DOI: https://doi.org/10.34069/AI/2023.69.09.14

How to Cite:
Biletska, L., Saray, R., Dontsov, D., Lozynskyi, Y., & Hryshchuk, A. (2023). Constitutional principles of economic, administrative, and criminal responsibility in the field of insurance. *Amazonia Investiga*, *12*(69), 161-170. https://doi.org/10.34069/AI/2023.69.09.14

Constitutional principles of economic, administrative, and criminal responsibility in the field of insurance

Конституційні засади господарської, адміністративної та кримінальної відповідальності у сфері страхування

Received: August 1, 2023 Accepted: September 27, 2023

Written by:
Liudmyla Biletska[1]
https://orcid.org/0000-0002-5081-610X
Roman Saray[2]
https://orcid.org/0009-0001-4468-0728
Denys Dontsov[3]
https://orcid.org/0000-0003-1567-334X
Yurii Lozynskyi[4]
https://orcid.org/0000-0003-2908-7747
Alina Hryshchuk[5]
https://orcid.org/0000-0001-6289-6656

Abstract

The constitutional principles of legal liability are an important prerequisite for the introduction of economic, administrative and criminal liability in the insurance sector. The Constitution enshrines the guiding provisions on legal responsibility in general, which later find their consolidation in separate special acts, in particular, those regulating relations in the insurance sphere. The purpose of the work is to clarify the peculiarities of the constitutional regulation of economic, administrative and criminal responsibility in the field of insurance. The research methodology consists of such methods as: dialectical, analysis, synthesis, formal-logical, historical, systemic. The article analyzes the peculiarities of bringing business entities to account in the insurance sector. It was noted that the Constitution of Ukraine establishes the general principles of bringing to legal responsibility, while special legislation establishes direct requirements for bringing to responsibility in certain spheres of

Анотація

Конституційні засади притягнення до юридичної відповідальності є важливою передумовою запровадження господарської, адміністративної та кримінальної відповідальності у сфері страхування. Конституція закріплює керівні положення щодо юридичної відповідальності загалом, що в подальшому знаходять своє закріплення в окремих спеціальних актах, зокрема, - тих, що регулюють відносини у сфері страхування. Метою роботи є з'ясування особливостей конституційного регулювання господарської, адміністративної та кримінальної відповідальності у сфері страхування. Методологію дослідження складають такі методи як: діалектичний, аналіз, синтез, формально-логічний, історичний, системний. У статті проаналізовано особливості притягнення до відповідальності суб'єктів господарювання у сфері страхування. Відзначено, що Конституція України

[1] Ph. D., Associate Professor of the Law Department of the Lviv Institute "Higher Educational Institution" Interregional Academy of Personnel Management", Ukraine.
[2] Ph. D., Associate Professor, Senior Lecturer at the Uzhhorod National University, Ukraine.
[3] Ph.D. in Law, Lecturer of the Department of Civil and Legal Disciplines, Odesa State University of Internal Affairs (Odesa, Ukraine), Judge of the Primorskyi District Court of Odesa, Ukraine.
[4] Ph. D., Associate Professor of the Department of Administrative and Legal Disciplines of the Law Institute of the Lviv State University of Internal Affairs, Ukraine.
[5] Ph. D., Associate Professor of the Department of Administrative and Legal Disciplines of the Law Institute of the Lviv State University of Internal Affairs, Ukraine.

socio-economic life. Problematic issues of prosecution in the field of insurance and international experience on this issue have been studied in order to formulate scientifically based conclusions.

Keywords: constitutional principles, insurance, administrative responsibility, economic responsibility, criminal responsibility, financial services.

встановлює загальні засади притягнення до юридичної відповідальності, водночас спеціальне законодавство встановлює безпосередні вимоги щодо притягнення до відповідальності в окремих сферах суспільно-економічного життя. Досліджено проблемні питання притягнення до відповідальності у сфері страхування та міжнародний досвід з даного питання для формулювання науково-обґрунтованих висновків.

Ключові слова: конституційні засади, страхування, адміністративна відповідальність, господарська відповідальність, кримінальна відповідальність, фінансові послуги.

Introduction

The Constitution of Ukraine (1996) marked the beginning of a profound transformation in the legal framework regarding human and citizen rights and freedoms. Constitutional principles in the context of insurance usually refer to the fundamental concepts and rules that govern the economic, administrative and criminal aspects of the industry: economic responsibility, administrative responsibility and criminal liability. (Law 254k/96-VR, 1996).

As a result, ensuring the actualization of the rights and freedoms enshrined for individuals and citizens has evolved into an inseparable component of the state's overarching responsibilities. This imperative underscores the fundamental commitment of the state to actively facilitate and protect these rights, thus underscoring the pivotal role of government in upholding and promoting the well-being and liberties of its people.Undoubtedly, this also applies to the field of insurance. For example, from Article 46 of the Constitution, it can be concluded that mandatory state social insurance is an important guarantee of the defined right. Therefore, the place and role of mandatory state social insurance in the modern system of social protection of the population of Ukraine is determined at the highest legislative level.

At the same time, when declaring the main values of the state and human rights, offenses in the field of insurance do not come first. At the beginning of the independence of the Ukrainian state, the public danger of offenses in the field of insurance was not defined. Today, crime in this industry has become a large-scale phenomenon that negatively affects all participants in the insurance market. The problematic issues of legal regulation and the legislative vacuum regarding the definition of liability in the field of insurance do not help in understanding the situation and bringing responsibility in the event of damage.

Considering the points raised earlier, it is evident that the constitutional principles governing economic, administrative, and criminal accountability within the insurance sector represent a pertinent and pressing subject that merits thorough investigation. This area of study is of current significance, demanding comprehensive exploration and analysis, as it sits at the intersection of constitutional law and the intricate landscape of insurance regulation. Research in this domain is essential to shed light on the complex dynamics and implications of these principles within the insurance industry.

The tasks of the research are:

1. Clarification of the guidelines that determine the grounds of liability in the field of insurance.
2. Disclosure of the content of administrative, economic, and criminal liability in the field of insurance.
3. Clarification of the constitutional principles of responsibility (economic, administrative, and criminal) in the field of insurance.

The focal point of this investigation revolves around the constitutional underpinnings of economic, administrative, and criminal accountability as they pertain to the realm of insurance. The subject matter of this research encompasses the spectrum of social interactions and relationships that emerge, evolve, and terminate within the sphere of insurance in the context of economic, administrative, and criminal responsibility. This study seeks to delve into the complex web of legal, economic, and societal dynamics that come into play when

examining these specific areas of accountability within the insurance sector, and how they impact the broader social fabric.

Theoretical Framework or Literature Review

During the study of the constitutional principles of economic, administrative, and criminal responsibility in the field of insurance, the works of the following authors were studied: Antoniv, Gavrilova, Hovorushko, Stetsyuk, Lasko, Zayets, Ivasyuk, Kotlyar, Chichkan, Malynys, Patsuriya, Rudyk, Uralova, Uschapovskyi, Balina, and Baikov.

The issue of insurance during the war was analyzed by Antoniv (2022). The research findings have established that insurance contracts in Ukraine remain legally binding, even in the event of martial law, and typically incorporate standard force majeure clauses akin to those found in other contract types. Nevertheless, it's a common industry practice for insurers to explicitly exclude coverage for "war" risks, and they often delineate war zones and territories not under government control as ineligible for insurance coverage. The ambiguity surrounding the definition and status of these zones and territories can potentially lead to disputes between policyholders and insurers. Consequently, it is now imperative for both parties to initiate early and transparent communication when addressing these specific terms within insurance contracts to prevent potential conflicts and ensure clarity.

The study of Gavrilova (2019) considered the international experience of social insurance against accidents at work and occupational diseases. The study specifically delves into an examination of how other nations, including Bulgaria, Germany, France, the Netherlands, Spain, and more, have structured their social insurance systems to address industrial accidents and occupational diseases. The author underscores that adopting the best practices from abroad in the realm of social insurance for workplace accidents and occupational health requires a fundamental shift away from the prevalent state-paternalistic approach currently ingrained in Ukrainian society. This approach traditionally places the entire burden of social security on state institutions. To successfully integrate foreign expertise, it necessitates a reconsideration of this dominant mindset and an embrace of a more balanced and collaborative approach to social security, where the state collaborates with other stakeholders to provide comprehensive coverage and support for the population.

Moreover, Hovorushko and Stetsyuk (2014) analyzed the general theoretical issues of insurance, the constitutional prerequisites for the functioning of the insurance institute, and the liability arising from the violation of obligations and requirements of legislation in this area.

Additionally, Lasko (2016) investigated the constitutional foundations of Ukrainian legislation on social security. Thus, Zayets (2014) noted the problematic issues of combating offenses in the field of insurance. It is concluded that the first and most obvious step to effectively counter offenses in the field of insurance is the formation of a unified approach to the concept of fraud in the field of insurance and its consolidation at the legislative level. Another important step will be the introduction of the international experience of the system of collective security in insurance, that is, the unification of the efforts of all insurance companies in the fight against fraud, the creation of special state bodies and a central data bank on cases of fraud in the field of insurance, the legislative empowerment of employees of the security services of insurance companies and specially created investigative bodies with the authority to carry out operational and investigative measures regarding cases of offenses in the insurance sector.

The peculiarities of committing fraud in the field of property insurance are considered in the work of Ivasyuk (2018). The author comes to the conclusion that fraud in the field of insurance is possible only in cases of insurance legal relations between the insurer and the insured. In view of the study of fraud in the field of property insurance, the author refers to the composition of the crime "fraud" provided for by the Criminal Code of Ukraine. However, in the context of insurance fraud, these fundamental ways of committing fraud acquire a special meaning, given the specifics of the insurance sector. Thus, the author emphasizes that the criminal must independently or with the help of other persons artificially create an insurance case. The article also explores the issue of the specificity of the method of committing fraud in the field of property insurance, depending on the subject of the relevant crime. So, if the subject is directly the insurance company itself, then the main way of committing fraud in the field of property insurance in such a case will be the issuance of an invalid policy and its falsification. Moreover, a case is possible when a fraudster pretends to be

a representative of an insurance company, but in fact, he is not. In this case, the corresponding crime is committed by forging a seal or issuing a forged form to a specific insurance company.

Separate issues of the obligation to pay a single social contribution are investigated in the work of Kotlyar (2017).

What is more, Malynys (2009) investigated methodological approaches to the analysis of the financial reliability of insurance companies and their advantages and disadvantages. As a result of the study, it was concluded that the reliability of the insurance company plays an important role.

Problematic issues of theory and practice regarding insurance relations in the field of business are investigated in the work of Patsuriya (2013). The goal of the research that was achieved was a comprehensive analysis of theoretical problems of insurance legal relations in the field of business and, the development of theoretical and practical recommendations for improving their legal regulation.

Peculiarities of the constitutional guarantee of human rights to insurance were studied by Rudyk (2005). Uralova (2015) analyzes the issue of contractual regulation of mediation in the field of insurance. Thus, the article examines the issue of legal regulation of contractual relations with the participation of intermediaries in the field of insurance, and reveals the regulatory properties of the contract as an act of autonomous regulation, aimed at creating a holistic model of relations between insurance intermediaries, insurers and policyholders. The interaction of the system of legal means is defined, with the help of which the legal regulation of mediation relations in the field of insurance is carried out, which is covered by the concept of the mechanism of legal regulation. Such characteristics of the contractual regulation of mediation in the field of insurance as the subject and subjects have been specified.

Finally, Uschapovsky, Balina, and Baikov (2003) analyzed the issue of prevention and exposure of abuses in institutions operating in the field of insurance and in other organizations related to compensation for damage in the event of an insurance event. Also, Chichkan (2021) investigated mandatory state social insurance as the basis of the modern system of social protection in Ukraine.

Methodology

The dialectical method was used during the study of the constitutional foundations of economic, administrative, and criminal liability in the insurance sector. Thus, the method of dialectics helps in determining the main directions and approaches to the study of state-legal phenomena. Dialectic makes it possible to analyze the development of responsibility in the field of insurance, to determine its relationship with other phenomena of a legal nature. This method helped to explore the question of responsibility through the prism of determinism and the unity of the processes of its formation, as well as its constitutional foundations. Therefore, the dialectical method of learning responsibility in the field of insurance provides an opportunity to distinguish its features, investigate functions and principles, to determine relationships with other phenomena of a legal nature. The article uses the dialectical method to analyse the development of liability and its relationship with other legal phenomena. The contribution of the method is that it is proposed to consider liability through the prism of determinism and unity of processes, and to study it through the constitutional principles.

Applying the formal-logical method, which posits that law as a social phenomenon is characterized by a formally substantiated, logically organized, and precisely delineated set of rules structured upon the principles of hierarchy and non-conflicting norms, we have ascertained the fundamental content and nature of responsibility within the sphere of insurance. This method allows us to establish a clear, structured framework for understanding how responsibility is defined and governed in the realm of insurance, ensuring that norms are coherent and do not contradict one another. This systematic approach provides a robust foundation for comprehending the intricacies of insurance-related accountability. The main purpose of using the formal logical method is to determine the fundamental content and nature of liability in the insurance sector. The contribution of this method is to create a structured system that ensures consistency and non-contradictory rules in the understanding of liability.

Given that responsibility is a complex, complex and systemic phenomenon, its study involves a detailed analysis of its components. Thus, the use of the analysis method helped to divide the responsibility into parts and examine each such part separately. The analysis method helps to break down responsibility into parts for detailed

study. It allows for a thorough examination of individual components, but may not be sufficient to provide a holistic understanding.

However, the initial analysis falls short of providing a holistic understanding of the subject as a whole. Therefore, a synthesis approach was employed, aiding in the identification of relationships and interactions among the structural elements of responsibility within the insurance domain. Consequently, through the combined use of analysis and synthesis, we are better equipped to conduct a comprehensive exploration of legal responsibility as a systemic and legal phenomenon, with a specific focus on scrutinizing the interplay among its constituent elements. The main purpose of the synthetic approach is to identify the interrelationships and interactions between the structural elements of liability. Its contribution is to fill the gap left by the analysis by providing a comprehensive study of legal liability as a systemic phenomenon.

The application of the abstraction method, a critical formal-logical technique, assumes a central role in the examination of legal responsibility. It involves the separation of general features and attributes from a particular subject, disentangling them from all other characteristics. This method proves instrumental in defining the legal significance of a concept and its legal foundation, isolated from other aspects associated with specific scenarios. In the context of insurance, abstraction assists in distinguishing various types of liability from one another and enhancing their conceptual clarity. The purpose of the abstraction method is to separate general features and attributes from a particular subject, enhancing conceptual clarity. Contribution is assistance in distinguishing various types of liability within insurance and clarifying their legal significance.

The study of the evolution of constitutional underpinnings for various forms of responsibility within the insurance sector necessitates the use of the historical method. Examining legal phenomena should occur in conjunction with an exploration of the historical context of the nation or humanity as a whole, as the current state of legal phenomena is intrinsically linked to their legal history. The historical method of inquiry unveils the essence of phenomena under scrutiny by relying on available facts and analogies, enabling the formation of extensive generalizations and the drawing of historical parallels. In essence, the historical method contributes to delineating the historical dimensions of the development of legal phenomena, including those encompassed within the realm of insurance responsibility. The purpose of historical method is to study the evolution of constitutional underpinnings by exploring the historical context. The contribution was the unveils the essence of legal phenomena by drawing on historical facts and analogies, providing a broader understanding of the development of insurance responsibility.

A vital method employed in the examination of responsibility within the insurance sector is the systematic approach, which facilitates a thorough investigation of responsibility within the context of its existence as part of a state-legal framework. Utilizing the systematic method allows for the exploration of responsibility in relation to other legal institutions, fostering a holistic approach to their study. This method provides the means to uncover the intricate connections and interactions between responsibility and various legal elements, enabling a comprehensive and interconnected analysis of this critical aspect of the legal system.

Results and Discussion

Before analyzing the issue of the constitutional basis of responsibility in the field of insurance, let's consider what should be considered an offense in the field of insurance.

Thus, illegal behavior is considered to be behavior that is characterized by violation of legal norms. One the types of such behavior is a crime. A crime is a socially dangerous, culpable, illegal act (action or inaction) of a subject capable of delict, for which the current legislation provides for legal responsibility. Each offense is specific because it is committed by a specific individual or collective subject at a specific time and place. In order to recognize this or that action as an offense, it is necessary to establish whether it has signs of an offense.

The main features of the offense include:

1) public danger (harm), i.e. causing harmful consequences or the threat of causing such consequences to the legitimate interests of a person, society, or state, which are protected by law;
2) only an act can be a crime - i.e. in the form of an active action (for example, committing theft) or in the form of inaction - when the rules of law oblige a person to perform certain actions, and the person does not perform them (for example, not providing assistance);

3) the illegality of the act, that is, this act must directly violate the requirements of a specific rule of law. Actions not regulated by current legislation are not considered an offense;
4) culpability of the act, i.e. the internal attitude of the person towards the committed socially dangerous act and its consequences in the form of intent or carelessness. We are talking about guilt when a person should have chosen a course of action, but acted contrary to legal norms;
5) delictual capacity of the subject who committed the offense, i.e. the person, due to age and mental health, is aware of the nature of his actions, manages them and foresees their consequences, and can also bear legal responsibility for their implementation;
6) a legal criminal act, i.e. a certain type and degree of legal liability is assumed for its commission in the form of losses of a personal, property, organizational, or material nature;
7) a causal connection between the action and the socially dangerous consequences that occurred, i.e. such consequences are determined by this action, and not by other causes.

Therefore, the absence of at least one of the mentioned signs does not allow us to consider the act as an offense. Signs of an offense must be analyzed in aggregate, systematically. In order for certain specific actions to be recognized as a crime, it is necessary that they meet certain characteristics that allow distinguishing the crime from the violation of other social norms and form the concept of "composition of the crime" (Zavets, 2014).

Let's consider the issue of economic, administrative, and criminal liability as an example of the legal regulation of this issue (Table 1).

Table 1.
Types and content of responsibility in the field of insurance.

Type of responsibility	Regulatory and legal regulation
Economic responsibility	Unregistered entrepreneurial activity or activity subject to licensing is carried out without compliance with the relevant licence or in violation of the requirements established for licensing shall be punishable by a fine of 1000 to 2000 tax-free minimum incomes with or without confiscation of manufactured products, tools, raw materials and money obtained as a result of the administrative offence. If the said offence is committed by a person who has been subjected to an administrative penalty for the same offence repeatedly within a year, or is associated with obtaining large amounts of income, a fine of 2000 to 5000 tax-free minimum incomes with confiscation of manufactured products, tools, raw materials and money obtained as a result of the administrative offence. If an entrepreneur/enterprise provides inaccurate information about the material and technical base, liability is provided in the form of a fine of 1000 to 2000 tax-free minimum incomes (Law 436-IV, 2003).
Administrative responsibility	Banking or other financial services activities without obtaining the status of a financial institution or without a special permit/licence or in violation of the licensing conditions result in fines ranging from 100 to 250 non-taxable minimum incomes. In case of committing the above actions related to the receipt of income in large amounts, a fine of 2000 to 3000 tax-free minimum incomes is provided for (Law 8073-X, 1984).
Penal liability	Upon the occurrence of an insured event, the insurance company is obligated to fulfill its responsibilities, which include making the stipulated insurance payment or indemnity payment within the agreed-upon timeframe, as specified in the insurance contract. In cases where the insurer fails to meet this obligation promptly, they are liable for financial compensation in the form of a penalty or fine, the specific amount of which is determined by the terms of the insurance contract or in accordance with legal provisions. Additionally, the insurer is also responsible for reimbursing any expenses incurred by the insured party in connection with taking measures to prevent or mitigate losses stemming from the insured event, provided that such reimbursement is outlined within the terms and conditions of the insurance contract. These provisions, as outlined in Law 1909-IX in 2021, serve to ensure that the insurer upholds their commitment to policyholders and meets their

	financial obligations in a timely and transparent manner, thus preserving the trust and effectiveness of the insurance system (Law 1909-IX, 2021). The governing body is vested with the authority to enforce mandatory rehabilitation measures for a domestic insurance company under specific circumstances, including the failure to meet obligations to policyholders for a duration of three months, non-compliance with the prescribed authorized capital requirements as outlined by Ukrainian law, or other conditions specified in the existing legislative framework of Ukraine. Mandatory rehabilitation encompasses several key actions: Conducting a comprehensive audit of the financial and economic activities of the domestic insurer, including a mandatory audit. Appointing a managing person, who holds the exclusive authority for overseeing the financial, economic, and personnel management of the domestic insurer, without whose consent such operations cannot be conducted. Imposing restrictions on the unrestricted use of the assets owned by the domestic insurer, and prohibiting the acceptance of new insurance commitments without prior consent from the governing body. Establishing a mandatory schedule for settling outstanding claims with policyholders. Making a determination on whether to either dissolve or restructure the domestic insurer. The process of winding up a domestic insurer adheres to the regulations specified in the current legislation of Ukraine. It is a set of legal actions employed to handle the dissolution of the insurer in accordance with the statutory provisions of Ukrainian law. This entire framework is designed to ensure the accountability, financial stability, and proper functioning of domestic insurers and protect the interests of policyholders. (Law 1909-IX, 2021). The National Commission, which carries out state regulation in the field of financial services markets, can apply the following influence measures: demand the convening of extraordinary meetings of financial institution participants (Law 2664-III, 2001). The National Commission, which carries out state regulation in the field of financial services markets, can apply the following measures of influence: approve a plan for restoring the financial stability of a financial institution. (Law 2664-III, 2001).
Criminal liability	Article 220-2. Manipulating financial documents and financial reports belonging to a financial institution, withholding information regarding the institution's insolvency or factors that warrant the revocation of its license are serious offenses. Such actions encompass making alterations to accounting records or registers, providing knowingly incomplete or false details about agreements, liabilities, the institution's assets (including those under trust management), or its financial status. These actions further encompass confirming such misleading information and subsequently conveying it to the National Bank of Ukraine, publishing it, or disclosing it in accordance with Ukrainian legislation. These acts are considered a deliberate effort to obscure indications of bankruptcy, prolonged financial instability, or reasons necessitating the compulsory withdrawal of a financial institution's license or declaring it insolvent. The legal consequences for individuals engaged in such actions involve penalties, including a fine ranging from eight hundred to one thousand non-taxable minimum incomes of citizens. In more severe cases, punishment may extend to a maximum of four years of restricted liberty, coupled with the deprivation of the right to hold specific positions or engage in particular activities for a period of up to ten years. This stern legal framework aims to deter fraudulent practices, safeguard the integrity of financial institutions, and protect the interests of stakeholders and the financial system as a whole. (Law 2341-III, 2001)

So, as can be seen from the above-mentioned legal norms, liability is provided for in the field of insurance, both economic, related to certain issues of economic activity, and administrative and criminal. At the same time, separate legislation in the field of insurance establishes criminal liability in the field of insurance (Law 222-VIII, 2015).

From the analytical materials, it can be seen that the most common schemes of offenses in the field of insurance are related to insurance of the

liability of motor vehicle owners, to the staging or falsification of road accidents, to the insurance of people traveling abroad by falsifying medical bills and overcharging for medical services, in medical insurance by staging accidents and injuries Also, offenses are committed in connection with the conclusion, execution, and execution of contracts on mandatory or voluntary insurance.

The peculiarity of these offenses is that the offender is fraud or breach of trust:

1) Infringes upon the arrangements designed to safeguard the property interests of both individuals and legal entities in cases of insurance events, funded through the resources accumulated from the insurance premiums they have contributed. This infringement concerns the established mechanisms intended to protect the financial well-being and assets of both individuals and organizations when insurance events occur, which should be sustained by the funds generated from their premium payments. The violation in question pertains to the disruption of the fundamental assurance that individuals and legal entities should receive the intended compensation or coverage for their insured assets when needed. This aspect underscores the importance of upholding the trust and integrity of the insurance system, ensuring that it remains reliable and effective in providing protection for policyholders.;
2) receives an illegal material benefit from it, while causing property damage to the legal owners.

In general, the most common criminal offense in the insurance industry is insurance fraud. In Ukrainian criminal legislation, "fraud in the field of insurance" does not have an independent component of the crime, therefore even actions in this field are qualified as ordinary fraud (Article 190 of the Criminal Code of Ukraine). At the same time, in foreign countries, fraud in the field of insurance is considered an intentional crime aimed at deceiving an insurance company and committed by the insured with the aim of unjustified enrichment at the expense of the insured by distorting information about the insured object, taking actions aimed at the occurrence of an insured event or increasing the amount of insurance compensation (Zayets, 2014).

At the same time, in Ukraine, fraud is one of the most common crimes, but the current version of the article does not take into account the peculiarities of modern economic relations, and the introduction of new clauses will allow for more clearly separate criminal acts from civil legal relations.

Regarding the constitutional principles of economic, administrative, and criminal liability in the field of insurance, the following should be noted.

1) In accordance with Art. 8 of the Constitution of Ukraine, the principle of the rule of law is recognized and applied in Ukraine. Adherence to the principle of the rule of law requires the state to implement it in law-making and law-enforcement activities, in particular in-laws whose content should be imbued primarily with the ideas of social justice, freedom, and equality. The components of the rule of law should include, in particular, legality, legal (legal) certainty, prohibition of arbitrariness, equality of all before the law, and respect for human rights. At the same time, a violation of the principle of the rule of law will occur in case of non-compliance with at least one of its components.
2) According to Article 46 of the Ukrainian Constitution, citizens are endowed with the right to social protection, encompassing various forms of assistance in cases of complete, partial, or temporary disability, the loss of a breadwinner, involuntary unemployment, as well as support in old age and under circumstances stipulated by law. This entitlement is safeguarded through compulsory state social insurance, funded by contributions from citizens, enterprises, institutions, organizations, as well as budgetary allocations and other resources designated for social security. Additionally, it involves the establishment of a network of state, communal, and private institutions dedicated to caring for individuals with disabilities. Article 46 of the Ukrainian Constitution serves as the cornerstone for ensuring that citizens receive the necessary social protections and support in diverse life situations.
3) Article 42 of the Constitution of Ukraine, which guarantees everyone the right to freedom of entrepreneurial activity, not prohibited by law, and emphasizes that the State ensures the protection of competition in entrepreneurial activity.
4) According to Art. 24 of the Constitution of Ukraine, which declares the equality of all before the law. At the same time, the

specified principle does not prevent establishing differences in the legal regulation of labor for persons who belong to different categories by nature and conditions of activity.

5) When adopting new laws or making changes to existing laws, it is not allowed to narrow the content or scope of existing rights and freedoms.
6) Laws and other normative legal acts do not have retroactive effects in time, except when they mitigate or cancel the responsibility of a person.
7) No one can be brought twice to the same type of legal responsibility for the same offense. The legal responsibility of a person has an individual character.
8) Everyone is obliged to strictly adhere to the Constitution of Ukraine and the laws of Ukraine, not to encroach on the rights and freedoms, honor, and dignity of other people. Ignorance of laws does not exempt from legal responsibility.

In view of the above, the Constitution of Ukraine provides for key provisions on prosecution and on carrying out activities in the field of insurance, which must be taken into account both when prosecuting a person and regarding reforming and amending the legislation.

Conclusions

The analysis of the principles governing economic, administrative and criminal liability in the insurance sector has led to the following conclusions and generalisations:

1. Offences committed in the insurance sector have a number of peculiarities related to both the subject matter and legal regulation, related to the conclusion, operation and performance of compulsory insurance contracts, and the performance of compulsory or voluntary insurance contracts and the manner of their commission (e.g., by fraud or breach of trust). These conclusions are based on the methods of analysis, which helped to consider in detail the individual issues of liability. Offenses committed in the field of insurance have a number of features related to both the composition of the subject and the legal regulation of this related to the conclusion, operation, and performance of contracts on mandatory or voluntary insurance and the method of commission (to for example, by deception or breach of trust).
2. The formal logical method contributed to the qualitative analysis of the legal framework and legal regulation of economic, administrative and criminal liability and to formulate specific features of each type of liability. For example, the criminal offence of insurance fraud is not enshrined in law in the insurance sector, although in other countries this offence is regulated by the provisions of the criminal code. Some violations in the insurance sector are punishable by Some violations in the insurance sector are punishable by fines. Separate provisions are devoted to administrative liability in the insurance sector. In the same context, the historical method and the synthesis method were used, which by their nature contribute to a detailed understanding of both the environment and the whole picture from individual parts.
3. As for the constitutional principles of economic, administrative and criminal liability in the insurance sector The main principles are the principle of the rule of law; the principle of individual legal liability; the principle of the principle of individual nature of legal liability; the principle of freedom of entrepreneurial activity not prohibited by law; the principle of equality of all before principle of freedom of entrepreneurial activity not prohibited by law; principle of equality of all before the law. These conclusions are based on the analysis of developmental data, the use of the dialectical method and the method of abstraction.

Therefore, it is fair to conclude that the goal and objectives of the research have been fully achieved.

As for further scientific research, we consider it necessary to consider the international legal experience of establishing responsibility in the field of insurance, as well as the effective national guarantee of bringing guilty persons to such responsibility.

Bibliographic references

Antoniv, R. (2022). Insurance during the war. Internet resource. *Economic truth.* https://www.epravda.com.ua/columns/2022/04/14/685760/

Chichkan, M.V. (2021). Mandatory state social insurance as the basis of the modern system of social protection in Ukraine. *Law and society*, 1, 106-110. http://pravoisuspilstvo.org.ua/archive/2021/1_2021/19.pdf

Gavrilova, O.O. (2019). On the issue of analyzing the foreign experience of social insurance against accidents at work and occupational diseases. *Social law*, 2, 39-46. https://acortar.link/fk9fkX

Hovorushko, T.A., & Stetsyuk, V.M. (2014). *Insurance: A Study Guide.* Lviv: "Magnolia 2006". https://acortar.link/gApPl5

Ivasyuk, H.S. (2018) On the question of the peculiarities of the method of committing fraud in the field of property insurance. *Herald of criminal justice*, 2, 202-207. https://vkslaw.knu.ua/images/verstka/2_2018_Ivasuk.pdf

Kotlyar, A. (2017). *The unfair obligation to pay a single social contribution regardless of income violates the constitutional rights of citizens*. Website of the National Association of Lawyers of Ukraine. https://acortar.link/QGhIYl

Lasko, I. M. (2016). Constitutional foundations of the legislation of Ukraine on social security. *University scientific notes*, 59, 235-245. http://old.univer.km.ua/visnyk/1576.pdf

Law 1909-IX. On insurance. *The Verkhovna Rada of Ukraine*, 2021. Retrieved from https://zakon.rada.gov.ua/laws/card/1909-20

Law 222-VIII. On licensing of economic activities. *The Verkhovna Rada of Ukraine*, 2015. Retrieved from https://zakon.rada.gov.ua/laws/card/222-19

Law 2341-III. Criminal Code of Ukraine. The *Verkhovna Rada of Ukraine*, 2001. Retrieved from https://zakon.rada.gov.ua/laws/card/2341-14

Law 254k/96-VR. Constitution of Ukraine. The *Verkhovna Rada of Ukraine*, 1996. Retrieved from https://zakon.rada.gov.ua/laws/card/254%D0%BA/96-%D0%B2%D1%80

Law 2664-III. On financial services and state regulation of financial services markets. The *Verkhovna Rada of Ukraine*, 2001. Retrieved from https://zakon.rada.gov.ua/laws/show/2664-14#Text

Law 436-IV. Economic Code of Ukraine. The Verkhovna Rada of Ukraine, 2003. Retrieved from https://zakon.rada.gov.ua/laws/card/436-15

Law 8073-X. Code of Ukraine on Administrative Offenses. *The Verkhovna Rada of Ukraine*, 1984. Retrieved from https://zakon.rada.gov.ua/laws/card/80731-10

Malynys, H.M. (2009). Methodological approaches to the analysis of financial reliability of insurance companies: advantages and disadvantages. *Bulletin of Taras Shevchenko Kyiv National University*, 3, 87-91. https://acortar.link/K6EEi0

Patsuriya, N. B. (2013). *Insurance legal relations in the field of business: problems of theory and practice.* Nizhyn: LLC "Aspect-Polygraph Publishing House". https://library.nlu.edu.ua/POLN_TEXT/POSIBNIKI_2020/Patsuria_2013_mon.pdf

Rudyk, V.A. (2005). On the issue of constitutional guarantees of the human right to social protection. *Entrepreneurship, economy, and law*, 6, 25-28.

Uralova, Yu.P. (2015). Regarding the issue of contractual regulation of mediation in the field of insurance. *Legal Scientific Electronic Journal*, 3, 97-100. http://lsej.org.ua/3_2015/28.pdf

Zayets, O.M. (2014). Combating crime in the insurance sector: a comparative legal aspect. *Legal Bulletin*, 1, 130-134. https://jrnl.nau.edu.ua/index.php/UV/article/view/8512/10338