

ПРОБЛЕМА ОБ'ЄКТНОСТІ АУТСОРСИНГОВИХ ВІДНОСИН В СИСТЕМІ ЕКОНОМІЧНОЇ ТА ГОСПОДАРСЬКО-ПРАВОВОЇ ПОЛІТИКИ ДЕРЖАВИ

Анотація. *Розвиток ринкових відносин посприяв забезпеченню економічно ефективних управлінських та організаційних схем, які застосовуються іноземними суб'єктами, у вітчизняній економіці. Аутсорсинг впливає на різні процеси, в тому числі і на економічні та політичні чинники та представляє собою сукупність механізмів, які направлені на передачу підприємством окремих процесів і функцій іншій організації, яка має високу кваліфікацію у сфері поставлених завдань. Аутсорсинг сприяє підвищенню конкурентоспроможності ринкових відносин, оскільки спрямований на зменшення витрат, формування гнучкості динамічного середовища, забезпечення високої якості продуктів, уникнення або зниження рівня ризиків. Тому основна мета роботи полягає в аналізі проблеми об'єктивності аутсорсингових відносин в системі економічної та господарсько-правової політики держави. Для досягнення поставленої мети було використано методи аналізу, порівняння, узагальнення для конкретизації результатів дослідження. В роботі проаналізовано визначення зовнішньоекономічної, інвестиційної, інноваційної політики держави. Автором встановлено, що в контексті проблеми державної господарсько-правової політики аутсорсинг має дуалістичний характер. Виявлено, що використання аутсорсингу дозволяє виконувати одночасно кілька функцій і розмежувати їх інколи дуже важко або взагалі неможливо. Також аутсорсингові відносини можуть активізувати процес експорту, що забезпечить зростання податкових надходжень до бюджетів. Наведено аргументи щодо доцільності розгляду аутсорсингових відносин як інструменту вирішення проблем та завдань публічного характеру, а також й становлення їх об'єктом зовнішньоекономічної, інвестиційної та інноваційної політики держави.*

Ключові слова: зовнішньоекономічна політика, інноваційна політика, державний суверенітет, іноземний інвестор, диверсифікація експорту.

Kateryna S. Kosinova

Department of Economic Law
Yaroslav Mudryi National Law University
Kharkiv, Ukraine

THE PROBLEM OF THE OBJECTIVITY OF OUTSOURCING RELATIONSHIP IN THE SYSTEM OF THE ECONOMIC AND BUSINESS-LEGAL POLICY OF THE STATE

Abstract. *The development of market relations has contributed to the provision of cost-effective management and organisational schemes that are used by foreign entities in the domestic*

economy. Outsourcing affects various processes, including economic and political factors, and represents a set of mechanisms that are aimed at transferring the company's individual processes and functions to another organisation with high qualifications in the field of set tasks. Outsourcing contributes to improving the competitiveness of market relations, since it is aimed at reducing costs, creating a flexible dynamic environment, ensuring high quality of products, avoiding or reducing risks. Therefore, the main purpose of the work is to analyse the problem of the objectivity of outsourcing relations in the system of economic and economic and legal policy of the state. To achieve the purpose, methods of analysis, comparison, generalisation were used in order to specify the results of the study. The work analyses the definition of foreign economic, investment, innovation policy of the state. The author has established that in the context of the problem of state economic-legal policy outsourcing is dualistic in nature. It has been revealed that using outsourcing allows performing several functions simultaneously and sometimes it is very difficult or impossible to delineate them. Also, outsourcing relations can intensify the export process, which will increase the tax revenues to the budgets. The arguments about the expediency of considering outsourcing relations as an instrument for solving problems and tasks of a public nature, as well as their development as an object of foreign economic, investment and innovation policy of the state are presented.

Keywords: foreign economic policy, innovation policy, state sovereignty, foreign investor, diversification of exports.

INTRODUCTION

As of today, in Ukraine, there is much tension around the issue of finding ways to solve public problems, such as unemployment, low technological level of enterprises, low production capacity, lack of stable economic relations with international partners of the private sector, which provide enterprises with the opportunity to develop; as a consequence, and provide higher budget revenues and so on.

O. Sheverdina distinguishes among the main areas of investment activity such as increasing the state support of unsustainable for a private investor, but strategically important infrastructure facilities for the country, on which depends the sustainable functioning of the entire national economy, the innovation and technical development of industries, as well as projects that ensure environmental safety; the focus of the investment activity of the public sector on the solution of the priority tasks of the social and economic policy; increase investment attractiveness [1].

In addition, it is advisable to bring the opinion of O. Chuvardynskyi, who points out that it is important to adapt the domestic economy to the tendencies and patterns of the world economy because of the imperfect structure of export-import flows, since the commodity group is mainly in export, and in the import is the final product, there is no clearly defined and effective legislation, and also a high level of tax burden on export products [2].

That is, today in legal science there is also a fact of insufficient innovation in the production sphere, as well as the need to make changes in the import-export sphere through the diversification of exports, as well as the export orientation of the final product, at the same time, the import of commodity groups.

Today, in the private sector, enterprises are increasingly turning to outsourcing as an effective means of optimizing costs, as well as receiving orders from foreign companies. However, neither in the legal nor in the economic literature, scientists usually do not consider outsourcing as a powerful tool for developing the national economy, solving problems of a public nature and meeting public interest, as well as entering the world market, focusing only on the fact that outsourcing is used to optimize costs and creating opportunities to focus on more important management tasks.

However, taking into account the fact that the construction and development of outsourcing relationship arising between powerful foreign business entities (transnational companies, hereinafter TNCs) and Ukrainian enterprises create real opportunities for attracting investment and innovation to the state, developing of domestic production by receiving orders, and in the future the inclusion in the production chains of foreign TNCs.

Therefore, if the use of outsourcing will allow finding a way out to the world market, as well as solving problems of a public nature, then outsourcing should be the subject of state policy, the rationale for which will be implemented in this article.

So, the purpose of the article is to substantiate the need for the formation of outsourcing relationship as an object of economic, business and legal policy of the state.

1. MATERIALS AND METHODS

The analysis of such concepts as state policy, business and legal policy of the state, economic policy of the state, innovative, investment and foreign economic policy of the state was carried out for comprehensive substantiation and research of outsourcing relationship in the context of considering them as an object of state policy. For this, literature, scientific articles and current regulatory acts were analyzed, in particular, the Constitution of Ukraine, the Commercial Code of Ukraine, the Law of Ukraine "On Investment Activities", the Law of Ukraine "On Protection of Foreign Investments in Ukraine", Resolution of the Verkhovna Rada of Ukraine "On the Concept of Scientific-Technological and Innovative Development of Ukraine", the Law of Ukraine "On the Cabinet of Ministers of Ukraine", the Law of Ukraine "On Public-Private Partnership", the order of CMU "On Approval of the Export Strategy of Ukraine ("roadmap" for Strategic Trade Development) for 2017-2021".

In the course of the study, the ambiguity of approaches to the definition of the above-mentioned concepts was established, as well as gaps in the legislation on the implementation of state policy in various areas. In addition, according to the results of previous studies, the fact of the ambiguity of the definition of outsourcing relationship in both legal and economic literature, as well as the absence of relevant provisions in the legislation of Ukraine was established. In most cases, in legal science, outsourcing is identified with work and labour contracts,

performance or service provision contracts [3-6]. At the same time, in economic literature, most of the attention is paid to the essence of outsourcing, namely the transfer of functions to one company for another. Unfortunately, other advantages of outsourcing, primarily of a public nature, are ignored by scientists, and, as a result, by the legislator, losing the possibility of developing the national economy and attracting investments to the state.

When writing this article, methods such as the method of system-functional analysis in the analysis of varieties of state policy, its types and components are used. Secondly, the formal-logical method was used in the analysis of normative legal acts regulating the implementation of state policy, principles, and spheres. In addition, methods of analysis and synthesis, formally legal, as well as dialectical were used.

3. RESULTS AND DISCUSSION

3.1 Analysis of the definition of state policy

First of all, it is necessary to analyze what is a state policy. Therefore, for example, some scholars believe that state policy is a relatively stable, organized and purposeful activity/inactivity of state institutions, carried out directly or indirectly on a particular problem or set of problems that affect the life of society”.

Other scientists analyze this concept from its implementation. For example, O. Rudik and T. Brus argue that state policy is a relatively stable, organized and purposeful activity of the government regarding a particular subject or problem that is carried out directly or through authorized agents affects the life of society [7].

There is also another approach, which boils down to the fact that state policy should be considered as a complex phenomenon, which includes three main components. Such components are the formation of state policy, the adoption of strategic and operational-tactical decisions and the implementation of such a policy. I. Kresina understands state policy as a system of targeted measures that are aimed at solving certain public problems, meeting public interests, ensuring the stability of a constitutional, economic, legal system of a country the specificity of which is that it is implemented through power structures having the powers of a state’s monopoly right on legal compulsion [8]. D. Zadykhaylo highlights two aspects in the content of state policy, namely information product containing a certain conception of public administration in a specific area of public relations. In addition, it is said that such a product should receive the necessary form and meet certain quality criteria and rules of content organization, which allows using such a product as a relatively standardized management tool. The second aspect of state policy is a rather autonomous and specific type of managerial relations, which is formed in the process of creating such an information product and especially its practical implementation, as well as monitoring the effectiveness of the corresponding managerial influence, it should be recognized that the formation and coordination of the content of state policy [9].

From the above, it can be concluded that state policy is a rather complex phenomenon, which is not clearly defined among scholars. However, taking into account the different approaches to understanding state policy, it can be defined as a complicated structure of the activity of public authorities, aimed at solving various problems that arise in society, ensuring a stable economic, constitutional and legal system of the state, which based on common methods, goals and principles.

3.2 Analysis of the concept of the foreign economic policy of the state as a component of the economic policy of the state

In turn, state policy can be divided into legal and economic. In the economic component, the following main directions can be singled out as foreign economic, innovation and investment policies.

According to chapter 1 of the article 10 of the Civil Code of Ukraine established that the main directions of economic policy, determined by the state, are structural and sectoral policies aimed at implementing progressive changes in the structure of the economy by the state, improving inter-sectoral and intra-sectoral proportions, stimulating the development of industries that determine scientific and technological progress, ensure the competitiveness of domestic products and increase living standards. One of the main components of such a policy, which should be emphasized in the context of considering the use of outsourcing for the development of the national economy, is industrial and agricultural policy, the development of which essentially affects the level of development of the national economy as a whole.

Therefore, considering each aspect of economic policy, it is necessary to analyze the approaches to the definition of the foreign economic policy of the state.

Among scientists, for example, L. Pismachenko analyzes foreign economic policy from the point of view of activities of state legislative and executive bodies, aimed at the formation of effective economic relations of the state in the international stage [10]. O. Grebelnyk defines foreign economic policy as a set of targeted government measures to realize the economic potential of the country on the foreign market and meet its own needs with the goods and services of a foreign manufacturer [11]. O. Borysenko notes that the foreign economic policy of the state is purposeful activity on the implementation of internal and external policy of the state through the use of public administration mechanisms aimed at effective cooperation in the world economic system with respect for national economic interests and security of citizens, provides for consistent, economic independence and state sovereignty of Ukraine and guarantees the dynamic development of the economy and growth of the welfare of the people [12].

The lack of a relevant provision in the legislation complicates the clarity of definition. Today, the current legal act regulating relations in the foreign economic sphere is the Law of Ukraine "On foreign economic activity", which regulates the activities of individual entities, completely disregarding the directions, ways, methods of implement-

ing the foreign economic activity of the state. The Constitution of Ukraine also establishes general provisions relating to the directions of foreign economic activity. And specifically art. 18 of the Fundamental Law states that Ukraine's foreign policy activity is aimed at ensuring its national interests and security by maintaining peaceful and mutually beneficial cooperation with members of the international community on the basis of generally accepted principles and norms of international law.

3.3 Analysis of the concept of the state investment policy as a component of the state economic policy

Considering the investment policy of the state, it is necessary to clarify its essence and provide theoretical definitions. For example, U. Vodyanov says that the state investment policy is an integral part of financial policy and the direction of economic policy implemented by the state in the form of formation of structure and scale of investments, sources of investment resources, directions of their use [1]. At the same time, M. Kondrashova considers investment policy through the component of economic policy implemented by the state in the form of formation of structure and scale of investments and directions of their use [13]. V. Pshenychna characterizes the state investment policy as a mechanism that is an integral part of the state economic policy, provides for the operation of economic instruments that provide influence on the investment process, within the framework of the current regulatory and legal acts of the country, with the aim of achieving social and economic effects, taking into account resource and institutional constraints [14]. V. Kukhar provided the following definition of investment policy as systematic and purposeful activities of the competent state authorities for the creation and implementation of a special algorithm of measures in order to intensify or inhibit the parameters of the functioning of the investment market or its individual segments, by formation of the corresponding legal regulation of investment relations, application of necessary means of state regulation and direct participation of the state as the subject of these relations, based on the agreed model of such a market enshrined in the state program of investment development [15].

If we turn to Ukraine's legislation, then the definition of the investment policy of the state, in general, is not defined. In particular, the main normative and legal acts regulating the investment sphere are the Commercial Code of Ukraine, the Law of Ukraine "On investment activity", the Law of Ukraine "On the protection of foreign investments in Ukraine". However, all these laws regulate relations directly between the parties, without touching upon the state policy, which is the main factor in creating appropriate conditions for attracting foreign investment.

However, based on theoretical approaches to the definition, it can be concluded that the essence of the state's investment policy is purposeful and the state's system of activities in the person of authorized bodies aimed at correcting, stimulating or inhibiting the state's investment market, carried out using methods, ways, and means provided for in the relevant regulatory acts.

3.4 Analysis of the concept of innovation policy as a component of state economic policy

Turning to innovation policy, it should be noted that under this concept understood a separate direction of the economic policy of the state, within the framework of which developed and implemented a comprehensive system of state regulation measures to stimulate, planning, management, maintenance and control of innovation processes taking place in the scientific, technical, industrial and other spheres of social and economic life of the country [16].

The importance of a properly developed innovation policy is confirmed by the relevant provisions of the current regulatory acts. For example, according to the Resolution of the Verkhovna Rada of Ukraine “On the Concept of Scientific-Technological and Innovative Development of Ukraine” dated July 13, 1999, scientific-technological and innovative development is an integral part of meeting of wide range of national interests of the state, only countries with real independence and security are able to ensure the mastery of new knowledge and effective use of it. Therefore, one of the foundations of the Concept is the preservation and improvement of the quality of the scientific-technological potential in the priority national interests of Ukraine.

In addition, this Concept also defines the main objectives of the scientific, technological and innovative development, which are the technological re-equipment and restructuring of production in order to increase the production of goods competitive in the global and domestic markets; an increase of export potential at the expense of knowledge-intensive industries, a decrease of dependence of Ukraine’s economy on imports.

Among other things, one of the priority directions in the production sphere is determined by the introduction of highly profitable innovation and investment projects, the implementation of which can provide the fastest return and carry out progressive changes in the structure of production and trends in its development.

It is also interesting that even in the Concept it was established the possibility of using the means to assist the relevant enterprise to develop innovations, as well as implement them in their activities. Namely, the Concept specifies the necessity of applying privileges for the whole cycle of the innovation process from fundamental research to introduction into production under the conditions of using innovations to increase the volume and improve the quality of manufactured products.

Thus, it can be concluded that one of the priority tasks of the state is still the perception of innovative development, the introduction of new technologies into production, the re-equipment of production, and the like.

3.5 Analysis of the concept of legal policy as a component of state policy

However, the important point is that economic policy cannot be implemented in the absence of appropriate business and legal means of its implementation. According to Article 1 of the Constitution of Ukraine, “Ukraine is a sovereign and independent,

democratic, social, legal state”. According to Article 19 of the Fundamental Law, the legal order in Ukraine is based on the principles under which nobody can be compelled to do what is not provided for by law. State authorities and local self-government bodies and their officials are obliged to act only on the basis, within the limits of authority and in the manner provided by the Constitution and laws of Ukraine.

D. Zadykhaylo adheres to the same position, noting that the mechanism of formation and implementation of economic policy (as well as state policy in general) has to obtain the legal **form** of a functioning socio-political mechanism, which is based on specific state activity, which should take place in accordance with the requirements of article 19 of the Constitution of Ukraine regarding legal grounds, powers and methods [9].

According to the Great Ukrainian Legal Encyclopedia, the business-legal policy of the state is an integral part of its legal policy, it is aimed at the effective realization of the goals and objectives of the state economic policy through direct influence on the rule-making and law-enforcement processes in the field of management by incorporating into the content of economic production, necessary and sufficient for of this economic-legal means, forms and mechanisms of regulation of economic relations [17]. The business-legal policy is structured, as is economic policy since it actually covers the objects of economic policy, however, it is distinguished by its tools of implementation and influence on the relevant objects.

If we turn to the Law of Ukraine No. 794- VII “On the Cabinet of Ministers of Ukraine” dated February 27, 2014, we can conclude that this Law, in the context of the powers of the Cabinet of Ministers, connects legal policy mainly with provision the rights, freedoms, and interests of a person and citizen, ensuring protection against illegal encroachments. However, this approach is not entirely correct, since legal policy mediates all types of state policy, giving them a legal nature. This is due to the fact that before the implementation of any kind of policy by the state, the relevant provisions should be fixed at the legislative level. That is why the business-legal and economic policies are inextricably linked.

Based on the above provisions, it can be concluded that the state policy includes two main components – legal and economic policy, which are inseparable from each other, since the economic sphere determines the content of the legal policy, while legal policy ensures the consolidation of legal means implementation of the state economic policy. Therefore, the objects of the state’s economic policy are at the same time the objects of business-legal policy.

3.6 Outsourcing relationship as an object of the business-legal policy of the state

Analyzing directly the outsourcing relationship in the context of the problem of state business and legal policy, it should be noted that outsourcing has a dualistic nature since, on the one hand, we understand it as an object of the state’s economic policy. In this context, outsourcing acts as a form of industrial cooperation, a type of private

partnership, the forms of which are joint investment activities, including through the creation of mutual investment funds, and franchising relations [18]. On the other hand, it is an instrument of investment, innovation, the foreign economic policy of the state, with the help of which various goals for the development of the national economy can be achieved.

In addition, from the point of view of the object of business-legal policy, it should be noted that we can consider outsourcing as a legal and economic phenomenon, and as a type of economic, business relations, and as a legal fact, and as a means of strengthening the national economy and the task in investment and innovation. That is why outsourcing relationship should become a separate special object of regulation, including from the point of view of the use of state aid and even special legal regimes of economy management. Therefore, it is important to have the correct and comprehensive formulation of state policy in order to attract foreign investors, and then to stimulate outsourcing relationship.

Among other things, we propose to consider outsourcing with foreign TNCs (or other powerful producers) in terms of international cooperation and private partnership. Therefore, it is advisable to provide the definition of international cooperation, as indicated in Article 1 of the Law of Ukraine "On Foreign Economic Activity" dated April 16, 1991. Thus, international cooperation is the interaction of two or more business entities, among which at least one is foreign, at which the following is carried out: joint development or co-production, the joint sale of final products and other goods based on specialization in the production of intermediate products (parts, assemblies, materials, as well as equipment used in complex supplies) or specialization at individual technological stages (functions) of research and development works, production and implementation with the coordination of the corresponding programs of economic activity.

Analyzing the above definition, we can conclude that the main features of international cooperation are, firstly, the presence of two or more business entities, one of which is foreign; secondly, the essence of such cooperation is joint development or production, sales of final products; thirdly, the basis of such interaction is the presence of specialization in the production of intermediate, rather than the final product.

In turn, if we analyze the relations of industrial outsourcing with foreign TNCs, we can conclude that both forms of interaction have similar features. For example, as in international cooperation, in outsourcing relationship that arises at the mega level, a foreign business entity (foreign TNC) is obligatory. Secondly, production outsourcing relationship also involves the development and production of products, which is actually carried out jointly with the customer company. This is explained by the fact that for the production of proper and high-quality products, the customer company can transfer equipment, development results, technology, industrial designs and the like. Thus, the customer company helps the outsourcer to produce products, and therefore both entities are united by the common goal – to produce quality products, which then

outsourcer provides to the customer company and the customer company will use it in the future production of the final product. That is, both parties are interested in creating a proper product: for the outsourcer, in order to establish long-term outsourcing relationship with the customer company and for the customer company not to lose its business reputation and to increase the profit from the sale of such products. Thirdly, one of the factors that motivate the customer company to enter into outsourcing relationship is precisely the specialty of the outsourcer in the production of a particular product. In order to obtain higher-quality products with a simultaneous decrease in its cost due to cheaper labour, to lower the tax burden, enterprises pass on various production units for execution. The main difference between international cooperation and outsourcing relationship of a production nature is that the latter does not provide for a joint sale of final products. However, taking into account the above, it can be said that outsourcing relationship is a specific form of international cooperation and should be subject of state foreign policy, which in turn entails the question of applying various methods and forms of their stimulation.

Therefore, from the content of the aforementioned article and the Law of Ukraine “On public-private partnership” can be concluded that there is a need to highlight the concepts of “private partnership” and “cooperation” in the system of business relations as close interaction between business entities. These concepts are appropriate in the analysis of the outsourcing relationship.

But it should be noted that not all outsourcing relationship should be provided with state assistance or otherwise stimulated, as such an approach would violate the constitutional principle of equality of business entities. Therefore, there is a need to identify the appropriate criteria for distinguishing of outsourcing relationship that is important from the point of view of public interest and subsequently provides them with state assistance or establishment of special legal regimes with the aim to stimulate them. In this case, all business entities will be equal, but within the framework of these criteria.

As noted in the previous section, the definition of such relations should be carried out according to criteria which are specially developed by the state in terms of their importance to the state. In our opinion, such criteria can be: the existence of a contract between a Ukrainian enterprise and a foreign TNC (or other powerful entity), the long-term cooperation, the presence of an innovation and/or investment aspect, the order of the customer company is at least 1/3 of the sales of the Ukrainian executive company. In other words, the outsourcer becomes sufficiently dependent on the customer, and therefore the state should support such a business entity with the purpose of qualitative performance of the transferred functions on request. It is also important that outsourcing relationship can have a multiplier effect, which can stimulate the development of several enterprises with which the outsourcer cooperates.

It is necessary to take into account the intensity of the development of the outsourcing relationship. Since such relationship can be based only on a contract, or there may be an existing investment and/or innovative component, as well as a corporate basis,

that provides the close correlation between the client and the outsourcing partner that was analyzed in previous studies.

The development of such relations can occur gradually from a contractual basis to a corporate one. It is important that in the event of a corporate aspect, the state must prevent the customer company from receiving 100% of the shares of a Ukrainian company with a determination of the size of the foreign investor's share in order to preserve access to the innovations, technologies, commercial secrets of the customer company.

Thus, we can conclude that each stage of development of outsourcing relationship, especially with foreign powerful manufacturers of the global level, has its own characteristics. In this connection, state policy should be aimed at developing those incentives and support that are appropriate for each stage.

The importance of state support of outsourcing relationship is also explained by the fact that, in accordance with the Order of the Cabinet of Ministers of Ukraine, No. 1017- p, "On Approval of the Export Strategy of Ukraine" ("roadmap" for Strategic Trade Development) for 2017-2021, dated December 27, 2017, the purpose of the Strategy is Ukraine's transition to export of high technology innovative products for sustainable development and successful entry to world markets. In order to implement the Strategy, it is necessary to determine the following strategic goals for the development of trade in Ukraine over the next five years: creating favourable conditions conducive to trade and innovation for diversifying exports; development of business and trade support services that can increase the competitiveness of enterprises, in particular small and medium-sized ones; improvement the skills and competencies of enterprises, in particular small and medium enterprises (entrepreneurship), necessary for participation in international trade.

So, summarize, for the state it is extremely necessary for Ukrainian enterprises to enter the world market, attract innovations, develop enterprises, and also increase their competitiveness, as well as increase exports of Ukrainian products.

Stable economic ties are crucial for a market economy, which results in the production of world-class joint products on an ongoing basis. In this regard, outsourcing relationship claims to get their place in the system of economic relations and to receive from the legislator to ensure stability and growth, while maintaining the competitive nature of market relations in general. This is due to the fact that the stability and development of outsourcing relationship acquire the value of the public interest in the economic sphere. Therefore, outsourcing relationship with the presence of appropriate criteria is a kind of international industrial cooperation and private partnership as special types of economic partnership.

In this case, outsourcing relationship with foreign TNCs is one of the effective means and ways to solve the following tasks. In addition, outsourcing relationship that has an investment and innovation component includes the import of equipment, parts, technology, etc. for the production of products. So, by receiving an order, a Ukrainian

enterprise that produces a product increases the value added of the product, which then exports to the customer company. Even this allows for diversification of exports since it can be the production of such products, which were not produced at all in the territory of Ukraine.

In order to achieve the goals of attracting investment and innovation, outsourcing relationship can also solve such problems, since outsourcing relationship can include the transfer of investments to an outsourcer, such as equipment, the creation of an enterprise, the provision of financial assistance, as well as the transfer of know-how, technologies, and other aspects of commercial secret. Thus, Ukrainian enterprises are able to produce completely new products for them with the use of innovations and export it.

CONCLUSIONS

The state policy has a complex structure, the main components of which are economic and business-legal policies. In turn, the following policy directions such as foreign economic, investment and innovation policies can be distinguished within the framework of economic policy.

Outsourcing relationship has system-oriented nature for the economic complex. Since the development of such relations will depend on the situation of the national economy, the competitiveness of Ukrainian enterprises, the ability of access to innovations, the world market, and the like. Their development is a public interest in the economic sphere. In addition, such relations can be considered as the kind of international cooperation, the type of partnership, the forms of which are joint investment activities, including through the creation of mutual investment funds, and franchising relations.

As they are a stable long-term relationship between two or more business entities, in their development process there may be the transfer of investments of innovative nature, equipment, training, etc. in order to produce quality products. And also may be an acquisition of the corporate package of an outsourcer to strengthen such relationship.

Among other things, outsourcing relationship can enhance the export process, have a multiplier effect, because they can attract other enterprises whose products will be needed by the outsourcer to perform the function or business process transferred by the execute company and ensure the growth of tax revenues to budgets.

Taking the above mentioned into consideration, it may be concluded that outsourcing relationship makes it possible to solve the tasks faced by the state in foreign economic, innovation and investment spheres. That is why we are talking about the fact that such relations should be the object of state policy, which will be aimed at their stimulation and development. Outsourcing relationship should receive substantive and detailed business-legal legislative support. All this allows us to raise the question of the feasibility of creating special regimes for such relations in order to stimulate and develop them and at the same time to satisfy public interests.

REFERENCES

- [1] Sheverdina, O. (2012). Investment policy of Ukraine as object of the state economic policy. *Public Management: Theory and Practice*, 4. Retrieved from <http://ifs.kbuapa.kharkov.ua/e-book/putp/2012-4/doc/2/08.pdf>
- [2] Chuvardyns'kyj, O. (2006). Foreign policy of Ukraine in the conditions of world economic integration and globalization. *Economy and State*, 2, 36–39.
- [3] Johansson, T., & Siverbo, S. (2018). The relationship between supplier control and competition in public sector outsourcing. *Financial Accountability and Management*, 34(3), 268–287.
- [4] Benitez, J., Ray, G., & Henseler, J. (2018). Impact of information technology infrastructure flexibility on mergers and acquisitions. *MIS Quarterly: Management Information Systems*, 42(1), 25–43.
- [5] Ibrahim, S. E., & Altahawi, K. F. M. (2018). Opportunism and the dynamics of strategic outsourcing relationships. *Journal of Global Operations and Strategic Sourcing*, 11(2), 224–249
- [6] Drahokoupil, J., & Fabo, B. (2018). Outsourcing, offshoring and the deconstruction of employment: New and old challenges. In *The Deconstruction of Employment as a Political Question: 'Employment' as a Floating Signifier* (pp. 33–61). Basingstoke: Palgrave Macmillan.
- [7] Rebkalo, V. A. (Eds.). (2000). *State policy: The analysis and mechanisms of its introduction in Ukraine*. Kiev: NAGU Publishing House.
- [8] Kresina, I. O. (Eds.). (2006). *Policy, the law and the power in the context of transformational processes in Ukraine: till 15th anniversary of independence of Ukraine*. Kiev: V. M. Koretsky Institute of state and Law National Academy of Sciences of Ukraine.
- [9] Zadykhalo, D. V. (2013). Economic policy of the state in the system of law and legislative support. *Journal of the National Academy of Law Sciences of Ukraine*, 3, 214–221.
- [10] Pisjmachenko, L. M. (2008). *Public administration by the foreign trade activity in Ukraine: regulation and control*. Donetsk: Southeast, Ltd.
- [11] Ghrebel'nyk, O. P. (2004). *Bases of foreign economic activity*. Kiev: Center of Educational Literature.
- [12] Borysenko, O. (2011). Essence of the external economic policy and its influence on development of national economy. *Bulletin of the National Academy of Public Administration under the President of Ukraine*, 1, 120–126.
- [13] Kondrashova, M. V. (2008). Theoretical bases of formation of the state investment policy at the level of the region. *State and Regions. Series: Public Administration*, 2, 118–121.
- [14] Pshenychna, V. P. (2011). *Development of the mechanism of realization of the state investment policy of Ukraine* (Candidate dissertation, Donetsk State University of Management, Donetsk, Ukraine).
- [15] Kukhar, V. I. (2008). *Economic law ensuring the state investment policy in Ukraine* (Candidate thesis, Aroslav Mudryi National Law University, Kharkiv, Ukraine).
- [16] Atamanova, Ju. Je. (2009). *The main problems of system economic and law regulation of the relations in the innovative sphere* (Candidate thesis, Yaroslav Mudryi National Law University, Kharkiv, Ukraine)
- [17] Tacij, V. Ja. (Eds.). (2019). *Great Ukrainian law encyclopedia: in 20 Vol*. Kharkiv: Pravo, Vol. 15: Economic Law.
- [18] Lee, G., Shin, G.-C., Hwang, D. W., Kuper, P., & Kang, M. (2018). How manufacturers' long-term orientation toward suppliers influences outsourcing performance. *Industrial Marketing Management*, 74, 288–297.

Kateryna S. Kosinova

Postgraduate student

Department of Economic Law

Yaroslav Mudryi National Law University

61024, 77 Pushkinskaya Str., Ukraine, Kharkiv

Suggested Citation: Kosinova, K. S. (2018). The problem of the objectivity of outsourcing relationship in the system of the economic and business-legal policy of the state. *Journal of the National Academy of Legal Sciences of Ukraine*, 26 (2), 147–160.

Submitted: 18/02/2019

Revised: 29/05/2019

Accepted: 11/06/2019