitalization of the national economies of the EAEU member states.

Thus, as part of the creation of an effective civil law basis for the introduction of cryptocurrency into civil and, accordingly, economic circulation, we have proposed a set of legal measures aimed at legislative consolidation:

- personification of entities entitled to carry out activities to create the digital codes;
- registration of digital wallets containing information about the number of digital codes stored in them and the personal access key to the digital wallet;
- for entities of private ownership of the registration (declarative) procedure for the implementation of activities to create digital codes;
- for entities of the state form of ownership of the permissive procedure for carrying out activities for registering digital wallets, creating digital codes and participation in economic relations using cryptocurrency.

The set of high priority legal arrangements proposed for implementation will create legal conditions:

- protection of business entities in the public sector of the economy through the introduction of a permissive procedure for their participation in economic relations using cryptocurrency;
- personification of economic relations entities that are owners of digital wallets designed to store records of their digital codes belonging to them, which makes transparent the procedure for using cryptocurrencies as a means of payment and allows you to create conditions for preventing the use of cryptocurrencies for the financing of terrorism, the acquisition of narcotic drugs and other objects prohibited for circulation.

Based on the fact that the set of proposed high priority measures is subject to implementation in the civil law system, it should be stated that in the context of the development of the digital economy and the need to unify the civil legislation of the EAEU member states, it is advisable to use a formal, rather than the most common in modern civil law, material concept of legal relations, which is justified in our research, to address the issue of including innovative digital financial assets (cryptocurrencies) in the civil law system.

The proposed changes in civil legislation will allow introducing cryptocurrency into civil and, as a result, economic circulation, which, however, is associated with the possibility of developing threats to the national security of the state that has allowed the use of cryptocurrency on its territory, and requires additional legal mediation, including within the framework of administrative, criminal, banking legislation.

Thus, on November 9TH, 2010, the Concept of National Security of the Republic of Belarus was approved by the Decree of the President of the Republic of Belarus No. 575 “On Approval of the Concept of National Security of the Republic of Belarus” (hereinafter referred to as the – The Concept), state bodies and other organizations were ordered to follow the provisions of the Concept in their practical activities.

In the Russian Federation, the Concept of National Security was approved by Decree of the President of the Russian Federation on December 17TH, 1997 no. 1300, and its new version – by Decree of the President of the Russian Federation no. 24 of January 10TH, 2000. In the Republic of Kazakhstan, the Law of the Republic of Kazakhstan dated January 6TH, 2012 no. 527-IV “On the National Security of the Republic of Kazakhstan” is in force. The National Security Concept of the Kyrgyz Republic was approved by Decree of the President of the Kyrgyz Republic dated June 9TH, 2012 no. 120 and is based on the Law of the Kyrgyz Republic dated February 26TH, 2003 no. 44 “On National Security”. In the Republic of Armenia on January 26TH, 2007, at the meeting of the National Security Council under the President of the Republic of Armenia, the “National Security Strategy of the Republic of Armenia” was approved.

Thus, each of the EAEU member states has its own concept of national security, the content of which, in the light of the development of the common economic space within the EAEU, also requires analysis for unification at least in the section of economic security. At the same time, the need to unify approaches to the national security of states – The EAEU members, primarily in the economic security section is due, firstly, to the development of economic relations within the single economic (including customs) space, which implies the free movement of products and financial resources within the entire economic space, secondly, to the intensive development of economic relations in the territories of the states bordering the EAEU, using cryptocurrency as a means of payment, acting as an innovative financial asset and, thirdly, the desire of each of the states – The EAEU members are ready for integration into the global economic space. As a consequence of integration processes, the possibility of cryptocurrency penetration into the state economy becomes inevitable and, consequently, the emergence of threats to national security due to legal uncertainty in the sphere of application of innovative financial assets in civil and, accordingly, economic turnover.

In particular, such EAEU member states as Russia, Armenia, Kazakhstan and the Kyrgyz Republic are members of the World Trade Organization and, consequently, participants in the processes of globalization, as the main aspects of which the International Monetary Fund named trade, capital flows and investments [19, pp. 8-12]. Consequently, the development of the cryptocurrency market within the WTO will inevitably affect the economic security of WTO members Russia, Armenia, Kazakhstan and Kyrgyzstan, which cannot, in the future, not affect the economic security of Belarus, which is not a WTO member, but is part of the EAEU.

One of the main threats to the use of innovative financial assets on the state territory should include the decentralization of the issuance of cryptocurrencies, mining (creation) which is currently carried out by solving a mathematical algorithm by almost any legal entity located on the state territory, possessing the necessary hardware and software and access to the global computer network Internet. At the same time, if there is an official ban on the exchange of digital codes for national and foreign currency, as well as their exchange for products in free civil circulation, there are no threats to national security and, first of all, economic security. In the absence of a legally established ban on the commission of these economic transactions, any holder of digital codes has a legally secured opportunity to exchange digital codes for any currency available on the state territory and manufactured products due to the fact that these relations are economic, regulated by the norms of the Civil Code [20, p. 20-23], allowing, by virtue of the applied method of civil law regulation, the development of any economic relations not provided for by the norms of the Civil Code, but not contradicting them.

Therefore, in the absence of a direct ban on the use of cryptocurrencies as a means of payment on the state territory, its mining should be equated to the issue of money, which at all times was the exclusive right of the state controlling the money supply on the state territory. In the case of the existing state of the cryptocurrency, i.e., the anonymity of the owners of digital wallets and the transactions they make, the mining process, i.e., in fact, the issue of means of payment is uncontrolled, which leads to an uncontrolled increase in the “money supply” on the state territory, which can cause significant harm to the economic security of the state.

At the same time, in the light of the actively developing processes of globalization, the

participation of the Republic of Belarus in the EAEU, and the rest of the EAEU member states in the WTO, prohibitive measures cannot be considered effective, which implies the need to create legal mechanisms through which the mining and movement of cryptocurrencies on state territory will be controlled by the state.

Conclusion.

When developing an appropriate set of legal norms, it is necessary to take into account the fact that cryptocurrency as such is already included in economic processes on the territory of the Republic of Belarus, and newly adopted regulatory legal acts, including amendments to existing ones, obey the established rules of action in time and, as a rule, apply to relations that arose after the entry into force of newly adopted regulatory legal acts, which corresponds to the norms of Article 104 of the Constitution of the Republic of Belarus of 1994 and was the subject of our research.

Further improvement of the legislation of the Republic of Belarus to create safe conditions for the national economy for the introduction of cryptocurrency into civil circulation should be carried out in the following areas.

1. Based on the analysis of the compliance of cryptocurrency turnover with prudential regulation of banking activities, a set of legal measures should be developed aimed at protecting (minimizing) the risks of banking activities in the conditions of using cryptocurrency as a means of payment.

2. It is also necessary to determine the possible threats to the economic security of the Republic of Belarus as a result of the legalization of the civil circulation of cryptocurrency on the state territory, the level of negative impact of the circulation of “cryptocurrency” on the financial system of the state and its national security due to the anonymity and financial insecurity of “cryptocurrency”.

3. Based on the conducted research, it is necessary to develop a set of legal measures aimed at countering illegal encroachments in the sphere of cryptocurrency circulation, as well as countering the development of the shadow economy using cryptocurrency as a means of payment, in order to ensure comprehensive protection of financial institutions of the Republic of Belarus and its economic security.

The implementation of the proposed priority legal measures will create the appropriate legal conditions for:

- protection (risk minimization) of banking activities in the conditions of using cryptocurrency as a means of payment;

- effective counteraction to illegal encroachments in the sphere of circulation of cryptocurrencies and the development of the shadow economy using cryptocurrencies as a means of payment;

- strengthening the controlling function of the state in the field of cryptocurrency turnover by virtue of:

- consolidation of the obligation of personification of participants of the crypto market through the introduction of mandatory registration of digital wallets;

- accounting of the facts of the creation (mining) of cryptocurrencies and its turnover by business entities;

- including the facts of the creation and turnover of cryptocurrencies in the system of taxation objects;

- establishing the obligation of digital wallet owners to provide access keys to digital wallets to regulatory authorities in cases established by law.

Further implementation of the proposed legal measures should be aimed at creating legal guarantees for the security of the use of cryptocurrency, which has high volatility and is the object of illegal encroachments by:

- compulsory insurance of the risks of owners of digital wallets associated with possible unauthorized access to digital codes contained in digital wallets and their “theft”;

- establishing a ban on the placement of digital codes in the banking sector of the economy as deposits;

– establishing the obligation of periodic reporting of entities to the National Bank of the Republic of Belarus (authorized banks) on the number of digital codes created, which will allow controlling the “money supply” on the state territory;

– granting the National Bank of the Republic of Belarus the right to introduce a reasonable ban on the creation of digital codes (of certain types) on the state territory in case their number exceeds the requirements of the financial security of the Republic of Belarus.

Among other things, the introduction of cryptocurrencies into wide civil circulation as a means of payment and accumulation can contribute to:

– intensification of trade turnover both on the territory of the Republic of Belarus and within the international economic space due to the absence of intermediaries in making payments in cryptocurrency, respectively, their acceleration and reduction in price;

– acceleration of the inclusion of the national economy into the world economic space due to following global economic trends, which makes the national economy more open to the world economic community and, accordingly, more attractive for external investment.

The Life of law: legal theory, legal tradition and legal reality.

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КРИПТОВАЛЮТАНЫ ЕНГІЗУДІҢ ҚАЖЕТТІ ШАРТЫ РЕТІНДЕ ҰЛТТЫҚ ҚАУІПСІЗДІКТІ ҚАМТАМАСЫЗ ЕТУДІ ҚҰҚЫҚТЫҚ РЕТТЕУ

Аңдатпа. Мақалада бірқатар мемлекеттерде, соның ішінде Дүниежүзілік сауда ұйымы құрамына кіретін мемлекеттердің, заңнамалық деңгейде танылған төлем және жинақтау құралы ретінде әрекет ететін экономикалық айналымда криптовалютадың қолданылуына талдау жасалады; ұлттық экономикаға криптовалюта енгізудің заңдастырылмаған мүмкіндігі енгізу мәселесі, Дүниежүзілік сауда ұйымына немесе экономикалық интеграцияның басқа халықаралық ұйымдарына кіретін мемлекеттердің аумағында криптовалюта қолдану мүмкіндіктері зерттелуде; криптовалютадың белгіленген артықшылықтары мен ықтимал теріс қасиеттерін талдау негізінде төлем және жинақтау құралы ретінде азаматтық айналымға криптовалюта енгізу жағдайында мемлекеттік басқару тәуекелдерін азайту мақсатында заңнаманы жетілдіру бағыттары ұсынылады.

Инновациялық қаржы активтерін мемлекеттік аумақта қолданудың негізгі қауіптерінің бірі қазіргі уақытта мемлекеттік аумақта орналасқан, қажетті аппараттық-бағдарламалық құралдары бар және ғаламдық компьютерлік желіге, Интернетке, қол жетімді кез-келген құқық субъектісі математикалық алгоритмді шешу арқылы жүзеге асырылатын криптовалюта шығаруды орталықсыздандыруды қамтуы керек.

Мақалада өңірлік экономикалық интеграцияны құқықтық реттеу, Бірыңғай экономикалық кеңістікті және еркін құқықтық жағдайларды құру жағдайында, Еуразиялық экономикалық одағы шеңберінде тауарлардың, жұмыстардың, көрсетілетін қызметтердің және қаржы қаражатының қозғалысы қатысушы мемлекеттердің экономикалық қатынастарды реттейтін заңнамасын біріздендіру мәселесі жан-жақты талданады және шаруашылық жүргізуші субъектілерге Еуразиялық экономикалық одағының бүкіл аумағында экономикалық қызметті тіркеу еліне және экономикалық қызметті жүзеге асыру орны еліне тәуелді еместен шарттарында еркін жүзеге асыруға мүмкіндік беретіндігі баяндалады.

Криптовалюта айналымының банк қызметін пруденциалдық реттеуге сәйкестігін талдау негізінде криптовалюта төлем құралы ретінде пайдалану контекстінде банк қызметінің тәуекелдерін қорғау бойынша құқықтық шаралар кешенін әзірлеу қажеттігі ұсынылады.

Негізгі сөздер: криптовалюта, салыстырмалы құқықтану, валюталық құқық, тиімді құқықтық негіз, азаматтық айналым, ұлттық қауіпсіздікке төнген қауіп.

ПРАВОВОЕ РЕГУЛИРОВАНИЕ ОБЕСПЕЧЕНИЯ НАЦИОНАЛЬНОЙ БЕЗОПАСНОСТИ КАК НЕОБХОДИМОЕ УСЛОВИЕ ВВЕДЕНИЯ КРИПТОВАЛЮТЫ

Аннотация. В статье проводится анализ применения в экономическом обороте криптовалюты, выступающей в качестве средства платежа и накопления, признанного на законодательном уровне рядом государств, в том числе входящих в ВТО; исследуются возможности применения криптовалюты на территориях государств, входящих в ВТО или другие международные организации экономической интеграции, но не легализовавших возможность введения криптовалюты в национальную экономику; на основе анализа установленных преимуществ и возможных негативных качеств криптовалюты предлагаются направления совершенствования законодательства с целью минимизации рисков государственного управления в случае введения криптовалюты в гражданский оборот в качестве средства платежа и накопления. Статья посвящена вопросам правового регулирования региональной экономической интеграции, создания Единого экономического пространства и свободных правовых условий, реализации товаров, работ в рамках Евразийского экономического союза, подробно анализируется вопрос унификации законодательства государств-участников о движении услуг

и финансовых средств, регулирующих экономические отношения, и излагается возможность хозяйствующим субъектам свободно осуществлять экономическую деятельность на всей территории Евразийского экономического союза на условиях, не зависящих от страны регистрации и страны места осуществления экономической деятельности.

Предлагается необходимость разработки комплекса правовых мер по защите рисков банковской деятельности в контексте использования криптовалюты в качестве платежного средства на основе анализа соответствия оборота криптовалюты пруденциальному регулированию банковской деятельности.

Ключевые слова: криптовалюта, сравнительное правоведения, валютное право, эффективная правовая основа, гражданский оборот, угроза национальной безопасности.

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