

THE PROBLEM OF JUSTICE OF THE SHADOW ECONOMY SECTOR

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Annotation: Justice in this article is considered as a methodological basis that forms not only the mechanisms and tools for the redistribution of wealth in society, but also forms ethical values that justify or condemn the behavior of participants, included in the shadow economy. The fairness of the redistribution of wealth in society based on examples from the past does not lead to positive results.

Keywords: Justice, shadow economy, distribution in the shadow sector of the economy, ethical standards, corruption.

Even a superficial glance at the everyday commodity mass offered by the business in the form of tangible products and services allows us to conclude that not all of these goods and services can be presented as legitimate ones. A rich assortment of goods and services of national production, as well as exported to Russia and imported from a country, can reveal its shadow origin. At the same time, we can detect these signs both in the production phase and in other phases, for example, distribution, exchange and consumption. Moreover, a very significant proportion of produced goods and services are the vital for the reproduction of the conditions of social being products. Consequently, the shadow sector is not focused on any specific types of goods and services. Shadow forms of production of goods and services are an integral part of the material and spiritual production of the conditions of expanded social reproduction. At the same time, we understand the process of transformation of natural resources into material goods which are necessary for society as material production.

But since the process of social reproduction is not limited exclusively with material production, it includes the reproduction of services of an intangible nature, this sphere of production of benefits of an intangible nature that satisfy the spiritual needs of individuals in society also deals with the sphere that we previously described as shadow economy.

However, for any society the joint activity of all participants of social reproduction is logical, especially if there is the continuous exchange of results of their production. People cannot produce material or spiritual benefits without establishing social and

economic relations and ties among themselves, without uniting and cooperating in the process of joint activities. In the conditions of differentiation and specialization of all participants in social reproduction, the exchange of conditions and factors of social reproduction becomes an objective need. It follows from this that the exchange, based on any organized principles, becomes the objective need.

Both legal and illegal economies are spheres, sectors of any economic systems where material and spiritual benefits are produced, where not only the form of material resources given by nature is changed, but also people's value attitudes towards other members of the socio-economic community is modified.

By producing benefits for the community, people simultaneously pursue their own selfish goals. But in the market economies of modern socio-economic communities, individuals, realizing their own selfish interests, being in the legal field that forms the state through their institutions, create the prerequisites for the achievement of the community of some common goals. Thus, the so-called "the invisible hand of the market", according to A. Smith, is realized.

The state should not interfere with activity of market forces, with the mechanism of establishment of proportions of distribution of the benefits if justice of the relations of economic subjects is based on the principle of equivalence where there are manifestations of more fundamental principle. Therefore, there are "behind brackets" negative consequences of action of economic subjects influencing the surrounding nature, it occurs, because business considers them as means of achievement of own interests, but not as the aim. Here the price which developed under the influence of "a game of market forces" becomes the major tool being the main link in the mechanism of redistribution of resources, goods between potential buyers or sellers in favor of those who are capable to pay more, thereby roundabout recognizing the value, which is big for itself because efficiency of the production is a big concern for other economic agents, and as a result for society in general. Thereby the incentive of "gingerbread" in the form of economic profit and at the same time "whip" of economic losses, according to A. Smith works. The theory of an invisible hand of the market by A. Smith theoretically proved the redistribution mechanism by transformation of individual, free and independent actions of certain sellers

and buyers who act in own interests, believing at the same time that results of transaction are fair. Society nevertheless gained due to the most rational distribution of a national resource in the most effective and rational way. [10]

At the same time economic entities did not care for the interests of society in general. Their private egoism, which founds the justification in rationality and efficiency, was considered to be fair.

Intervention of the state in a game of market forces, according to A. Smith, does harm to citizens and society in general. The egoism of separate economic entities admitted to be useful for all citizens and society in general. [11]

Production of material benefits and cultural wealth always had public character throughout all history of human development. Therefore there will be a true statement that when we concern production, it is necessary to believe that this social production of material products and cultural wealth is the turned form of reproduction of public individuals.

The important conclusion of the economic theory as the most important factor of public reproduction of a product in the shadow sector of economy is labor, which becomes an important point of understanding of an essence of public reproduction in general and that part of public reproduction, which is not operated by the state institutes, or copes not fully. So in the system of households the main productive force of society and at the same time only carrier of the ideas of justice of distribution of wealth in societies is reproduced. But this sphere of human life in the greatest measure is hidden from official statistics, gaining lines, which can be referred to shadow economy. This field of activity, being a spokesman of private egoistical interests in the greatest measure, becomes socially significant. [12]

Thereby disclosure of a problem of understanding of work in the course of production and services by the shadow sector of economy as socially necessary is of scientific interest within the economic theory. In other words, whether a labor of the shadow sector of economy as a socially necessary factor gains public recognition in society, therefore, the society has to recognize the developed system of reproduction of wealth in society and its distributions the fair ones.

If we are limited by K. Marx's theory – the theory of cost and surplus value, it is necessary to take in a research the logic of K. Marx's "Capital". The Capital claims and proves that individual work of each producer is a private one. This work cannot be declared *a priori* as a socially necessary and recognized by the society work. The recognition of a private work as public and necessary is only possible in the process of selling goods of the shadow sector of economy. In this case, as K. Marx states, that a certain private work of the producer of goods and services in the shadow sector gains the recognition in the process of selling goods, its payment and a guarantee of payment.

There is an ambiguous assessment of this work as public and necessary one. On the one hand, activity of the shadow sector has to be admitted or can be admitted as carried out with violation of the economic right. Society has to recognize this work as public and necessary, at the same time in advance noting that similar activity, for example, production of drugs, has to be pursued in general according to rules of law in the state.

We believe that society in general can never admit any goods of this or that private work of a private producer *a priori* as a socially necessary one. This process of recognition is carried out only in the act of sale of goods to economically free individuals. The buyers and appropriators of these goods or service are out of the field of a legitimacy of the relations, therefore, breaking standards of justice if the lasts of them according to the rules of law are admitted as a subject to an exception of economic circulation, i.e. not having signs of turnover ability there from *de-jure* position. Nevertheless, *de-facto* they gain such recognition from certain individuals who, thus, become economic subjects. Buying goods or consuming the made and rendered services, these economic subjects actually in this economic action also carry out the fact of recognition of this work as a work which is made in a public necessary measure, even if production, distribution and consumption of these goods or service was carried out with contempt of law. There is a legal, moral and ethical problem which has not still found the well theoretical solving in estimated modal judgments which can find the justification and strict logic of the proof but in exclusive sphere of politically and ideologically loaded obligation.

The answer to this ethically difficult question lies in methodological approach of a research. Moreover, it thereby becomes valuable and applicable in the well-founded

economic theory. And it can be a some method as initial one in the most methodological approach that can be taken in the research of the current state of productive forces and relations of production, and consequently, specifics of modern process of reproduction and appropriation. It gives the chance not to be content with contemplation of the superficial facts of economic, social, ethical, political reality, but to get into depth of the economic and moral aspects and estimates, to understand economic essence, at the same time without rejecting all richness of specific economic modes of production and appropriation.

Therefore, it can be spoken not only about external economic manifestations, the facts of economic life, despite their external figurativeness, contemplation, emotional loading. The researcher who considers the aim in the description of all variety of economic life is doomed to failure already because the facts of economic reality can never apply theoretically at least for sufficiency in the course of verification. Moreover, if in the course of verification the economist finds the facts surrounding his world of economic activity, justice finds the expression in laws, normative legal acts, which generally wear a uniform of the bans and restrictions and also in moral laws of the individual. Therefore the hope on institute of the state with its bans and restrictions is necessary, but at the same time insufficient sign of that in society all its layers were penetrated by the uniform concept of justice. But if the state as the institute has not been created yet, in the conditions of a market forces game justice of exchange can find the justification in proportions of free exchange economic subjects. The moral law of each individual perceiving acts of exchange is perceived and found in the confirming expression in laws, i.e. *de-jure* this is a crucial sign and sufficiency of this article.

The problem for each individual arises, when he estimates his assessment of domination in the society relations personally as deeply unfair, for example, when there is a domination of authority corruption in all its levels. Then the moral law of each individual finds the justification that by breaking laws, rules of law, i.e. justice of the state arrangement is put on doubt, and he begins admitting the violation of these economic norms as not breaking his understanding of justice. Thereby injustice of assignment of wealth, its distribution that is expressed in stratification of society on property sign and achievement of such scales arise the question of legitimacy of the state, forming at the

same time the bases for expanded reproduction of the individual in the shadow sector of economy. For example, if taxes in society reach extreme values for small and medium business and also for small households, so their survival is carried out due to violation of standards of the economic and tax law. J.M. Keynes noted, that the businessman "breathes through cracks of tax loopholes". [13]

It can not be a sphere of serious scientific research, if it is only the sphere of the phenomena of production and modern production, specific to Russian reality scales of production and appropriation, it can only be a destiny of ants from economic science, capable only to collect and describe the facts. So having a little paraphrased quotation by G. V.F. Hegel, it is possible to express our relation to this method.

But at the same time we cannot fully accept a method of a research of the shadow sector of economy in borders of a modern capitalist way of production, which was applied by K. Marx, and from our point of view, this method was excessively overzealous. It is about a method of abstractions that is especially convex shown at a justice measure research of appropriation of wealth in the sphere of the shadow sector of economy. K. Marx's theory, according to a figurative remark of his contemporary, former minister of Austria, the scientist-economist Y. Bem-Baverk, turned out very strict, in this scientific building everything was linked by logic cement. However the bird of the truth does not settle in this building. And we agree with criticism of a method which was abused by K. Marx, investigating the nature not only an additional product, but bringing this theory to resolve the conflicts of a capitalist way of the production based on a private property on means of production. We see the same shortcoming also in researches of modern economists, philosophers, sociologists who consider the relations of justice in exchange of products of labor in the shadow sector of economy. Naturally the problem is about a measure of justice relations of distribution in modern society, which cannot avoid a shadow redistribution of material values by definition results. Therefore we cannot recognize the scientifically well-founded conclusions of scientists who consider problems of justice of distribution of wealth, leaving out the equation of the researches about a shadow sector of economy.

Paul Heine, professor of the university of the USA in Seattle, the author of the fundamental edition popular in Russia "Economic mentality", on the one hand perfectly states the some provision in the economic theory according to which it should "be celebrated by the coward and decided that there is no correct definition of profit and consequently also definitions of net income". [1.P.311] Therefore we cannot claim at the same time, that we can not define a measure of justice of distribution of wealth in society for this purpose because there is a lack of reasons too. At the same time we do not consider those forms of redistribution, which are directly connected with noneconomic coercion, violence. There cannot be a problem of justice or injustice any more for the society, which considers itself to be a modern civilization. Thereby we do not consider the relation of the ancient world, an era of barbaric civilizations.

P. Heine designates the problem very accurately. It is necessary to spend a lot of efforts from economists, philosophers, who try to resolve an issue how to call things properly. However, this problem cannot be avoided. Differences in definitions of income of the shadow sector reveal not semantics problems but a problem of the most economic theory, an economic thought at the present stage of its development. It is impossible to reach unity in definition of this or that economic phenomenon if there is no clarity in disclosure of the nature of an economic object.

Therefore, many errors, incorrectness of definitions will be removed if the volume of its concept is accurately determined. It is not a special work any more to appropriate the term to this concept. But if it is not executed, the ambiguity of a thought will be shown in ambiguity of the use of terms. As a result words will be confused rather in a research, forcing us to expect what sometimes just absent and not present.

Other important problem of a specific method of a research of the economic nature of shadow income and its justice of appropriation will be shown in our inability to agree with some objective ideas, objective concepts and so forth. Concepts, economic views are especially subjective. People do not have collective stomach capable to digest food, as G. Spencer said in this occasion. Our thinking is initially burdened by our place in the course of public reproduction and public appropriation. Public reproduction and public appropriation do not deny process of individualization of this assignment at all.

Nevertheless everyone receives individual service from the central authorities and its institutes even when from the right point of view we are externally equal to the budget. When we are all under protection of armed forces, it means at the same time that this National Institute of defense of the country provides also protection of each individual separately.

Therefore, we cannot be separated from the moments of our relation, valuable for our own life, to a process of production, distribution, exchange, and consumption of the benefits in society. It follows from this that subjecting to scientific research this or that economic event, we cannot remain absolutely objective, even when we build some bases, accepting these or those postulates, the principles as starting positions.

The political economy cannot be far from the politicized science. This is its specific, and hardly therefore it is appropriate to criticize it for the fact that this subject and the process of a research is inherited by the internal nature. It is necessary not to criticize, but understand this gnoseological phenomenon and consider it in the course of approach to the truth. [5; 6; 7; 8]

To some extent it is possible to explain this phenomenon of that state in the Russian economic thought, the last years of economic income in modern Russia, and in the shadow sector in particular, all this practically disappeared from a field of current scientific research. Often articles are devoted to minor questions, e.g. the voucher privatization in Russia, the deep relations of property during a transition period, the consequences which became possible because of intervention of western forces generally Americans.

The reasons of this phenomenon lie on a surface. No theory can offer a distinct explanation and justification of need of deprivation of property of the major Russian citizens. The power remained not on the side of the ordinary people, but on the side of the corrupted officials, large business, regional political elite. These organizers of all Russian troubles in the last years who carried out redistribution of public property with militant ignorance pursued, first of all, exclusively own mercenary interests, allowed fundamental violation of the principles of justice in the Russian society. Moreover, they carried out this implementation of process of redistribution in all its volume, i.e. not partially, not fragmentary, including attraction of state mechanism with its repressive device on the

party. [7;8;9] It quite keeps the concept by Platon. "Injustice in its most complete look can be seen when the one who broke justice flourishes, and the one who was influenced by injustice is still extremely pathetic did not decide to go against justice. Such tyranny stealthily, violently takes what does not belong to it; temple, state property, personal and public, not gradually, but a uniform move. Partial violation of justice when it is found, is punished and becomes covered by a great shame. Such partial violators are called ..., church robbers, kidnappers of slaves, burglars, robbers, thieves. More over, if somebody deprive citizens property, and also enslaves them, having turned them into slaves, instead of these shameful names he will be called a successful one and a benefactor not only by compatriots, but also by strangers who know: such person wholly carried out injustice. Those who blame injustice do not blame non-execution of unfair acts, they are just afraid themselves of suffering. Rather full injustice is stronger than justice; it has more force, freedoms, and authoritativeness. Justice is what suitable to the strongest one, injustice is expedient and suitable in itself." [2. C.55]

As above noted in the text, this understanding of justice should be referred to problems of hermeneutics and at the same time to a need of mutually coordination objectively proceeding process and their moral justification in each historical piece of development of a civilization. Therefore, understanding of the principles of justice of all process of the organization of production, distribution, exchange and consumption, gives the grounds to develop the specifics of a method for not only a research of the nature shadow, and income but to be the basis for a method of understanding of an essence of these deep intrinsic processes in the Russian society.

At the same time it is necessary to admit in a research of the economic nature of income of the shadow sector that the principles of justice remained and continue to remain the most difficult problem in social sciences. We consider that importance of the development of the corresponding methodology is that justice reflects the deepest bases involving the domination of production and appropriation modes in the society. Moreover, the right as some wreath, political registration developed traditions and institutes in the society, just finishes, makes out this process of appropriation in society, making it already clear for each citizen.

All relation of appropriation in society at the same time process the alienation of the made product, therefore, they affect everyone financially. Respect for the settled traditions in the course of appropriation of income in society demands creation of additional institutes of the power, which allow the power to complete the links lacking it, thus by turning into some integrity. Such institutes become true attributes of the public power, for example, creation of the repressive device, the system of coercion to execution of such system of the economic relations which were generally issued as corresponding to the principles of justice in society for this historical period of time. However such superliner institutes are provided also by the system of the shadow sector of redistribution of income in the state, working in parallel with official institutes of the power.

People who carry out these or those reforms in society which cannot but mention the deep relations of property and the related processes of appropriation of income in society for injustice implementation in full won round also the politicized scientists. The last ones scientifically explained "justice" and a need of the carried-out reforms in intricate theories. Therefore, that problems of a method of knowledge of an essence of the mechanism of distribution and income generation of the shadow sector of economy were more or less presented and understood, it is not enough "to catch of them with thinking" by means of mind. These problems need understanding, and not just understanding. Therefore not accidentally Dely quite reasonably considered that we could only understand the facts relating to society from within, only on the basis of perception of our own states. "With love and hatred, with all play of our affects we behold the historical world". [Quote on 3. Page. 9]

Therefore more than two thousand years ago Platon had already had the bases to claim that the state what form government would not prevail, for the benefit of the dominating justice form "any power in own favor establishes laws: democracy – democratic laws, tyranny – tyrannical, also and in other cases. Having established laws, they declare them fair for subject - that is just what is useful for the authorities, and those who break them are punished as the violator of laws and justice". [2. Page 55]

Thus, justice is transformed into obligation. As it was noticed by Platon in Dialogues: "... it is fair to pay to each tribute". [2. Page 40.]

From our point of view, the economic nature of net income of the shadow sector of economy, irrespective of any type of state system has scientific prospect to be the theory of an institutional one, from a position of the American branch of marginalism of J.B. Clark, in particular, in his fundamental works "Philosophy of wealth (1886) and "Distribution of wealth" (1899). [14]

J.B. Clark's contribution to the economic theory in that part is that he broke all economic theory into three main directions: on universal economy, on a social and economic statics and on social and economic dynamics. At the same time a subject of universal economy are the general laws of economic activity, including, laws of the population, the law of the decreasing productivity, work and the capital, the law of the decreasing usefulness. A subject of a social and economic statics are problems of an equilibrium condition of economic systems, abstracting from their genesis, and problems of development of economic systems become a subject of social and economic dynamics. Here there are external for the economic environment factors, which give specific attributes of functioning of a system of the economic environment having the crucial role in a research of a condition of equilibrium situation.

Views and conclusions of the theory of J.B. Clark to the nature of net income in economies in general gain exclusive importance in this article. It is necessary to answer in the affirmative about the nature of net income in society in general; we believe that there are scientifically reasoned bases for ascertaining of the economic nature of net income in links, sectors, and elements of a shadow economic system. If to use before popular belief of the Russian classic, (V.I. Lenin) it can be reduced to the following. To open the nature of private, it is necessary to solve previously the nature of the common property; and it will be that main link in knowledge, which helps to extend all chain of logical conclusions and judgments.

We will assume that direction of universal economy and theoretical conclusions which generated from a social and economic statics. In initial postulates of a social and economic statics the theoretical model in which the prices are equal to limit costs of production in general is accepted as initial, including limit expenses of the shadow sector of economy, profit and an additional product are equal to zero, the income of owners of

the shadow capital is equilibrium remuneration for goods and services which the shadow sector of economy in any state is capable to produce. This model, therefore, is extremely abstract, i.e. here we as researchers of economic behavior of subjects of the shadow sector of economy exclude all factors of external impact on an economic system.

This direction of a social and economic statics gives us the chance to open not the theory of net income of the shadow sector of economy, but the economic theory of income, which is created and appropriated by the shadow sector of economy when profitability of these or those economic operations is defined by the competitive environment. Because we adopt the provision, which is hardly necessary to be proved as an initial parcel that the competitive environment takes place to be also in those spheres where there is the shadow sector of economy.

The direction of social and economic dynamics gives us the chance to explain process of formation of already net income in conditions when the system is brought out of static balance. In this case the situation when costs for production of goods and services begin to increase in the shadow sector of economy can be found. It becomes possible only when the shadow sector as a result of economic activity, as a result of violation of the precepts of law regulating the economic environment during the initial period finds effect of return of the extreme productivity factors of shadow economy. Net income is formed only through a certain period of time when the economic system in general, and, in particular, does not become in the shadow sector a condition of static balance. It follows from fundamental position by J.B. Clark.

The method of our research therefore, finds out the specifics that we follow the main logic in a research of economic processes of distribution of income in social and economic systems after J.B. Clark. At the same time we allocate four major factors of production of income in the shadow sector of economy, including, the capital as money, the capital as means of production and the earth, enterprise abilities of organizers of production of goods and services and also work of hired workers in the shadow sector of economy.

The shadow sector as any is capable to take advantage from production, including forms of the organization which has not received the legal registration in society yet. It gives the grounds to claim that the shadow sector breathes not only through cracks of

imperfection of the tax law, (J.M. Keynes) but also through cracks of imperfection of economic, currency, financial, commercial law and also as a result of inability of the state to carry out the direct functions to provide respect of rules of law by all economic entities in general.

The second reason of formation and appropriation of net income by the shadow sector comes down to the fact that in economic systems as a result of the competition where the conditions allowing to take a big share of net income are found because in this case the system is not in a condition of a social and economic statics, the factor of incentives of penetration into this sphere of other economic entities works. Market saturation by goods and services results from the offer. The last returns the system in a condition of a social and economic statics when profit, according to J.B. Clark is equal to zero, and the prices for the made goods and services of the shadow sector of economy are equalized with limit costs of production and realization.

However, if the behavior of the participants of economic activity in economic systems in the conditions of social and economic dynamics is predetermined by a role and an opportunity to carry out the direct functions by the state including the repressive device, then the behavior of participants of economic activity of the shadow sector of economy is already not determined by it fully. The government has no real political, economic, and other power in that measure to suspend economic activity in the shadow sector. At the same time we state the idea which was not mentioned by J.B. Clark, concerning the fact that the economic relations are governed not only by economic norms of other branches of law, but also the relations of ethics of economic entities. Therefore, as one of factors which does not allow to bring the system which is in a condition of social and economic dynamics as a result of the competition to a state of a social and economic statics where there is neither an existence of a factor as carrier of moral standards of civilized economic entity, but total or partial absence of civil liability in the course of production of goods and services. So, in this research we cannot abstract from an ethical constant of behavior of economic entities in the concept of the relations of justice and its assessment on the basis of moral law of the individual any more to understand the economic nature of income of the shadow sector of economy.

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