

MODERN WAYS OF SOLVING THE LATEST PROBLEMS IN SCIENCE

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ADMINISTRATIVE AND LEGAL MECHANISMS OF THE BANKING FIELD IN UKRAINE

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One of the factors of national security of any state, and this is natural, is the banking sector. However, analyzing the current state of legal regulation of banking services in Ukraine, we note that it is not particularly clear, systematic and stable. Legislation in the banking sphere of Ukraine, unfortunately, is not perfect, and therefore requires constant corrections in accordance with the new challenges of the financial market at the global and domestic levels.

The Law of Ukraine "On Banks and Banking Activity" establishes the concept of banking activity: attracting funds of individuals and legal entities into deposits and placing said funds on their own behalf, on their own terms and at their own risk, opening and maintaining bank accounts of individuals and legal entities [1]. It is a component of the implementation of the country's financial policy. Do not forget that there are both public and private financial resources in circulation. Their flows are inseparable elements of the financial system of every state.

The structure of the banking system in Ukraine is two-level: the highest level is occupied by the central bank – the National Bank of Ukraine, the second level is defined by the circle of state, commercial, nationalized banks, as well as branches of foreign banks. Consider the concept of "state bank" - this is a bank, one hundred percent of the authorized capital of which belongs to the state", "cooperative banks are created according to the principle of territoriality and are divided into local and central cooperative banks.

The National Bank of Ukraine (NBU) is a legal entity acting as the central governing body of state administration the legal status, tasks, functions, powers and principles of organization of which are determined by the Constitution of Ukraine, this Law and other laws of Ukraine. The form of ownership is state. Its functions are wide-ranging and prescribed in the Law of Ukraine "On the National Bank of Ukraine" (Articles 6 and 7). Among the tasks assigned by the society to the NBU, in particular, are the following: ensuring the stability of the national currency, maintaining price stability, issuing money, uninterrupted organization of cash circulation, lending to banks, organizing bank refinancing, prescribing norms and rules for banking operations, accounting and reporting, information protection, funds and property, maintenance of the State Register of Banks, the Credit Register of the National Bank

of Ukraine, preparation of statistical data and projected benchmarks of the financial mechanisms of the state and many others.

Summarizing all the functions and tasks outlined in Articles 6 and 7 of the above-mentioned law, we can conclude that the NBU is endowed with a significant range of multifaceted powers regarding the implementation of monetary policy in the state.

Let us outline the Laws of Ukraine that regulate the banking activity of banks of any level: "On state regulation of the securities market in Ukraine", "On banks and banking activities", "On financial services and state regulation of financial services markets", "On payment systems and transfer of funds in of Ukraine", "On securities and the stock exchange", "On the system of guaranteeing deposits of individuals", "On protection of personal data", "On prevention and counteraction of legalization (laundering) of proceeds obtained through crime, financing of terrorism and financing of the proliferation of weapons of mass destruction", "On joint-stock companies", "On consumer lending", "On financial restructuring", "On consumer lending", "On simplification of bank reorganization and capitalization procedures", "On currency and currency transactions", etc.

According to the law, banks are legal entities that carry out their activities in accordance with state registration, entry in the State Register of Banks and licensing.

Banking is a type of business activity aimed at obtaining profits from sales (goods - currency, bank metals, jubilee coins, etc.; services - servicing accounts of individuals and legal entities, providing loans, making deposits, etc.). However, it is possible to carry out banking activities only after state registration of a legal entity, entry into the State Register of Banks and obtaining the appropriate license.

According to the statistics of the Ministry of Finance of Ukraine, as of March 1, 2022, there are 69 banks operating in Ukraine, including 22 with 100% foreign capital [2]. A sharp reduction in the number of banks in our country began in 2016. In 2022, as a result of the full-scale invasion of the Russian Federation on the territory of Ukraine, the number of banks also decreased. This decline was associated with the introduction of steps to reform the legal framework of the banking sector. Changes at the legislative level caused a sharp reduction in quantitative indicators, especially for banks with foreign capital. Such a feature is connected with the fact that their banking activities were regulated from public legal positions, and only then on the basis of protecting the private interests of banks and their clients.

Today, all areas of banking activity should be based on maximum protection of the rights and interests of both clients and banking institutions themselves, which should become a competitive advantage. It is also worth emphasizing the fact that only the functioning of the banking system in the legal field is a guarantee of the financial and economic development of our country. As for the specifics of banking in Ukraine, there were:

- the number of uncompetitive banks has been reduced;
- in connection with the aggressive foreign policy of Russia towards Ukraine, there is a restriction on the implementation of banking activities on Ukrainian territory by Russian banks;

- the main activities of the Central Bank of Ukraine are concentrated in the direction of monitoring compliance with the rules of functioning of the banking system and its development;
- reforms of the banking sector made it possible to eliminate gaps in the regulation of consumer lending.

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