

# ASSOCIATION AGREEMENT: DRIVING INTEGRATIONAL CHANGES

Monograph

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ZHYTOMYR STATE TECHNOLOGICAL UNIVERSITY (UKRAINE)  
CHERNIHIV NATIONAL UNIVERSITY OF TECHNOLOGY (UKRAINE)  
CENTER FOR ADAPTATION OF THE CIVIL SERVICE TO THE  
STANDARDS OF THE EUROPEAN UNION (UKRAINE)  
EDUCATIONAL AND RESEARCH INSTITUTE OF LAW OF THE NATIONAL  
AVIATION UNIVERSITY (UKRAINE)  
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*Edited by*  
*Richard Iserman, Dr.H.C. in International Relations*  
*Maryna Dei, PhD, Associate Professor*  
*Olha Rudenko, Dr.Sc in PA, Professor*  
*Yaroslav Tsekhmister, Ed.D, Professor*  
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The collective monograph is devoted to the actual issues concerning the implementation of the Association Agreement between Ukraine and the member states of the European Union. In particular, the monograph examines the theoretical and practical aspects of various spheres of joint activities, as a commitment to economic development in Ukraine.

Created for scholars, research workers, postgraduates and students of higher education institutions, as well as for all those interested in the implementation of the Association Agreement.

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**Welcome speech of the Rector of Dubnitsky Technological Institute, Slovakia,  
Tomas Lengyelfalusy, doc. PaedDr., PhD**

Dear Participants of the International Conference, Ladies and Gentlemen,

I am sending warm greetings to you. It is an honour for me to address you on behalf of the co-organizer of this major international conference.

Conferences of this importance and with such a broad scope require good organizers, managers, strategists, and implementers as well as progressive ideas. I myself am really pleased and we, with my colleagues from DTI University, are glad to be the co-organizers of this major event.

The scope of the conference is broad – it covers such fields as pedagogical and psychological sciences, law, security, economics and management, communication, culture, art, social work and healthcare, and many other interdisciplinary combinations. So, professionals can find their own field of interest, in which they can enrich other participants and, last but not least, have the opportunity to gain new knowledge, information and interesting data even in the fields which have been distant, undiscovered or unknown to them.

The aim of the conference is to create favourable conditions for information and experience exchange, to present up-to-date trends, news and technologies and, by joint effort of creative teachers and researchers, to achieve a higher level of education and scientific research in the above fields.

Here, I would like to thank all my colleagues from our university as well as from all the collaborating institutions, supporters and co-workers who contributed to the organization and the successful course of this conference – whether in the Scientific or Organizing Committee; or as peer-reviewers. We would also like to thank those colleagues who, for any reason, are not, or do not want to be, mentioned but we have noticed and highly appreciate the results of their hard work.

Let the results of discussions and the conclusions of this conference contribute to further knowledge, to the enrichment of individual scientific disciplines, pedagogy and didactics, to increasing the efficiency of university education, to successful implementation of information and communication technologies into education and scientific work, and, above all, to the development of thinking!



**Tomáš Lengyelfalusy**  
**Rector of DTI University**

**Welcome speech of the Vice Rector of Paneurópska univerzita v Bratislave, Slovakia,  
Ľudovít Hajduk, Prof. PhDr.PHD**

Planning the transition of a site or a problem from one point to another will expose a multitude of questions that are usually dealt with separately by different specialists. These may range from politicians, structural engineers, architects, business developers and entrepreneurs, housing experts, landscape designers, procurement administrators, economists and so on – all of whom have a distinct world view and focus. Besides these specialists there may be other actors with valuable knowledge whom are often left out of early stages of planning – such as user groups, neighbours, municipal authorities etc – yet are vital players in the future of a place. How can all these voices constructively contribute to the future of place or the understanding of complex problems?



Our approach to complexity involves working with actors and stakeholders; from the heart to the mind. We provide straightforward knowledge management tools that allow for a structured and oriented dialogue about the future of a place or the framing of a problem. We see our role similar to “curating” in the art world we help in: identifying constraints, collating resources, filtering ideas and positions, bringing together stakeholders in order to co-create a meaningful vision. We feel this is an essential step that is often disregarded in the planning process yet can make a radical difference when dealing with place-based complexity.

Post-war planning methods were exceedingly top-down, with decisions taken by a small circle of powerful actors who consult specialists on specific technical problems. This approach has shown its limitations and there are numerous accounts of failed urban interventions that it produced. One reason for such failures is that without an effective dialogue between specialised experts, developers are often tempted to focus on individual aspects of a programme rather than a more “systemic” reading of the project site: this can lead, for instance, to technologically sophisticated interventions that are not accepted or properly maintained by users.

Moreover, a more transversal vision of development can help to anticipate and attenuate conflicts that normally appear at later stages of the planning process, when changes to the initial programme come at exorbitant costs or are even impossible. Consider for example the costs of citizen confrontations at the train station where citizens rallied almost daily for years against the project. Such friction is more the norm in complex projects than the exception.

The market-driven approach and the consultative approach are two alternative planning methods that can avoid some of the pitfalls associated with top-down planning. Market-driven planning is mainly driven by actors with access to resources who will only reach out to other actors if this is commercially interesting – consider the consequences of 80’s Thatcherism policy on public services. This approach has often led to uncoordinated interventions, socially undesirable outcomes and creates conditions for corrupting political interests. The consultative approach aims at engaging as many actors as possible and seek their opinions, but in practice this approach has often not been able to effectively bring together diverse ideas within the planning process. Although consultative planning has aroused initial enthusiasm from otherwise unsolicited stakeholders, it rapidly runs into different forms of “participation fatigue” as stakeholders are frustrated that their views are prompted but only rarely find their way into final outcomes. Worse still is when public actors see that their contribution is a theatrical performance to push through a thorny project.

**Ľudovít Hajduk  
Prof. PhDr.PHD.,  
Paneurópska univerzita v Bratislave, Vice Rector, Slovakia**

**Welcome speech of the Ass. Prof. Ing. Lenka Dubovická, PhD.  
University of Central Europe, Skalica, Slovak Republic**

The world economy is currently undergoing significant changes. The accompanying phenomena of these changes have become processes of globalization, liberalization, institutionalization, integration, internationalization, deregulation, harmonization and securitization. The ever-increasing pace of globalization of the world economy also brings new challenges for all national economies, especially for their economic and foreign trade policy. The impact of the external environment on the national economies is enormous and there is nothing to suggest that it will diminish. Economic development is rapidly implemented from national economies to international economic relations and vice versa. However, in the case of undetected errors or failures, this mechanism also works. This was proved, for example, as incredibly rapid expansion of the economic crisis to all corners of the world.



States united within the current European Union have achieved so far a high degree of economic integration by creating an economic union, supplemented by a still incomplete monetary union. The European Union unites states on a regional principle, e. g. any country on the European continent may become member state of the European Union. Today, European regionalism is increasingly influenced by global trends, particularly in the area of trade, security and protection of human rights. The largest enlargement of the European Union in the year 2004 (the enter of eight central and eastern European countries: Estonia, Latvia, Lithuania, Poland, the Czech Republic, the Slovak Republic, Hungary and Slovenia and the two Mediterranean countries of Malta and Cyprus) meant not only political but also economic progress in the process of unifying Europe. Two other eastern European countries - Bulgaria and Romania - joined the European Union in 2007 and Croatia became a member of the EU in 2013. Today, the European Union has 28 member states, but a referendum in 2016 is currently underway for the United Kingdom's exit process. Other European countries are currently preparing for membership of the European Union.

As part of the process of preparing for membership in the European Union is fulfilling the Copenhagen criteria which require the candidate to respect for democratic principles (creating stable institutions guaranteeing democracy, enforceability, respect for human rights and respect for national minorities), building a functioning market economy and acquiring the ability to face competitive pressure on the Union market; as well as the assumption of obligations resulting from membership, including political, economic and monetary union, i.e. the correct application of European legislation in practice. The states applying for membership of the European Union have signed with the European Union and its member states so-called association agreements. However, the process of preparation for membership in the European Union itself is relatively long, demanding and demanded special approaches and institutional changes in state administration bodies. With time, it can be said that enlargement of the European Union can be considered as its greatest success.

The ambition of this monograph is to link the views of individual experts within the five thematic areas that present important aspects of adapting society to the new conditions of further development. The aim is to analyse the issues in broader contexts and on an interdisciplinary basis and to draw up the structure of publication through mutual interconnection and gradual classification of articles so as to enable the reader to uncover the essence of the particular issue and to awaken the interest in understanding it deeper.

**Dear readers, we wish you pleasant days,  
Ass. Prof. Ing. Lenka Dubovická, PhD.  
University of Central Europe, Skalica, Slovak Republic**

**Welcome speech of the Miroslav Kelemen, Dr.h.c. prof. Ing., DrSc. MBA, LL.M.,  
Brigadier General ret., Professor of the Faculty of Aeronautics of the Technical  
University of Košice, Slovakia**

Dear colleagues, dear readers,

our international cooperation is reflected in the III International Scientific and Practical Forum "Association Agreement: Driving International Changes" 2019. The main objective of the scientific forum is to consolidate the experience of scientists and practitioners from the Ukraine and the states-members of the European Union working for the development of theoretical, scientific and practical approaches aimed to improve the efficiency of the education system and the issues of implementation of „the Association Agreement between Ukraine and the states-members of the European Union.“. A common platform is the exchange of experience in the field of "Education" and "Scientific Research".



Education is a long-term and continuous institutionalized teaching of teachers, instructors or other persons as the professional educators at the school and in out-of-school teaching facilities. The result of learning is a topical requirement and becomes also a perspective for the lifelong learning with a growing share of knowledge. The use of scientific synergy and the potential of social, humanities and technical sciences in the education creates the new possibilities for increasing the quality and efficiency of students' preparation, the understanding of specialized topics and exploring selected scientific issues. The domestic and foreign scientific experience can make a significant contribution to the development of education, society and the state.

The development of sciences and community education for the professional fulfillment of tasks according to the needs of society and citizens is therefore our mission as well. The priority of education and scientific research is to protect the most precious - human life and human health, the protection of its rights and freedoms, the interests and development of society and individuals in all sectors.

Dear colleagues, on behalf of the Forum Organizing and Scientific Committees, let me thank you for your active approach to the sharing your experience and developing the education systems between the Ukraine and the states-members of the European Union.

**prof. Miroslav KELEMEN**  
**Technical University of Košice, Slovak Republic**  
**Co-Chairmen**

**Welcome speech of the Rector Zhytomyr State Technological University,  
Ukraine, Viktor V. Ievdokymov, Doctor of Economics, Professor**

Ukraine's integration into the European Union is a conscious choice of our country's citizens. They proclaimed it in response to the Ukrainian authorities' suspension of preparations for signing the Association Agreement with the EU in 2013, thus changing the course of history and irreversibly directing the country towards Europe.

The European process of Ukraine's integration is perceived by citizens as a general strategic goal, a part of the national idea and a means of asserting Ukraine as an independent state.

Following the signing of the Association Agreement with the EU, Ukraine is in the process of forming its European face. The Association with the EU is a common moral victory of Ukrainians and a determined step towards building a strong, democratic, legal and socially oriented state.

The Ukrainian goal is a full entry in the circle of European civilized countries, sharing common values, European identity, history, geography and politics.

European integration of Ukraine should not remain at the level of the declared slogans and formal measures, as it often happened in the past. It should become a completely practical process. This process requires innovation, rapid adaptation, considerable effort and close interaction between science, education and public administration.

In the conditions of reformation and modernization of the state, search for moves of integration changes, problems of cooperation between Ukraine and the European Union in the context of the Association Agreement are topical issues.

Ukraine's policy on building relations with the European Union is being implemented. At the same time, Ukraine continues to fight for its integrity and sovereignty with neighboring Russia in the east of the country, and it needs assistance and support from the EU.

Time is difficult. It requires solidarity, hard work of compatriots, scientific developments of researchers. Engaging subjects from all public life spheres in the process of establishing cooperation between Ukraine and the European Union will enable the European dream of Ukrainians come true!



**Viktor Ievdokymov,  
Rector of  
Zhytomyr State Technological University**

## **Welcome speech of the Director Center for Adaptation of the Civil Service to the Standards of the European Union, Maryna Kanavets, Candidate of Sciences in Public Administration, Ukraine**

European integration choice of Ukrainian people is the most important achievement of Ukraine over recent years, which became possible thanks to the Revolution of Dignity. Integration into the European political, economic and legal space to seek membership in the EU is one of the main principles of Ukraine's foreign policy defined by the Law "On the Principles of Internal and External Policies". European integration processes influence the ongoing reforms and necessitate harmonisation of Ukrainian legislative and regulatory acts to the EU *acquis communautaire*.



The EU–Ukraine Association Agreement stipulates large-scale institutional and structural reforms in line with the established frameworks.

Public administration and civil service reform is one of the most important horizontal reforms, as it is a prerequisite for implementation of efficient sectorial policies. The public administration reform should be a response to the need of society in effective, responsible and open government authorities and, therefore, in good governance.

Quality of public administration has a fundamental role in the European integration process, acting as the driving force behind the reforms needed for meeting the EU accession criteria.

The fulfillment of these criteria is a key aspect of preparing for the EU membership. It requires not only the transposition of the EU law into national legislation, but also the effective enforcement through well-prepared administrative structures.

Center for Adaptation of the Civil Service to the Standards of the European Union as a national coordinator of the EU institution building instruments Twinning, TAIEX and SIGMA programme is making every effort to ensure its effective implementation in Ukraine in order to support the reforms as well as strengthen the capacity building of Ukrainian government authorities.

This fact is confirmed by the European Commission reports, according to which Ukraine is an unchanged leader among the countries of the European Neighborhood Instrument in the total number of completed and ongoing Twinning projects.

The Center for Adaptation of the Civil Service to the Standards of the European Union is one of the key elements of the implementation of the public administration and civil service reform. The ultimate aim of this reform is to clarify and strengthen the overall management and administrative capacity of the state apparatus based on principles of good governance and best practices of the EU Member States as well as to turn it into an effective instrument of continuous and sustainable development of Ukraine because efficient public administration is a state's ability to formulate and implement high-impact state policy into the key areas of the life of society, to provide administrative services as well as to ensure the social welfare and security of citizens, competitiveness and economic growth of the state.

Implementing the Association Agreement we keep building a new Ukraine and strive for each citizen to be proud of achieved results.

**Maryna Kanavets,  
Center for Adaptation of the  
Civil Service to the Standards of the European Union,  
director, Ukraine**

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PART I

**GENERAL PRINCIPLES,  
ACTIVITY OF PUBLIC  
AUTHORITIES**

*Association agreement: driving integrational changes*

**Accent Graphics Communications  
2019**

## **Conceptualization of the Theory of Public Stability in the Science of Public Administration**

As the analysis of the current trends in the theory of public administration shows, in the field of study of the complex public phenomena there remain significant unresolved problems related to the lack of appropriate methodological foundations. In the latter case, it is mainly about the complexity of both the public phenomena themselves and the need for the use of state-run theoretical and methodological outputs of the scientific fields adjacent to them. Moreover, this requires systematization of the main elements of the process of forming the methodological foundations of the study of public stability, which is primarily due to the need to create such a scientific theory that would determine the main directions of its formation under conditions of instability and provide practical recommendations on the mechanisms for stabilizing the social development. Such a theory combines the basic elements of scientific theories and concepts in the field of public administration - based on the level of empirical knowledge, scientific and methodological research and verification, and in the sense of the methodology of public administration will be based on equilibrium, synergy, conflict and system paradigms. The deepest in its essence is the synergetic paradigm that allows us to characterize the public stability as a dynamic process that occurs through the self-development and self-organization of the system. At the same time, the main determinants of the public stability are to take into account the causal-consequential, correlation and regulatory approaches, as well as factors that determine the invariant quality of the system characteristics of the scientific theories. The synergy methodology allows us to formulate alternative scenarios for the development of society within the limits of the chaos theory, taking into account the factors of randomness and human factor, to determine the directions of the system's development in accordance with its own immanent mechanisms. The synergetic paradigm accumulates the basic theoretical approaches of the general scientific paradigms giving them a wider vision of multiplicity and versatility in the study of the social development processes.

Based on the main features of the scientific theory as such, we distinguish the following elements of the theoretical concept of public stability in the public administration: problem-oriented analysis that provides a systematic analysis of a set of problems that will be considered in related sciences, the implementation of scientific and practical experiment and, on this basis, the development of a new field of scientific knowledge; minimization of the problem field on the basis of solving most of the problems in terms of public administration as a scientific field; relevance and conformity of the present, appeals to the problem field of the processes of the

state formation in the real socio-political context; originality and innovation of the research approach to the solution of the problems with the indication of concrete practical-oriented ways and mechanisms of state-administration activities; factuality, verifiability as the empirical basis of theoretical reflection; orientation to the fundamental approach to the formation of scientific theory; the presence of a special categorical-conceptual apparatus; orientation on the definition of the essence, content, the main characteristics of the public stability, the formation of a holistic scientific and theoretical model based on the system approach; interdisciplinary character, providing the possibility of application in various scientific fields that are resorting to the analysis of the public stability ensuring its further development.

Given this, there is a hypothetical assumption about the possibility of developing a theory of public stability in the public administration that will be the ideal managerial concept of the social development and at the level of the public administration formed within the framework of a postmodern state-administration paradigm.

Taking into account the basic characteristics and elements of the scientific theories, as well as the specificity of the public stability as a subject of scientific research, the theory of the public stability in the public administration will have the following characteristics:

- expands the scope of scientific knowledge on the problems of stabilizing the social development processes in the sense of state administration in the historical retrospect, which will be systematized and generalized in the science of public administration into a single stabilization system with signs of regularity;
- reveals a certain set of facts that form the process of interaction of the subsystems of ensuring the public stability on the basis of the levels of public governance, explains them and determines causal relationships, as well as establishes certain patterns of their development;
- forms the innovative laws and laws of the social development, explains their application and is the basis for the formation of the mechanisms for managing them;
- proves empirically the authenticity of the provisions that make it;
- offers an idealized model of ensuring the public stability on the basis of development and implementation of the state-administration mechanisms for its achievement, as well as alternative variants of the social development;
- applies the original methodology of the public administration science, including innovation;
- forms the conceptual scheme of research of the subject area of public stability in the science of the public administration and its laws;
- performs the following functions - synthetic (combines separate ideas from different branches of knowledge); explanatory (reveals the causal consequences of the phenomenon of public stability, its main characteristics and methodological approaches); methodological (forms the innovative

methodology of the research); predictive (carries out scientific prediction of further research and possible results from implementation); praxeological (develops scientific leakages of practical implementation of the theoretical positions in the public administration);

- can be verified in the process of managing the social development (it must withstand competition and be as fit for survival), that is, it provides a significant amount of verified information - has a profound meaning; is logically distinctly constructed; has a significant explanatory and predictable force; can be as accurately as possible verified by comparing the predicted facts with the observations.

The theory of public stability in the public administration, according to the general classification of the scientific theories, must be classified into a class of theories that are probabilistic, that is, due to certain factors that are predominantly variables or random. These factors include those that are formed in the process of the social development and change in accordance with the internal conditions and challenges from the outside and lead to a change in the classical state-administration paradigm. At the same time, there is a certain set of stable factors that form the basis of the theory of public stability in the public administration. These mainly include factors that form the basic model of the subsystems of ensuring public stability.

The sign of the theory of the public stability as a probabilistic one can be considered as a system of relationships formed between the levels of the social development. Such connections are mostly stable, that is, they reveal the qualitative characteristics of the subsystems of ensuring public stability in the process of interaction and its mechanisms based on laws, regularities and concepts. However, the system of connections sometimes appeals to abstract categories that are not directly related to the classical theory of the public administration, are not adapted to the needs of state-administration science, but, being introduced in its context, need to be specified within the postmodern paradigm at the level of the corresponding theories and the concepts of public administration that reveal the process of ensuring public stability.

The basic regularity of the theory of the public stability is the regularity of the hierarchical sequence. According to it, the subsystems are in a certain hierarchical sequence, but their dominance may vary in accordance with the priorities and needs of the social development. The hierarchy of the subsystems of ensuring the public stability is reflected in the structure of the state governance, with the hierarchy of subsystems of the society determines the situation in which the formation of the priority of one of them at this stage of the historical development of the society depends on the needs of society, which have the greatest value and significance at this particular time, and is also determined by the possibilities of the public administration, including the state. This requires a theoretical rethinking of the existing classical theories of the public administration and the emergence of new horizons for

the development of state-administration science, namely, the postmodern paradigm of the state governance.

In this regard, the theory of public stability in the public administration can be attributed to general administration theories that will combine a holistic abstract-generalized analysis of the existing reality based on available empirical material (in the basis of such an approach is a modeling method, in particular, the construction of an ideal model determined by societal reality), as well as specific (level) scientific paradigms that describe the subsystems of ensuring the public stability that in their construction are based on a system of paradigms, protrusions or constituent elements of the logical design; while varying in content, goals, categorical apparatus and methodological tools.

The specific paradigms are formed within the defined subsystems of a society - a conscious, political, economic, social and cultural, developing a methodology for analyzing society as a complex system. Thus, the paradigm of the conscious level relies on the spiritual component of the public stability, examining the essence, structure and general laws of the functioning and development of its main elements - consciousness, ideology, values. The paradigm of the political level provides an approach that, firstly, determines the level of trust in political power and the main subjects of governance that determines the conflict-friendly nature of the society reducing the possibility of stabilizing the social development at the level of the political system of the state; and secondly, the process of transformation of the main subjects of the public administration is actualized. The paradigm of the economic level focuses on the definition of the main levers of the social development in the aspect of creating a public good. The social paradigm relates the conditions and peculiarities of creating a public good within a certain type of social relations with the axiological content of the welfare of the society. The cultural paradigm reveals the system of value accentuations of the society and the main priorities of the social development from the point of view of intellectual potential.

In fact, the paradigm in the field of public administration, being applied, i.e. acting as a concrete model, shaping the recommendations in the process of administration, must, however, be based on the scientific methodology of both the science of the public administration and related sciences. On the basis of this assumption it can be noted that the principles of the methodology of the research of public stability in the public administration are formed within the framework of an integrated approach to modern scientific paradigms of comprehension of the complex social phenomena (a complex of paradigms) and on the basis of the consideration of the interrelationships between the main subsystems of ensuring public stability (level interaction), supplemented by the synergy methodology inherent in modern research within the framework of the postmodern paradigm of the state administration, and a conflict-based approach to

identifying the factors and instability factors and mechanisms for administration of the stabilization process.

The level interaction involves the implementation of the theoretical and methodological analysis of this phenomenon from the standpoint of the features of interaction of the main subsystems of the society in the aspect of ensuring public stability: the conscious subsystem involves research, analysis on the predictable directions of the spiritual development of the society as the main stabilizing factor; the political subsystem, formed on the basis of certain values and ideology allows to determine the level of political stability of the society and to predict its influence on the socio-economic development of the state; the economic subsystem is the basis for determining the positive and negative dynamics of the development of the society and the state in the context of the specified parameters of the state of the system (stability / instability) taking into account the forecasting models of future periods; the social subsystem is a “field” for verifying the main trends in the development of the stability / instability of the political and economic subsystems of the society taken in their generalized dynamics; within the framework of the analysis of the cultural subsystem, forecasts of the development of the intellectual capital are formed and outline the main possibilities of the state for its support.

The paradigm complex in turn involves an analysis from the point of view of the system of available scientific paradigms, from analytical work with available information (empirical paradigm) through scientific and analytical research (scientific paradigm) to specific practical recommendations on public administration of the social development processes (administration paradigm).

At the same time each level of the public stability involves the possibility of allocating a separate scientific paradigm. Since the paradigm is formed in the process of analysis of a specific subsystem of the society, a certain level of the public stability, the objectivity of the scientific approach requires in the process of ascending from the abstract to the concrete development of the principle of level interaction in the study of the public stability on the basis of the analysis of its levels, forming the hierarchical interdependence of the corresponding paradigms. In other words, from the analysis of the subsystems of the public stability it is possible to derive a concrete administration paradigm avoiding the need for verification of the theoretical concepts created on the basis of scientific imagination. Moreover, it is important to understand that in the process of analysis of each of the subsystems it is possible to deduce the whole set of paradigms that will reflect the system of relationships and interconnections, the most essential properties and parameters of the subsystems of the society, reproducing at the theoretical and methodological level the dialectical unity of the object in its dynamics development and transitional states.

Thus, we can assume that the general concept of the formation of the theory of public stability within the science of the state administration, taking into account the logic of the scientific research of public stability as a phenomenon and as a process, is carried out within the framework of the shift of the classical paradigm of the state administration to postmodern that at the theoretical and methodological level causes the appeal to the need for adaptation primarily synergistic approach to the scientific analysis of this complex phenomenon, resulting in a significantly expanding methodology of the science of the public administration.

In this case, within the framework of the theory of public stability it can be argued that the synergetic approach implies:

- the definition of the methodology for establishing coherence, the association of events carried out at different levels (in subsystems), proof of their hierarchical interaction within the framework of the theory of state administration;
- the study of the openness of the public subsystems, especially their bifurcation field, and the definition of attractors that provide continuous operation of the system as the basis for the formation of the public administration mechanisms;
- the formation and development of the social consciousness and generally accepted moral patterns of social behaviour to prove the value of the beginning and the place of the spiritual and ideological space in the process of stabilizing social development;
- the definition of the role of conflicts, contradictions, crises and their analogues - chaos in the process of dynamic development of the social system and ensuring its effective functioning, taking into account their importance in the process of the public administration of social development based on the application of conflict management mechanisms;
- the comparison of dissipation and stabilization processes at different stages of ensuring the public stability and in different subsystems of its creation;
- methodological possibilities of effective state administration of the social development and innovative potential of a society.

Thus, the synergistic approach allows one to identify the indicators of inconsistency between the goals and the real state of the subject-object, subject-subject and object-subject relations, indicating the exhaustiveness of the resources and capabilities of the system on effective social development, and therefore the preconditions for destabilization of the social system, as well as formulating the problem field of the public stability that is connected with the mechanisms of its provision within the framework of the methodology of weakly structured systems. On the other hand, the synergetic approach makes it possible to determine the potential of self-organization of the system, stabilization of its development and improvement of its administration process, including strategic, tactical and operational; to

establish priority ways of the system development taking into account possible risks and external influences; to reveal the main criterion indicators for assessing the degree of stability of the system.

In this approach to the study of the public stability in the public administration the main attention is paid to the methodology of synergetics, given its interdisciplinary nature. In fact it is about the development and implementation of the newest methods, principles and approaches that are the basis of a more profound scientific analysis of the complex social phenomena to solve the theoretical and practical tasks of the public administration within the framework of the stabilization analysis of all the subsystems of the society: the definition of their structure of characteristics, tasks and functions, conditions, factors and indicators that influence the process of ensuring public stability on the basis of a criterion approach to the analysis and assessment of the level of public stability.

Determining the conscious subsystem of the society as the base allows to realize the synthesis of the conscious and cultural levels of the public stability. In this context it is possible to develop a basic model of the spiritual component of the public stability in accordance with the types of the social consciousness. Moreover, if we apply the criterial approach to the verification of the indicators of the dynamics of the components of stability of social consciousness, which determines the degree of its stability, and ideology is considered as a regulatory model, then within the problem-oriented approach, the model of qualitative change in the system of the social development will be constructed on the basis of value-ideological factors of the public stability that involves taking into account the classification of values in terms of significance in conditions of stability / instability of the society.

It is worth noting that for the theoretical understanding of public stability in the state administration a significant point is the unification of a conscious subsystem from among others, because consciousness should be understood as an independent sphere of change of the main ideological orientations and orientations of life of a person and society. In so doing this independence is from a theoretical point of view conditional, since the conscious subsystem covers all the others, but falls under the reciprocal influence of the changes taking place in them, causing their own changes. That is, all the main elements of a conscious subsystem under conditions of stability of the society are factors of stabilization, but in the conditions of strengthening of the external influences that lead to filling the conscious subsystem with qualitatively new elements, there are changes in consciousness creating its instability. The changes in the conscious subsystem cause the corresponding changes in the political subsystem at the level of political consciousness, which causes the decline of the political system of the state and causes the development of the economic crisis that results in social instability. Moreover, the traditional culture (and especially state-

administration culture) becomes incapable of answering the challenges of destabilization, demanding changes in the basic humanistic guidelines and the formation of a qualitatively new conscious subsystem. An unstable state in this case continues until the new elements become generic for all the other subsystems of the society, creating the conditions for stabilization.

Focusing on the political subsystem of the society allows one to consider it as one of the most important mechanisms for ensuring reproduction of all the components of the public stability that is implemented at the level of the state power, which, being a counterpoint of public administration, ensures the integrity and efficiency of state-administration activities, which makes it possible to develop a generalized model of the factors of political stability / instability based on the relationship between the main components of the effectiveness of the society. The latter is based on the definition of the stages of the formation of political stability in accordance with the conditions of social development, reflecting the realization of subject-object relations in the political system and its most significant links with other subsystems, envisaging the formation of a transitive mechanism for the preservation of political stability and its adaptation to public administration.

Understanding the role of the economic (from the standpoint of economic synergetics) and the social (from the standpoint of axiomatic synthesis) subsystems in the process of ensuring public stability on the basis of synergistic approach and application of the principle of system synthesis reproduces a complex vision of key variables and leading processes that determine the dynamics of the studied variables in the time interval and scale that makes it possible to construct a hierarchy of simplified models.

This approach outlines the macro level of the economic subsystem that forms the space and conditions for the transformation of the overall growth into the endogenous interaction of the main socioeconomic subjects of the macro-environment of the system in a time dimension, as a result of which the stability of the economic subsystem is considered in the context of economic stability at the macro and micro levels. The need for state regulation of the economic sphere requires the allocation of a possible set of criteria of one or more of the most aggregate and significant, since the transformation of the interaction of the structural levels of the market, as well as the interaction of the economy with socio-political and cultural spheres into the macroeconomic source of economic growth needs to take into account the fact that the transformation does not complete the transition from one socioeconomic system to another, but permanently continues within the framework of a new system. In this aspect from the point of view of public administration it is important to monitor the dynamics of changes in the indicators of economic growth under the influence of increasing the efficiency of the economy in the process of innovation development and technology. In its turn the social subsystem from the standpoint of axiomatic synthesis within the framework of the level analysis provides an opportunity to develop

an innovative matrix of threats and dangers by means of which it is possible to define generalized blocks of factors that in turn enables the definition of functions directly related to the social sphere of the public stability, increasing the effectiveness of public administration social development of the society.

The analysis of the changes taking place in the economic and social subsystems of the society related to socio-economic development, the change in economic cycles, and the dynamics of scientific and technological development that leads to the emergence of innovations requires the consideration of the presence of positive feedback loops in non-equilibrium systems that provides in these systems the state of increasing weak perturbations, provoking the appearance of structural changes in the system, causing sharp changes in quality that are not evolutionary. Positive and negative changes in the economic and social subsystems provoke appropriate changes in the public system as a whole, which actualises external regulation by the subjects of administration of the political subsystem and reinforces the corrective influence of the system of the public administration.

In fact, in the case of a theoretical analysis of the social and economic subsystems of public stability one should refer to inter-system interaction as an object of theoretical reflection that becomes an essential element of the contextualization of the totality of changes in socio-economic, socio-political and cultural processes in the aspect of state regulation of the social development, and realized at the level of public administration practice in the field of state policy, needs analysis of appropriate methods and mechanisms for its implementation.

On the other hand, taking into account the specifics of inter-system interaction and peculiarities of the impact of the integration processes on the state of public stability, it is expedient to pay attention to in-system processes that actualizes the analysis of the main elements and parameters of regulation of the internal stability of the system in view of its structure.

The conceptualization of public stability in the theory and practice of the state administration is through the disclosure of an administration paradigm (postmodern). The result of the theoretical and methodological analysis of the main levels of public stability is the conceptualization of the public stability in the theory and practice of public administration on the basis of the development of a scientific and theoretical model of innovation development that in the methodological aspect is the basis of a concrete scientific approach to the development, adaptation and introduction into practice of the state administration of mechanisms ensuring public stability.

According to this approach one of the important theoretical tasks is to provide the state administration with innovative methodology for the analysis and evaluation of the social development processes (at the level of each of the subsystems of the society with subsequent generalization) on their compliance with a specific level of public stability. The analysis and evaluation in this case acquire systemic characteristics and correspond to the

main parameters of the system of public administration distributed in accordance with its structural and functional features, taking into account the dynamics of the formation of innovations in the society.

In this sense, it is appropriate to apply the innovative strategy of the stable development - to-innovation (generates a model of prediction and forecasting of state-administration decisions in conditions of public instability), innovative (forms a model that reflects the system vision of the process of formation, selection, implementation and evaluation of innovations in the analytical perspective) and post-innovation (represents a forecast of dynamic development) that forms an innovative system of ensuring public stability on the basis of the introduction of the concept of “state-administration mechanisms of ensuring public stability” and the development of a scientific and theoretical model of innovation development based on the intellectual and conscientious component of the process of ensuring the public stability.

From the point of view of public administration and its strategic priorities, the theory of public stability has a concrete reflection in the development of a state strategy to ensure public stability, providing systemacity to the public administration. In this regard the theory of public stability provides an opportunity not only to form a new vision of the essence and prospects of the social development, but also to take into account the main goals and priorities of the development of the society at the abstract and scientific level. In this case the generalized character of the theoretical postulates can be specified and implemented at the empirical and practical level in the form of strategic program documents of the state level. These documents include state-owned concepts and strategies aimed at regulating the social development processes, first of all, related to the revival and formation of the national consciousness, the main spiritual guidelines of the society, the formation of a system of public and individual norms, values and priorities.

Consequently, within the framework of the concept of the research on public stability in the public administration one can propose the main theoretical positions that reveal the essential and substantive characteristics of the phenomenon under study and the corresponding research procedures.

*Public stability* is considered as the result of the dynamic development of the levels of the society's vital functions within the framework of their interaction in which there is a combination of unstable equilibrium between system-building and system-driven processes for ensuring orderliness, stability, unity and integrity of the society.

*Public stability* is a state of interaction and interconnection of all the structural elements of the main subsystems of the society that, in the process of dynamic development of the system, provides it with the conditions for maintaining integrity and long-term functioning under the influence of internal and external factors.

*Public stability from the point of view of the public administration* - controllability of the state of integrity of the system.

*The goal of the public stability* is to preserve the integrity and long-term functioning of the system under the influence of internal and external factors.

*Characteristics and determinants of the public stability* - complexity, integrity, structuring, resistance to changes, self-organization, increasing diversity, self-preservation, reproduction.

*The basic laws of formation of the public stability* - the law of priority of the social goals, on the basis of which it is possible to construct a model of the social state; the laws of social development - allow us to develop mechanisms for ensuring public stability; the law of hierarchy (administration hierarchy) - proves the existence of a hierarchy of subsystems of the public stability in a single stabilization cycle; the law of the necessity of increasing diversity - proves the necessity of a higher degree of diversity of the control subsystem over the lower ones; the law of external addition - allows to determine the algorithm of improvement of the highest subsystem by external cooperation in accordance with the priorities of development and form the mechanisms of self-regulation; the law of uplifting needs - classifies the tasks of the process of ensuring public stability in accordance with the priority goals; the law of cooperative systems - allows us to develop mechanisms for the ordering and self-organization of the subsystems during the period of chaos; the law of uneven development of complex organization systems (in conjunction with the law of the smallest) - determines the ways to ensure a uniform stabilization of the social subsystems and prevent the stopping of their dynamic development; the law of feedback - objectively reflects the results of activities and their perception in order to further adjust; the law of integration of the administration - defines the elements of a system that needs association; the law of cultural lag - forms the mechanisms for preventing and resolving conflicts that arise on the basis of spiritual misunderstanding; the regularity of equivalence - ensures the achievement of the final result for any disturbances; the pattern of goal-setting - determines the priority of goals in the process of ensuring public stability.

*The regularities of the public stability* - the hierarchical sequence and level interaction (the social system is a distinct order of interconnected subsystems), public stability (the social system is stable only with respect to the state of instability) and innovation (any changes lead to the emergence of a new one).

*The structure of the public stability* is determined by the peculiarities of the main subsystems of the society - conscious, political, economic, social, and cultural.

*Classification of the public stability* - by subsystems, by the level of realization of the power, by subjects of the administration, by function, according to the form of manifestation, by methods of organization, by type of political power, by degree of reliability, by state.

*Stages of formation of the public stability* - destabilization, instability, pre-stabilization, nonequilibrium, transitive equilibrium, stabilization of the subsystems, stability, post-stabilization, post-stabilization innovation.

*Types of the public stability* are determined according to the trajectory of its development - stability growth (stabilization), stability of the state (harmonic), critical stability (stagnation), stability of recession (crisis).

*Functions of the public stability* - foreign policy, legal, internal political, political, economic, social, informational, intellectual, axiological, and integrative.

*Factors of the public stability* - state-building, political, socio-economic, socio-psychological, ideological, and spiritual.

*Theory of the public stability* is a set of scientific views that reveals the patterns of formation, development and change of the public stability in its connection with the processes of development of the society, state and personality, and determines a certain system of ideas, concepts, hypotheses, laws based on the development of a specific algorithm of the scientific forecasting problems and mechanisms of their solution at the level of the state power.

*Structure of the theory of the public stability* - basic concepts and categorical apparatus, the system of paradigms that forms it on the empirical, theoretical and praxeological levels, as well as the methodology of each of the paradigms.

*Conceptually categorical apparatus of the theory of the public stability* - public stability, subsystems of ensuring public stability, the process of ensuring public stability, state administration of ensuring public stability, consensual administration, reflexive administration, synergetic administration, public-administration mechanisms for ensuring public stability, innovation strategy for sustainable development, subjects of the public administration of public stability, stabilization factor, stability analysis, stabilization model of the social development, probabilistic scenario advanced development, analysis of the public stability, destabilization, instability, pre-stabilization transitive balance, post-stabilization, post-stabilization innovation, stability growth, stability condition, critical stability, stability recession and the like.

*Main provisions of the theory of the public stability* - stability is one of the states of the cyclical development of the society; signs of the public stability are dynamism and variability and invariance and organization; public stability is the result of the dynamic development of the levels of life of the society within the framework of their interaction; public stability is the state of interaction and interconnection of all the structural elements of the main subsystems of the society; public stability provides the system with a condition for maintaining its integrity and long-term functioning under the influence of internal and external factors; public stability in the public administration is a manageable state of the system integrity.

*Methodology of the research of the public stability.* Methods of general science, complex analysis, interdisciplinary analysis, methods aimed at studying the system, specific methods of the public administration (methods of the public administration, moral and ethical, socio-political, economic and administrative); protosystem modeling (analysis of transitive characteristics and conditions of the system stabilization), stabilization innovations (identification of potentially stabilizing elements in verified models of situational discourse of the future periods), innovation ranking (fixing of the dynamic characteristics of stabilization elements by degree of significance and priority), systemic explication (innovative correction of the data of the theory and verification of hypotheses based on advance), transitive (a simulation model based on the determination of the behaviour of real systems by establishing peculiarities of the transitional states of the system) and the innovation (probabilistic method based on the use of dynamic models of the stable system development) of modeling, innovation reduction (redesign of the structure of the social innovations into the constituent elements of the process of their formation with the help of innovative filters), stabilization analysis (a way to solve the problem of developing complex systems using stabilization models), etc. The principle of innovation (due to the direction of the analytical reduction in the methodology of innovative filters to obtain qualitatively new results), a criterion-typological approach, in conjunction with the principle of isolation; an innovative matrix of threats and dangers; a transitive mechanism that allows ensuring the preservation, functioning and development of the political system, and creating conditions for controlling the changes.

Thus, the theoretical foundations of the research of the public stability reflect the logic of the development of the scientific analysis of complex phenomena that include the system of social relations in the state administration within the framework of the postmodern paradigm. The appeal to the postmodern paradigm of the state administration is connected with the fact that public stability, being discrete in terms of the process of its formation and development, involves not so much the inelasticity of the scientific reflection, but the diversification of the totality of paradigms within which one or another element of the public stability and their combination into a holistic scientific theory.

## The Development of Local Government in Ukraine in context of Decentralization and European Integration

The European integration is the factor that most fully contributes to internal reforms, strengthening democracy, rule of law, civil society, and strengthening of local government. The Sociological Group “Rating” within the framework of the “Portraits of the Regions” project, has carried out the survey at the end of 2018 among the citizens of Ukraine. In general, 40000 respondents (1600 respondents per each oblast) were interviewed. An analysis of the survey results revealed that the situation in the country as a whole is assessed much worse as compared to the situation at the local level. Only 6% estimated the political situation in the country as calm, while 27% think the same about the situation in their own oblast, 43% - in own city / village. Almost 58% of the respondents believe the situation in the country to be tense, 31% - critical. On the local level, the things look somewhat better: the situation is seen as tense by 38% to 49%, as critical – by only 13-15%. The activities of the central authorities were estimated worse than the performance of the local ones. 54% support Ukraine’s integration to the European Union (25% do not support it). The pro-European vector also prevails among the various directions of foreign economic integration – 48%. Ukraine's equidistance from the Russian Federation and the West is supported by 30%. Ukraine’s joining NATO is supported by 44% (33% do not support it) [1].

According to the results of an expert survey conducted by The Ilko Kucheriv Democratic Initiatives Foundation in November 2017, the respondents mentioned decentralization as an example of the successful reform most often (in the second place – the start of medical reform, in the third – the creation of anticorruption bodies). The data of mass polls of Ukrainians in 2017 and 2018 also testify to the support for the government’s measures regarding decentralization prevails over the negative attitudes of the people by the population of decentralization. In particular, 43% of the polled showed such support (in June 2017– 42%), while 22% showed a negative attitude towards the government’s activity in this sphere (in 2017 – this figure was 27%) (the rest of the percentage was distributed between the neutral category and those who could not answer) [2].

The formation and development of local government in Ukraine on the basis of the transformation of the existing traditionalist model into the classical European democratic model, according to leading scholars in the field of public administration and management practices, demands laying the

foundations for a new system of organization of power at the local and regional levels. Its following principles are:

- the development of a genuine democratic, legal, social state of Ukraine is not at the top level, as it has been done so far, and from below upward, from citizens, from territorial community;
- the raising the real capacity to exercise the right to local self-government of territorial communities;
- the transition to an European communal model of local government with widespread use of statutory law;
- the change of the algorithm of legislative provision of local government and territorial organization of an authority in general [3, p. 6].

Such logic of legislative provision of local and regional development allows creating a comprehensive legal system for determining the administrative and territorial structure at its main levels. It also enables to clearly delimit the powers of executive authorities and local self-government, to implement in local government practice the basic principles of the European Charter of Local Self-Government regarding its organizational, legal, material and financial autonomy [4, p. 20-21].

The analysis, study and comprehension of the experience of local government reforming in Central and Eastern European countries enables:

- by comparative analysis, to reveal the main tendencies and patterns of this complex process;
- helps to get acquainted with concrete examples of practical solutions to the problems that arise during the reform process;
- deeper understanding of Ukraine's challenges in the course of transformation, and identify the most effective ways of resolving them;
- to determine the possibility and appropriateness of adapting this experience in Ukraine.

The experience of such countries as Poland and Hungary shows convincingly that the success of the reform of the local self-government system depends to a great extent on the creation of a *favorable legislative field* for local and regional development, the introduction of a market ideology for the new Land, Civil, Commercial, Tax Codes, ensuring the approximation of domestic legislation to European standards.

Significant in this regard is the experience of the stage of the "great legal settlement" in Hungary, when, in a very short period of time (1989-1991), a large number of laws and regulations were adopted that provided centralized hierarchical management of local affairs through the Soviet system and started the creation of a new legislative framework for local government, the LXV Law on Local Self-Government was adopted, which was aimed at achieving real local autonomy and was based on the principles of the European Charter of Local Self-Government [5].

Of significant interest is the content of the 1990-1997 package of laws developed and adopted by the Hungarian Parliament, which created a

sufficient legislative framework for the functioning of a new system of local government in Hungary based on autonomy (LIXV Law on Elections of Local Self-Government, Law of 1990 on Local Taxes, Law XX 191 on the Delimitation of Powers, defining the scope of competence and tasks of governing bodies at each level, the XXI law on regional development and regional governance, etc.).

Interesting and useful for experts was the elaboration of the normative and legal acts that became fundamental to the implementation of the reform of local self-government in the Republic of Poland: “On Local Government” (1990), “On Provincial Self-Government” (1998), “On Voivodship Self-Government” (1998), “On Public Governance” (1998), and the Law “On Sector of Governmental Administration” (1997), which defined the basic principles of the relationship between local government and government administration.

The progress of the local government reform process in Poland in 1990-1999 indicates a balanced, comprehensive and systematic approach by governments and parliament, based on a compromise between all political forces, and the development of local government legislation [6]. At the same time, the example of Slovakia, where there were frequent changes and governments, and each of them at its discretion was engaged in the reorganization of local self-government, shows how this process can be uneasy and dependent on the state of political life of the country [7].

The analysis of legislative support for reforming the system of local self-government in Hungary, Poland and Slovakia convinces that further development of the legislative base of local self-government in Ukraine should be aimed at creating legal guarantees for its provision (in particular, it was discussed at special parliamentary hearings [8]).

In justifying the need and relevance of *improving the system of administrative and territorial organization* of Ukraine should take into account the arguments put forward by Polish scientists to support decentralization in their country:

- centralized management of all that continues to remain “state” and not transferred to the authorities, in particular, hospitals, secondary schools, roads, the state industry, agricultural property of the state treasury, etc. - it becomes harder, if at all possible. Local government bodies can perform coordinating functions much better than central authorities;

- the experience of self-government of the gmina indicates an increase in the efficiency of management of public affairs after their transfer to the jurisdiction of local government bodies;

- government bodies at regional level can take on tasks that the state cannot perform: distribute information about the region, maintain commercial infrastructure, technology exchange centers, establish contacts with foreign partners, etc.;

- only regional government bodies can develop a strategy for the development of the region, which will be presented to the public during the elections to the local government bodies;

- only large regions are able to assume these powers and successfully handle them” [9, p. 20].

In the practical solution of the issue of reforming the administrative-territorial structure and the corresponding changes in the system of local government for Ukraine, worth the attention is experience of Hungary, where, according to the Constitution of 1989, the administrative-territorial division of the country was changed, a two-level system of local self-government was introduced, including local self-government bodies of settlements (municipalities) and districts, as well as the Czech Republic, where a regional level of governance was introduced since 2002, which meets the requirements of the classification of the territorial structure of Eurostat. The introduction of real local self-government with relevant institutions at the district and regional levels will facilitate the consideration and integration of Hungarian, Polish, Czech experience [10].

The experience of creating new *mechanisms for interaction* between central executive authorities and local government bodies with the aid of centralized associations of municipalities existing in Bulgaria, Latvia and Slovakia is also indicative for Ukraine. They act as a kind of “ministries” of municipalities that submit proposals and produce within certain limits influence on budgeting and allocation of funds [11].

An important point for Ukraine is the study and implementation of the experience of Central and Eastern Europe in *assessing the effectiveness of local authority activities*. Municipal performance assessment programs and their criteria, which are implemented in Hungary, Poland, Czech Republic, Slovakia, Latvia and Lithuania, enable municipalities to compare their work with others, help in choosing priorities, encourage innovation, and most importantly, ensure the implementation of the basic principle of the functioning of local governments, transparency of their activities. We can state that in Ukraine the use of this principle was largely declarative [12].

In terms of establishing cooperation between local authorities and non-governmental organizations as an effective mechanism for involving citizens in solving problems of local and regional development, there are interesting for Ukraine developments accumulated in Croatia and Estonia [13, p. 241].

The experience of the countries of Central and Eastern Europe convinces of the need to transform the territorial organization of power on the principles of decentralization of public administration, the introduction in its practice of the principles of subsidiarity, omnipresence of local self-government, the formation of the European philosophy of administrative structure, which is based on the idea of the basic administrative-territorial unit; - defines the paradigm of formation and development of local self-government as a guarantee of further development of independent Ukraine.

The aspiration of Ukraine to integrate into Europe, the openness of the Ukrainian statehood provides for adequate behavior of European democratic countries. And this, in turn, requires the solution of vital tasks not only in Ukraine but also within the European Union. As noted by V. Havel, this is as follows:

- Europe should help the new Ukrainian democracy to become an organic part of the continent, subordinated to the ideas of deepening and expanding civil society. The more diverse and interconnected the social structures become, the better the new democracy will be adapted to EU membership, the more stable its statehood will be;

- Europe should encourage a new democracy in relation to the transfer of functions of different tasks to self-governing bodies, non-governmental and public organizations. The lower the level at which these tasks will be carried out, the more transparent the processes will be, and those demands of a society that are not able recognized by the central authorities;

- enlargement of the EU can only be understood if it goes hand in hand with the reformation of its institutions EU enlargement can be understood only then, the circle it goes side by side with the reform of its institutions [14].

In terms of European integration processes, it is advisable and instructive to study and understand the experience of the organization of regional and local governance in the leading countries of the European Union.

Thus, the peculiarities of the functioning of regional authorities in France and Italy deserve attention. They are characterized by a high degree of centralization of state executive power, and therefore, along with local authorities, there are government peripheral structures such as prefects, commissariats, exercising administrative supervision over self-government activities, its bodies and officials.

In general, in the European Union countries there is a general tendency to strengthen the role of autonomies and to grant more powers to regional self-government, as the need for democratization of local authorities grows. This is part of the decentralization process, which brings services closer to the population and increases the responsibility and efficiency of the government.

And for Ukraine interesting and instructive are not only the results of the achievements of local government of the European community, but also modern methods of its reforming.

Thus, the experience of reforming in the territorial communities of the Swiss Confederation shows that the basic principle of the distribution of power is the proven principle “the Center governs and finances, and the localities managed” [15].

The process of fundamental transformation of governance at the local level, both administrative and political, in the Federal Republic of Germany also deserves some attention. Its necessity was caused by the lack of financial resources, the rapid development of information technology, the loss of the image of public administration in General and municipal administration in

particular in the eyes of the public. The process of European integration also played a significant role, under which the question of the functioning of the national governance structure in the event of a new administrative and political plane necessarily arose. This involved the creation of a municipal government system that would provide more services and attract more citizens, but cost less. In particular, it required revision and optimization of tasks, as well as improvement of service delivery standards. It is worth highlighting three approaches and key points of the reforms:

In the process of modernization of “citizen - municipal council – government” relations should be through a clear division of functions to achieve such an organization of the Council that it is consistent with its objectives, to strengthen the participation of citizens in public life.

In the field of personnel management and management of organizations in the foreground there is a change in behavior with the most important management resources - employees. By providing them with opportunities to improve their skills, own responsibility and more attractive jobs, their motivation to work will increase.

Cost optimization through the implementation of modern methods for analyzing the effectiveness of municipal management [16].

The priorities of Ukraine's development as an independent, sovereign, democratic, legal, social European state are the prospects of Ukraine joining the European Union and the Euro-Atlantic system of international security. The strategic goal of European integration of Ukraine is the achievement of a new quality of life for citizens, the introduction of social, economic and democratic European standards of human life, society and state. An appropriate quantitative and qualitative staffing of integration processes acquires a special relevance at the new stage of social development in Ukraine [17].

According to the results of studies of organizational, educational, methodological and scientific support of the system of training and advanced training of specialists of public administration in the field of European and Euro-Atlantic integration of Ukraine, emphasizing the need to create and professionalize the new conceptual framework of the corps of public administration personnel capable to implement public policy in this area, based on a systematic approach and strategic planning for staffing of public administration, it is advisable to provide for the following strategic directions of formation of the personnel potential of the public administration system in the context of the European integration of Ukraine.

1. Creation of a rational system of formation of personnel potential in the context of European integration, the labor market of highly qualified specialists in this field.

2. Improvement of purposeful and practice-oriented professional training and postgraduate education of civil servants, local government officials in the field of European integration.

3. Professionalization of state administration in the sphere of European integration of Ukraine, rationalization of mechanisms for its provision and management.

4. Development of the institutional capacity of the system of personnel support of public administration in the areas of European integration, in particular, the development and implementation of targeted training programs to improve the level of training of employees involved in achieving compatibility of Ukrainian legislation on EU legislation, implementation of judicial and administrative reforms, information security provision, etc.

5. Organizational and scientific and methodological support for the formation of the personnel potential of public administration in the field of European integration.

6. Dissemination of continuous education and objective information for the population of Ukraine on EU activities, its structures, democratic, political, economic and cultural achievements of the EU member states [18].

The paradigm of education of the general population, professional training of civil servants is the presentation of a joint Europe as positive value and the higher achievement of the development of democratic, social, legal state, civil society.

In this regard, the Concept of the Development of Civic Education in Ukraine, approved by the Decree of the Cabinet of Ministers of Ukraine № 710-r of October 3, 2018, which main strategic directions are:

- legal education of citizens, including in terms of understanding and ability to exercise their constitutional rights and responsibilities;
- strengthening the ability to participate in public life and use the opportunities to influence on decision-making processes at the national and local level [19].

Expected results of the strategy implementation:

- accelerating the becoming of the system of formation of personnel potential of public administration in the context of the European integration of Ukraine and its regulation at the legislative level;

- improvement of the legal, organizational, personnel and scientific support for the formation of the body of public management personnel capable of implementing the public policy in the field of European integration;

- achievement of purposeful cooperation of public authorities, local government bodies, research and analytical centers, public and other non-governmental organizations in the above-mentioned sphere.

As to domestic examples of positive impact of decentralization on local government activities. For the practical realization of the goals of the development of the territory, it is necessary to form a fundamentally new management system at the regional and local levels. As an international experience of strategic planning of territorial development that can be used in Ukraine: the formation of “growth poles”, integrated with regional and world

markets; the priority development of leading cities and supporting cities; the building development strategies for communities in accordance with their role in the national settlement system; the creation of innovative strategies for the development of territories; the conclusion of agreements between regional governments and local authorities [20, p. 49]. In this regard, the writing of a set of theoretical and practical recommendations on the planning of the development of territorial communities is of particular relevance.

Theoretical studies and widespread international and domestic practices show that the improvement of the organizational mechanism of territorial development planning can be carried out on the basis of two variants for the organization of activities of local governments in the process of strategic planning of territories: the creation of a new specialized unit for planning the development of the territorial community (department, service) in the system of the local department of economics in the structure of the executive committee of the municipal council, as well as the public coordination board of local development and the expert committee, or the formation of remote from public authorities and local government bodies – local development agencies with defined functions and responsibilities as a central hub of strategic planning [21].

The main steps to improve the organizational support (organization of specialized unit) for planning the development of the territorial community are proposed to be carried out using the tools of strategic planning, including methods of SWOT-analysis and SMART-goals.

The means to attracting citizens to the planning of the development of the territorial community and traditional activities to achieve the objectives of “active community”: the use of local Internet resources; involvement of the community in discussing important decisions through sessions, public hearings, reports of the mayor, etc.; conducting surveys of residents about important decisions vital to community livelihoods; initiating the foundation of community-based organizations focused on local development. Among the latest municipal technologies of public participation in planning the development of the territorial community, the most promising is the use of local foresight as the most common tool for determining priorities and development strategies [22].

Modern conditions of economic and social development of the community require the practical application of a wide range of diverse public administration tools. One of the most effective tools is a program-target approach in planning and managing of social and economic processes, infrastructure facilities.

In the context of decentralization of power and local government reform, the implementation of investment projects became an effective tool for local development.

New opportunities to ensure regional development and to improve the quality of services to residents open legislative innovations regarding the voluntary adherence of territorial communities to cities of oblast significance.

The project activity as a way of development of creative skills and professional knowledge is gaining momentum. United territorial communities are actively involved in the process of elaboration of investment projects that can be implemented at the expense of the State fund for regional development, the government subventions, international technical assistance and other sources of funding.

An example of activities to improve the efficiency of planning of local communities development in a particular region is the use of a project approach in the Lubny district (raion) of Poltava region (oblast), namely: the development and implementation of a complex project by Deputy of the Poltava regional council Ruslan Lyashko [23] “Our Mill of Good Deeds”, providing such project proposals .

- 1) E-Program *Open City of Lubny - Territory for Life*;
- 2) Strategic plan for the development of the city of Lubny (proposed name *Lubny-Market*);
- 3) Local project within *Lubny-Mill Technopark* for energy saving *Heat Mirror* (solar station);
- 4) Local project for united territorial community of Zasullia (within the innovation *Lubny-Mill Technopark*) for alternative heating *Energy Willow – Profit Plantation*;
- 5) Local media project to search premises or land to attract investment in the construction of the exhibition center and logistics terminal (within the framework of *Lubny-Market* and *Lubny-Route M-04* strategies).

Undoubtedly, the best world experience in reforming local government is useful both in terms of identifying the most important conceptual issues of improving the authorities at the local and regional levels, as well as in terms of practical solutions to topical issues of further development of local government and its state support in Ukraine.

However, as H. Atamanchuk noted, “modern world knowledge offers a lot of options, methods, approaches and technologies for solving various industrial, social, economic and other problems that concern the peoples. But it all depends on the choice of what is accepted in the system of specific conditions, factors, resources and skills. Speaking in the dialectic language, we are talking about how it is typical to apply to the time of the unique functioning of certain subjects and objects of management. It is impossible to see something somewhere, to take, to lead and implement myself.. Using open world experience and interaction with other peoples presupposes a developed and independent national scientific thought” [24, p. 9].

Therefore, the development of research programs on the problems of reforming the system of local government, the development and implementation of new approaches to the state regional policy and state

support for the development of local self-government is of particular relevance.

European integration requires the government of Ukraine to clearly fulfill its obligations to the international institutions in which our country has become a member. Effective cooperation with the European Commission, the Council of Europe and other European and international organizations is an obvious prerequisite for the effective development of local government, both nationally and locally.

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Стратегії формування кадрового потенціалу системи державного управління в контексті європейської та євроатлантичної інтеграції України”(Rep.). Київ: Національна академія державного управління при Президентові України.

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## Spatial Planning as Means of State Policy of Urbanized Areas

Today's urbanization process, apart from improving the quality of life and creating a favorable environment, also causes risks and real threats to human life and health, which requires from the authorities and local governments a more responsible attitude to the issues of spatial planning and provision of territories with the relevant documentation. Presently, the matter of preventing climate change in Ukraine and worldwide is more than actual. Over the recent decades, the phenomena of greenhouse effect and global warming are increasingly debated in information resources. Currently, a person who has not heard of these things can hardly be found. Yet, there are not so many people who address the problem professionally. According to scientists, by the midcentury, the entire ice cover in the Arctic might sink, and the scale of carbon discharge may cause the drying of the continents. Today the climate in Ukraine and its neighboring countries is approximating the tropical one. Such a rapid change raises global concerns about the survival of mankind and preservation of the planet. There will not be much time left for resolving these issues, if we do not learn to live in harmony with the nature. Perhaps the most important thing is to learn ourselves and teach our children how to love, protect and promote the preservation of the environment. Here it is important to initiate an educational process: love for the environment should be cultivated in children from the nursery school. School education should provide the basis for understanding and studying of ecological issues, while higher education should consolidate the understanding of the human role on the Earth. Nowadays, in the educational systems of Europe and Ukraine, we see more propaganda of LGBT than harmonization of the human life in the general sense with the natural environment, without taking into account any particular gender differences. This may be seen as an element of a massive degradation of the education system.

In most European countries, spatial planning clearly formulates the principles of territorial development. Today, there is an indisputable need for taking spatial planning measures in accordance with the sustainable development principles. Sustainable development is, in most cases, considered as a model for the development of a territory characterized by arrangement of the so-called "passive" buildings and structures, active environmental policies and a low level of interference with the natural environment in order to preserve it for the descendants.

However in many respects our future depends on the professional and economical use of both the atmosphere and the surface of the earth, therefore spatial planning is a most important aspect of state policy, which determines the degree of human impact on the natural environment and the level of

urbanization of territories, requiring a special research and scientific approach. The principles of sustainable development state that spatial planning documentation should address environmental problems correctly, providing for a proper water management, stable mobility, protection of cultural and natural heritage, and keeping in mind the requirements arising in connection with the need to adapt to climate change. Spatial planning is also a platform on which to consider, discuss and balance the contradictory public and private interests related to territorial development. The documentation on spatial planning, which actually determines the potentialities and ways of territorial development, is the basis for obtaining administrative services of a permissive and coordinating nature that give the right and possibility to invest in a certain territory. At the same time, approval of spatial planning documentation by the community council increases the sense of stability in the local residents who become aware of what can or can not be built next to their real estate, and in landowners who have a specific basis for assessing their real estate, as well as in investors who are able to understand clear and transparent rules for using the territory to which they bear a relation [5].

However, urbanization accelerates trends and forms new paradigms based on the actual needs of mankind. If we go deep into history, we will see that according to estimates, the urban population of the world in 1800 was about 27 million people (3% of the total world population); in 1850 – 75 million people (about 6% of the total world population); in 1900 – 218 million people (13.6% of the total world population). The twentieth century, and especially its second half, saw a rapid growth of the urban population: in 1950 – 738 million people (29.3% of the total world population). In the early 2000, the urban population already amounted to 2,926 million people (47.5% of the total population of the world), and for the first quarter of the 21<sup>st</sup> century, a further growth in urban population is predicted, which in 2025 is going to reach 61.1% of the total world population) [6].

This proves that the urban environment of today dominates, being crucial for the urbanization process. It is largely regarded as a totality of structures and spaces made up of buildings, streets, squares, and inner-bloc spaces. A high compactness of territorial development and density of utility lines are signs of the urban environment that emerged together with the first cities. In terms of semantics, the city is a complex of mediators, a place of “contact” of a community of believers with their sacred patron, a peculiar center of the cosmos of a social organism. In the semiotic sense, any early city can be seen as a most powerful translator of cultural information, a kind of “text” that encodes with the language of architectural environment organization the collective beliefs of the ethnos about the cosmic order. Subsequently, the city becomes a polis whose power is supported primarily by the appeal of the cosmic order created in the territory within the city’s control. Thus, the city first originates as a specific type of spatial environment that is formally opposed to the natural environment [6].

Paradoxically, today's urbanization process can be viewed as a vector opposite to the environmental process.

Contemplation of spatial planning (urban planning) as a form of state regulation of territories should be considered as continuation of ancient traditions, the religious ritual that determined the place of existence in the nature. In particular, in ancient China, the environment played a major role in conducting rituals; the ritual and its place were intertwined. This interconnection is a material basis of the religious idea, an emotional stimulus that promotes the attachment of the population to the social system. The combination of the ritual and its place reflected the harmony of the heavenly and human order, which was catastrophically dangerous to disturb. As Chi Ji taught, the ritual curbs the mess like the dam restrains the flood. The world was safe and protected only when orderly arranged parts, orderliness of time, correctness of conduct and clothing were concentrated in one place – the city. It is no coincidence that the hierarchy of social structure was treated as immutable [6]. According to the Buddhist ideas, the earth was of a square shape, the sky – shaped as a circle, the square being an ideal of stability. Wishing to build an “eternal” city, the Chinese sought to liken it to their ideas of balance, stability and the shape of the earth itself. Hence, the rectangular planning compositions used by them. The rectangular Chinese cities were more or less correctly oriented by the cardinal directions, with the main gate located in the south. From the gates, the arterial street ran across the city, which served as a road for processions and the composite axis of the city. A remarkable example of that type of cities is the capital of China – Beijing.

On the contrary, in the imagination of the ancient Indians, the square symbolizes the heavenly world characterized by eternal order (harmony) and stability, while the earthly world is marked with movement and development, its symbol being the circle. According to the beliefs of the Indians, a circular flat land turns four-point due to its contact with the sky where the sun rises and sets. It is easy to figure out that the four points are nothing but the points of the sunrise and the sunset in the days of the summer and winter solstice.

As for urban planning, the geometric systems, tried by using temples as an example, were repeatedly duplicated in the organization of the first cities. The planning structure of cities did not change for almost six millennia. The forms found in the temple complexes underlay the architectural composition of any city. Researchers find the initial forms of regular planning as far back as in the times of the first temple complexes of ancient Egypt (IV millennium BC). The temple area always had clearly marked borders, sacred gate, the “right” geometric shape, and was oriented to all four corners of the earth. At the same time, the social environment and social order are of great importance to the planning structure, too. This aspect of the city's existence determines its structure – the links between blocks, the center, trade and other areas. These links, being projected onto a corresponding topographic surface, form a unique type of urban planning typical of a specific city. Public relations have barely

changed since the Neolithic era (when the cities actually occurred); therefore it can be asserted that the attempts of the human society to establish the order in urban planning are limited to five typical schemes, which in many instances are still relevant today:

1. 'Concentric', or 'compact' type of planning (radial-circular or radial). It prevails in the capitals of states with the absolutist rule. The first cities of this type were built by the descendants of the Aryans (Hattusas). The concentric planning is characterized by the presence of a simple dominant core (Kiev, Novgorod, Kaunas, Moscow). Cities built on the hills in the medieval Europe can be called both 'concentric' and 'having geomorphic planning schemes'.

2. 'Rectangular-modular' designs meet the requirements of dictatorship. This category includes planning in the form of a rectangular grid: Kahun, the city of pyramids; Hellenistic cities; the Roman military camps; the Mongolian Beijing.

3. 'Linear-rectangular' schemes are inherent in commercial and industrial cities, located along land-based communications and waterways. Their schemes represent the primacy of the values of a pragmatic society, which is set to profit from the exploitation of the urban environment.

4. 'Geomorphic' schemes are common to the democratic system cities. Planning is related to topographical conditions and the climate. Vivid examples are the ancient Athens, Rome, the free cities of the medieval Germany and Italy, Ukraine (in the times of the Polish-Lithuanian Commonwealth and the Hetmanate).

5. 'Cluster', or 'mixed' planning which incorporates all the previous schemes.

At the same time, over the years of their existence cities often combined all the above types in their planning systems. Thus, in the planning of today's Kharkiv, both the traces of activities of democratic trade societies and the effects of the totalitarian type of planning (Russian Empire, USSR) can be found. The capital city activity dates as far back as the early eighteenth century (the capital of the Slobodian Cossack Regiment), although being fully reflected in the present concentric planning of Freedom square (architect V.K. Trotsenko, 1923) [6].

Although the country's current system of territorial planning was formed on the basis of a long domestic experience, it is developing, particularly recently, in accordance with the principles of sustainable spatial development and the normative acts of the European Union. There has been reorientation towards ensuring social cohesion, strengthening of the independence and territorial integrity of Ukraine, with due regard to a clearer distribution of powers and responsibilities among the authorities and local government bodies, which creates fundamentally new opportunities for the further democratic development of our society [5]. Decentralization, which was started in Ukraine in 2014, has had a significant impact on the said processes. It has opened not only new opportunities for local government bodies, but also created new

paradigms for the development of rural spatial planning, creating in the urbanization process the territories of rapid development.

On the same note, the role of territorial planning as an effective tool for integration of local, regional, national interests, as well as various sectoral interests in specific territories, is growing, determining the prospects for a balanced development. The modern world demonstrates the increased role of space in social development: space is considered not only as a passive receptacle of various types of activities, but as a complex bio-socio-economic system which, due to its differentiated features, actively affects the choice of the ways and intensity of using it. The present-day Ukraine regulates this activity through a number of regulatory acts, in particular the State Building Regulations which have undergone significant changes and updating since September 2018. One of the main tasks of the Ministry of Regional Development as a central authority is taking part in formation and implementation of the state regional policy of spatial planning, which is a geographic representation of the economic, social, cultural and environmental policies of the society. At the same time, it is a scientific discipline, a government management mechanism and a program that has been developed as a comprehensive interdisciplinary approach aimed at balancing regional development and physical organization of space in accordance with the the country's general development strategy.

In the European dimension, regional planning is a factor contributing to both better spatial planning within Europe and a search for solutions beyond the national borders, thus aiming to create a sense of shared identity, with account of the North – South and East – West relations as global-scale factors of geopolitical space, which confirms the fact that the present-day humanity is rapidly entering a fundamentally new era. The main modern shift in the world is the tendency towards globalization, meaning that a wide range of cultural, economic, political, information, ideological processes are implemented on a global scale. Globalization processes are caused by human activity, being reflected in all spheres of life, in particular the life of the city. Thus, it is clear that the knowledge of globalization processes should be ultimately linked not only with philosophical anthropology and the philosophical conception of existence, but also with human existence in terms of space, and the directions of spatial planning should be understood accordingly.

For a long time, Ukraine was regarded as a rural country, despite its significant achievements in the field of aerospace, heavy industry, and IT-sector. But actually, agriculture is indeed an important branch of the Ukrainian economy, and the rural population, quite numerous compared to that of other countries, is a significant part of the Ukrainian nation, providing reserve for further urbanization of the country, which remains moderately urbanized to date. According to the latest data, more than a third of the Ukrainian population live in rural areas, the vast majority of which are settlements with less than a thousand inhabitants; and less than 20% of the population is concentrated in

urban areas. However, the pace of urbanization is constantly changing this figure.

Globalization, combined with other modern processes associated with it, impacts the man with his economic, social, moral and psychological status, health condition and personal development, values and aspirations, while obviously affecting the state of the natural environment as well. Considering that one of the basic survival conditions is nutrition, spatial planning affects the amount of land needed for agriculture and the extent to which that need is to be met. According to the UN, more than 1.2 billion people living in the West eat more food than their body requires. In the United States, for example, over \$ 100 billion is spent annually to combat the effects of overeating. Food is the most advertised product in the USA, France, Belgium, Austria. Every other American suffers from overweight, and one in five – from obesity. Obesity costs the American national economy \$118 billion a year (not counting \$33 billion going to diet programs and the like.). In the UK, overweight is observed in 51% of the population (the number of obese people doubled over the past ten years). In Germany overweight is a challenge for 50% of the population. All this is happening at the time when over a half of the Earth's population suffers from malnutrition or from some disease caused by starvation. In addition, of the 4.4 billion population of developing countries, three fifths live in conditions that do not meet the minimum sanitary requirements, being deprived of pure drinking water; 1/4 do not have adequate living conditions; 1/5 are underweight. The life expectancy of almost a third of the poorest countries' inhabitants is less than 40 years; 8 million people die annually from the polluted water and atmosphere. More than 150 million people have never gone to school.

Consequently, if humanity becomes aware of the existing trend and is able to overcome it, shifting from the consumption society to that of a moderate consumption (limited consumption), it will get a chance to use large land areas for other purposes important for it. Thus, exploring the phenomenon of spatial planning within the system 'man – welfare', we find some contradictions compared to the system of relationships 'man - the environment'. Proceeding from the task of using spatial planning to provide every citizen with the environment and quality of life that would contribute to their personal development (a human dimension), this tool should be democratic, comprehensive, functional and should have a long-term development perspective. Democracy implies that planning should be carried out in such a way as to ensure the participation of the community and its political representatives in this process. Comprehensiveness of planning means that it should ensure coordination of various sectoral programs, integrating them into a single approach. Functionality suggests that planning should take into account the existence of a regional consciousness based on shared values, culture and interests that sometimes go beyond administrative and territorial boundaries, as well as consider the existing institutional arrangements and ensure the state interests.

As is well-known, these provisions, goals and principles are laid down in the Habitat Charter. Since agricultural areas play a decisive role both in food security and in implementing sustainable development policies, it is essential to create favorable living conditions in rural areas with regard to all economic, social, cultural and environmental aspects, and infrastructure development. At the same time, it is necessary to distinguish between less developed peripheral agricultural regions and those adjacent to large urban agglomerations. When making plans for local and regional development, it is necessary to pay attention to natural landscape conservation and management. A balanced urban structure requires a continuous pursuing of land use plans and application of guidelines for conducting economic activities in order to improve the citizens' living standards. A particular attention should be paid to improving living conditions, public transport and developing other measures aimed at curbing excessive migration. Restoration of architectural heritage, historical monuments should be an integral part of local and national programs on planning of territories.

Despite availability in historic cities of a significant tourist and recreation potential, the tourism industry, being one of the world's most dynamic spheres, unfortunately does not occupy the leading positions in the economic and cultural revival of territories, and has to find new approaches to support such cities' development. Mostly inadequate state of monuments and the natural environment, the lack of investors call for mobilization of existing local economic and human resources and the application of effective forms of tourist business organization as a tool for preservation and adaptation of monuments as elements of the natural environment.

Due to the lack of quality documentation on spatial planning and a low interest of potential investors in the restoration of the natural monuments and cultural heritage of Ukraine or their adaptation to commercial use, one of the typical tools for preservation of natural and historical areas is devising projects that ensure the preservation and development of those objects by adding them to a plan of measures to implement the development strategy of a respective territory. This can be done when the strategic and operational objectives of the set tasks meet the criteria specified for funding by the State Fund for Regional Development (SFRD). This can be achieved through the use of a cluster model for the tourist and recreational development of the settlements' urbanized areas [4].

In the context of a more applied research of historical cities, it is possible to narrow the range of analysis to small historical cities, a typical example of which is the city of Liubotyn in Kharkiv region. Apparently, such cities are quite common to the present-day Ukraine; they belong to the category of lower local settlement systems and local economic centers, which refers to almost half of all the cities. Many of them have a significant recreational, sanitary, natural, historical and cultural potential. In view of their resources, the cities could become resorts, recreational, historical, architectural, cultural, and tourist centers. However, regardless of the above-mentioned resources, such cities are

characterized by insufficient economic opportunities for city-forming enterprises, the critical state of their facilities, and a miserable situation with the preservation of historical and cultural heritage, in particular, real-estate monuments of the national significance.

The current state of the urbanized territories of small historic cities which comprise a special segment of the cities of Ukraine shows that at the initial stage of decentralization it is impossible to accelerate the territories' socio-economic development, their cultural and spiritual revival without state support and a well-considered state policy of complex territorial development, since in most cases the territories in question are depressed, with no growth opportunities, even when they use popular decentralization means.

For an effective development of small historical cities, in the territories of which monuments of the national significance are located, it is expedient to consider concrete examples, in line with the Measures on realization of the Strategy for development of Kharkiv region for the period till 2020 [3], in particular, taking Liubotyn as an example of a historic city which despite its status suffers from the above-mentioned problems. In the territory of Liubotyn, there are two cultural heritage landmarks which are included in the State Register of the real estates of Ukraine [3]. These are monuments of the national significance – the City park (“Switzerland” Landscape park of the 19<sup>th</sup> century) and the Complex of country estate structures (1820-1901, the former estate of Sviatopolk-Myrsky princes). The Complex, in addition to the park with a pond and age-old oaks (1883), and St. Nicholas Church (1843), also includes the service building of the country estate (Rotunda, 1820), now owned by the local community, and the country estate palace (1820-1870), which is the regional property, belongs to the national monuments protected by the state in accordance with the current legislation [1]. Unfortunately, the different forms of ownership and, accordingly, different possibilities of budget financing created a bulk of problems for numerous attempts to preserve these monuments.

Although today the issue of preserving the country estate palace and the service building, which are in the state of progressive decay, is of paramount importance, the preservation of the park, forming together with the said memorials an interesting architectural and park ensemble, is no less important. However part of the Complex (the palace) is still jointly owned by several territorial communities of villages, settlements and cities of Kharkiv region.

Realizing that the city with such a promising resource base should develop in the tourism and recreation spheres, and taking into account that the state for many years has not allocated funds for scientific and design works on description of the historical habitats and maintenance of their monuments [2], the executive committee of the Liubotyn City Council presented three projects designed to prevent further monument destruction. The project financing was possible from the State Fund for Regional Development (SFRD) [5], which is an effective tool of the state policy of urban areas development. The projects were coordinated with the project “Tourism and recreation cluster as a way to restore

the traditional character of the urbanized territories of small historical cities and development of community self-sufficiency under decentralization (using Liubotyn as an example)” that was included into the Action Plan for Implementing the “Development Strategy of Kharkiv Region for the period up to 2020”, approved by the decision of the Regional Council. [4]. Despite the fact that the projects provided for a comprehensive solution to the problems of the development of the city of Liubotyn by restoring the aforementioned monuments for the public and commercial use due to creating a socio-cultural and rehabilitation center, working out high-quality urban-planning and land-management documentation, drawing detailed plans of the city center and its historical areas, which will clearly identify the city potential and provide clear and transparent opportunities for investors, as well as security arrangements at the approach to the city from the highway which runs a short distance to the palace and can not only make the monument closer to the regional center but is able to provide a reliable and comfortable access to the main logistics centers of the region. Unfortunately these plans failed in 2018. This situation has once again confirmed the lack of efforts on behalf of the local community, necessitating revision of the state policy aimed to ensure the state interests in this respect. Following the analysis of the situation with the monuments conservation, the efforts of the local community, the regional state administration, and the regional council were combined, and as a result of that cooperation an appropriate program was developed for preserving and adapting the most important monuments of the regional architecture, which is included the said “Complex of country estate structures” [7].

As the example of the Liubotyn City Council actions shows, the local government made a successful attempt to actively use, with the help of state development policy tools, the position of the community that was ready to provide all possible assistance to preserve cultural heritage objects (as objects of tourism) and their adaptation (within the memorial and environmental legislation) to serve as a rehabilitation center for citizens of specified categories and implementation of other commercial projects capable of making the center profitable, offer new jobs, and through creation of a national tourism product to solve an important for the community and the state task of turning a depressed area into a city of rapid development. Taking the example of Liubotyn, we can say that we are trying to consolidate and realize all of our strategic benefits and potential resources to solve the most acute problems, including those of drawing urban planning documentation (spatial planning documentation), in particular the city general plan and zoning, expanding in the city’s territory. And hence the increase in real resources, tourist and recreational development, including foresight of the possibility of arranging a university campus: the use of recreational opportunities and adaptation of monuments for the development of science and education, arrangement of office laboratories, education studios, new models of innovation centers with regard to interdisciplinary areas, and

everything that guides a person in the environmental education and ecological lifestyle [7].

In summation, the research results prove that, acting within the framework of the current legislation on urban planning, architecture and state archives control, for effective solution of the problems of historical cities development, it is necessary to have a clearly formulated state policy of cultural heritage protection, and preservation of the urbanized areas traditional environment. Activation of the decentralization process, which is currently underway in Ukraine, is not capable of fulfilling the monument protective tasks on its own. For this purpose, it is necessary both to motivate the involved state and self-governing bodies to resolve the pending issues in partnership, using the population self-organization tools, and to provide effective state regulation mechanisms to ensure observance of the state interests in implementation of the state policy of cultural heritage preservation, in particular architectural monuments of the national significance.

To be aware of the situation as to further development of cities within the settlement system of regions and the country as a whole, specifically with regard to rural areas where urbanization level is the lowest, it is particularly important to carry out a quality versatile assessment of the advantages and shortcomings of the existing settlement system, taking into account its regional differences. Despite its drawbacks, the settlement system in Ukraine is quite harmonious in most of the regions, comprising a network of significant cities that perform certain “quasi-capital” functions; large (over 100 thousand people), medium (50-100 thousand), and small ( up to 50 thousand) cities; settlements and villages, which form the basis of the rural territory. On this premise, cities and towns are referred to urban settlements where urbanization level is appreciable, while villages – to rural areas where opportunities for further urbanization are higher.

The process of decentralization, which follows the algorithm of forming capable associated territorial communities (ATC), has already involved rural and urban settlements, in particular towns of the district significance, and settlements. Presently, through the mechanism of rural communities’ joining the cities of the regional significance, large cities having the same legal status in Ukraine as the small cities also get involved in this process.

Urban associated territorial communities, due to association of urban and rural areas, extend the positive impact of cities onto their neighboring rural areas, introducing innovative approaches to territorial development. When planning their own development, such communities inevitably face the issue of rural development and begin to apply approaches that are now widely implemented in the countries of the European Union both at the EU policy level and the level of national policy.

The creation of ATCs in Ukraine in 2015-2018 showed two opposite trends: 1) rural communities in peripheral areas are united around small urban settlements – towns of the district significance and settlements; 2) rural

communities around large cities of the regional significance tend to create ATCs, excluding the city [5].

This requires revision of the existing rural development paradigm on the basis of new territorial planning and the creation of networks around economic activity centers, which in turn are mainly urban settlements and in many cases are poorly equipped with urban planning documentation. The conceptual foundations of the organization of inter-municipal cooperation within the “city-village” system consist in the rural-urban partnership (rurbanization), which in the modern sense, as defined by the Organization for Economic Cooperation and Development, is a system tied to a territory where rural and urban areas coexist and are interconnected with one or more functional connections (e.g., communications, value added chains, demographic, natural resources, etc.) [5].

The essence of the rurbanization idea, unlike suburbanization, lies in the fact that it does not require labor resource relocation – from the city to the rural territory, and helps organize cooperation between urban and rural areas based on mutually beneficial cooperation, the division of powers, the use of existing advantages in order to bring rural areas closer to innovation sources, social and financial capital, investments, to objects of social and transport infrastructure, common to urban settlements, alongside with a more active involvement of resources, in which rural areas are rich, in the social production processes. By planning their own development, such communities are inevitably faced with the need for devising spatial planning materials for rural development and begin to apply approaches that are widely implemented in the countries of the European Union.

#### Conclusions:

1. The analysis of today’s cooperation agreements shows that in the Register of agreements on cooperation of territorial communities as of September 6, 2009, 223 agreements are registered. The most important cooperation is that of city communities with their surrounding rural and settlement communities, which enables a joint development of spatial planning documents.

2. Cooperation of urban communities with their surrounding rural and settlement communities takes place only in 13 regions out of 24.

3. The total number of cities involved in cooperation projects is 22, or 0.65% of the the country’s cities, of which only 3 cities are of the regional significance (over 50 thousand of population, and in most of them – up to 59 thousand of residents) or 1.6%; the rest are of the district significance (less than 50 thousand people) or 7.0%.

4. The total number of urban communities’ cooperation projects is 50, some of them having several cooperation projects. However today there is a lack of skilled personnel who could provide the relevant services to the ATCs [5].

5. Today, implementation of territorial development projects (in particular those of spatial planning), is effected with the help of a sufficiently effective tool

– the mechanism of the State Fund for Regional Development (SFRD). Yet, the financing of territories that have not concluded horizontal agreements between their communities is quite problematic.

6. In 2019, work will begin in the regions on the preparation of new regional Development Strategies for the period of 2021-2028, which opens opportunities for taking into account the interests of urban and rural areas in the development of spatial planning documents, and requires that the education system respond to challenges and provide the relevant staffing.

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## Public Administration Reform in Ukraine

Public administration reform is one of the major reforms in the transition economies that carry out complex reforms in various areas of government policy. Effective government system is one of the main factors of competitiveness of the country. Effective activity of the Cabinet of Ministers of Ukraine in developing state policy in various spheres is possible in the presence of a professional, accountable, effective and efficient system of central government bodies. Reducing the administrative burden of state regulation, improving the quality of providing administrative services, ensuring the legality and predictability of administrative actions improves the position of the state in world competitiveness ratings. In addition, an effective public administration system is one of the main prerequisites for democratic governance based on the rule of law. The system of public administration in Ukraine does not meet the country's needs for complex reforms in various spheres of state policy and its European choice, as well as European standards of good governance of the state. Ukraine holds low positions in the world's competitiveness ratings related to public administration. According to the indicators of World Economic Competitiveness Index of the World Economic Forum (for 2015), Ukraine ranked 130th (among 144 countries) in the category of «government efficiency», 103rd in the category «transparency of state policy formation» and 115th place in the category of «state regulation burden». The position of Ukraine in the World Bank's Doing Business rating is slightly better - in the overall rating in 2016, Ukraine ranks 83rd. Significant improvement has taken place in the field of business opening - in this category, Ukraine has risen from 70 places in 2015 to 30 places in 2016 [1].

The main purpose of this work is to determine the main principles and tasks of modernizing public administration in Ukraine, which would serve as a basis for reforms in the political, economic and social spheres of the state and improve its overall level.

To achieve this goal, the following methods were used in the work: analysis and synthesis, comparison - for the study of the current state of the state administration in Ukraine; comparison - to develop practical recommendations for defining directions for improvement of public administration in Ukraine. The information base of the study was legislative and regulatory acts, statistical collections and materials of the executive authorities.

2017 became the second year of implementation of the comprehensive mid-term Strategy for the Reform of Public Administration of Ukraine for 2016-2020, developed in accordance with the European principles and criteria for good governance SIGMA/OECD. In 2017:

- Ukraine has increased the rating «Transparency of policy making» by 34 positions and ranked 65th in 2017 according to the World Economic Forum's Global Competitiveness Index.

- the government has begun reforming ministries and forming new structures - directors, aimed at strengthening the functions of analysis and policy formulation. 50 new directorates were created in 10 pilot ministries, the Government Secretariat and two agencies.

- the recruitment of the civil service for the newly created «reform specialists» has begun in the directorates. 473 vacancies were announced on the «new career.gov.ua» vacancy portal with an opportunity to apply online. Each month, the portal was visited by about 42,000 unique users. More than 13,000 candidates have submitted online applications, which is an average of 29 candidates per vacancy.

- the Government of Ukraine has introduced 35 e-services for the population and business, including registration services, social services and construction industry, etc.

- the portal of open data «data.gov.ua» has been introduced, which publishes more than 25 000 sets of data. As a result, Ukraine has increased its rating to 23 positions and ranked 31st in the Open Data Index's global open data index.

In 2018, the Government continues to develop three key areas:

- effective structures and implementation of modern procedures in central executive bodies, in particular the process of transformation of ministries, introduction of modern practices and tools for the formation of state policies, updating of the Cabinet of Ministers regulation;

- introduction of modern methods of personnel management in the civil service, in particular optimization of the recruitment procedure for the civil service, implementation of the information system for personnel management and the electronic cabinet of a civil servant, introduction of a procedure for evaluating the results of the work of civil servants with clear indicators of efficiency;

- the implementation of e-government tools - implementation of the electronic interaction system of state authorities and electronic document management system, optimization of the provision of 30 popular state electronic services using the mobile ID, the active development of open data [2].

**Discussions.** One of the important aspects of the problem and a significant component of the processes of democratization of society and government is the creation of a politically neutral state service, which is considered as the most constructive and effective opportunity to achieve a peaceful and orderly political succession of administration, and therefore genuine political pluralism.

Taking into account the political and cultural context, which in today's conditions is quite ambiguous for Ukraine, against the background of external

aggression and internal weakness of political institutions, should be obligatory along with the general efforts of society and government, first of all, to reduce the poverty of a large part of the population. Optimization in relation to the system of public administration is considered from the point of view of management in the broadest sense. For the public administration system, optimization is a modification to improve its efficiency. The system in this sense is a set of management processes that gives a synergistic effect. We are talking about such an interaction of the components of the system, which gives an effect greater than the simple sum of the productivity of these components.

In a new vision of reforming public administration at the theoretical level, scientists are looking at a multidimensional plane. For example, the reform of public administration in the field of physical culture, sport and health in Ukraine is being studied by M. Kalina, K. Osovsky, education management O. Krasivsky, S. Nishikik, P. Kuzminsky, N. Yasinskaya, the place and role of an official in the context of reforming the state management in Ukraine is investigated by T. Vitko, M. Orlovim, the issues of implementation of foreign experience in reforming public administration in modern conditions have found their place in the studies of I. Lozitskaya, I. Shapovalova, A. Popok.

Thus, according to I. Shapovalova, current trends in the reform of public administration reflect its optimization on the basis of human rights and cover four main areas:

- improving the efficiency of the civil service that generates human resources in the public sector (through optimization of vocational training, career growth conditions, material adequacy and stability, etc.);
- increasing the effectiveness and efficiency of the policy-making system;
- optimization of the structural and functional characteristics of the management system, in particular as regards norms, standards, norms for institutions and administration structures necessary for the implementation of the state policy, including new instruments, in particular e-government;
- reforming the revenue and expenditure management system of the public sector [3, p. 87].

From the standpoint of O. Gromyko, reforming public administration is impossible without e-democracy and the construction of an information society. This is what the scholar believes that: to improve the transparency of the democratic decision-making process and the accountability of democratic institutions; to promote public debate and to draw citizens' attention to the decision-making process; to improve the reciprocal reaction of the authorities on citizens' appeals; to strengthen participation, initiative and citizen engagement at the national, regional and local levels of public life.

That is, e-democracy is in fact an integral part of the information society, which provides innovative tools for citizen participation in public life

and political processes. [4, p. 43]. The transition to the information society involves systemic changes in the social, economic, political, legal, and cultural structure of society. Given the magnitude and depth of the predicted changes, it becomes clear that they can only be implemented with the active support of public administration, since, by virtue of its obligations, the role of the state is always to coordinate all processes relating to society. Together with this, the role of the organizer of the project implementation should belong not only to public authorities, but also to public organizations, public initiative.

In Ukraine, all these processes occur chaotically, not systematically, sometimes spontaneously and situationally, and still an extremely important problem that hinders the emergence of e-democracy in Ukraine, is the lack of proper budget financing [4, p. 44].

In the context of the actualization of European integration processes, the continuous improvement of the system of public administration, in accordance with the nature of socio-political transformations in the country and the trends in the development of international cooperation, is of particular importance. That is why administrative reforms are a projection of trends in the global rethinking of the essence and role of the state in modern society. It is known that the system of state governance consists of subsystems of regional governance. Effective public administration at the regional level is the basis for implementing state policy and raising the level of well-being in the country.

The supporters of the decentralization of public administration approach are L. Ladonko, O. Mikhailovskaya, A. Kundenko. In their opinion, the main strategic direction of improving the system of public authority in Ukraine at the present stage of state formation is the formation of such mechanisms that would increase the effectiveness of interaction between central government, local self-government and the public. That is, it is necessary to emphasize the simultaneous solving of interrelated tasks. The review of the role and functions of the state at the national level must take place simultaneously with the search for innovative approaches to interaction in the plane of trinity «central government - local self-government - the public». This requires the development of scientific and practical tools for managing the processes of such interaction that will allow for further civil development in Ukraine [5, p. 91].

In the mechanisms of state administration, the constant development of regions in the context of the principles of good governance is emphasized by N. Bazavluk, F. Ragimov. In their view, the modern mechanism of public administration can function effectively under the condition of solving the following tasks: development of theoretical and methodological principles of the mechanism of state governance for the sustainable development of the regions and providing a meaningful description of the categories «decentralization», «development of regions», «territorial organization of power»; development of the constitutional and legal principles of the

functioning of state power in the conditions of regionalization and decentralization processes; improvement of theoretical and methodological basis for the formation of mechanisms of regional governance in Ukraine; rationalization of institutional support for the reform of the regional governance system in Ukraine in the conditions of decentralization as the basis of functioning of the mechanism of state governance by the sustainable development of the regions [6, p. 65].

Other authors, in particular O. Nepomnyaschy, O. Degtyar, propose an algorithm for the development of an effective mechanism of state governance for regional development: analysis of the region: geographical conditions, industrial development, agriculture, transport, infrastructure, services, economic development, social sphere, etc .; «inventory» - definition of administrative boundaries and boundaries, definition of available resources, analysis of age and gender of the population, etc .; analysis of the potential of the region's development, identification of promising opportunities for development; creation of conditions for attraction of investments in perspective directions of development of the region; ensuring the positioning of the region for domestic investors, taking into account the prospects of its potential; creation of a clear system of distribution of investments and determination of powers of regional authorities for the development of investment funds; establishing the responsibility of the regional authorities for the use of investment funds; formation of the system of reporting on prospects for further development; ensuring interaction of regional authorities with international financial institutions and public organizations for the exchange of experience and the search for ways to attract additional investment [7, p. 168]. According to the authors, the use of this algorithm to develop the mechanism of state management of regional development is aimed at increasing the efficiency of public administration and ensuring the development of the economy and social sphere of the regions of the country, taking into account the eurointegration vector.

Issues of professional competence of personnel in public administration are also among scholarly discussions. The competence-based approach should be understood not only by the knowledge, skills and abilities acquired during the training (professional training, advanced training), but also the knowledge, skills and abilities that are necessary for the specialist to work under certain conditions and in specific circumstances. Thus, a competent approach to the development of the human resources of the civil service should include the consideration of knowledge, skills and abilities, as well as personal qualities and moral values, new models of behavior of a civil servant, which enable them to realize their professional potential in practice and respond promptly to constant changes in the state management.

The use of a competent approach to the management of human resources in government bodies requires identification of its features, among which we note the following:

1) the competent approach involves the presence of a person (civil servant), which is determined by internal motivation for the effective performance of his professional activities, the availability of professional values and attitude towards his profession as a value, that is, competence;

2) proper, productive, effective or best execution of work (official duties) becomes possible due to the presence of such internal characteristic as a civil servant as competence;

3) the content of the competence of a civil servant forms a range of individual competences, under which we understand the ability to perform specific professional tasks, actions or functions that are defined by the requirements of job descriptions and regulations [8, p. 150].

According to N. Goncharuk and L. Prudius, the following issues should be solved in the framework of the creation of a european model of public service: the streamlining of publicly-owned competences and functions, administrative procedures for the adoption of management decisions and the provision of public services; consolidation of indicators for assessing the institutional, social, economic, marketing effectiveness of the authorities; ensuring the maximum consideration of european standards for work with the personnel corps of the civil service on the regular training, the use of training products aimed at improving skills and improving core competencies; application of anti-corruption mechanisms, tools for managing conflicts of interest to overcome personnel deformations in state authorities; use of leadership technologies, reputation management, strategic partnership [9, p. 47].

According to T. Vitko, civil servants are a kind of link between the state and citizens, the state and its employees should be the original guarantor of providing quality services to citizens in accordance with the current legislation, protect them from the arbitrariness of non-state structures, etc. [10, p. 41].

The model of professional activity of a civil servant adopted in Ukraine requires a constant increase in the professionalism and competence of civil servants. At the present stage, the problem of vocational training of civil servants that perform administrative and representative functions is particularly acute as the efficiency of public administration depends to a large extent on the personnel professionally and ideologically prepared for active professional-competent innovation in the new conditions, the effectiveness of which depends on the ability to analyze and predict. The purpose of vocational training of civil servants is to ensure the needs of state bodies in the workers who will be noted: the ability to introduce the values of a democratic, legal, social state and civil society, and steadfastly defend the rights and freedoms of man and citizen; professional skills and skills based on modern specialist knowledge, analytical abilities and skills in applying tools and methods of management science; strategic thinking and personal

qualities necessary for the adoption and successful implementation of managerial decisions.

The most important aspects of the formation of the system of training, retraining and advanced training of civil servants in Ukraine are as follows: definition of priorities and directions of the state policy in the field of professional training of management personnel; development of the principles of activity and competence of the management bodies of the system of vocational training of civil servants; place and role of vocational training of civil servants in the system of work with management personnel; professional qualification requirements for various categories of civil servants, assessment of the effectiveness of their training and advanced training; optimization of the network of educational institutions, definition of the scale of training and retraining of management personnel; changes in the structure and content of training, the development of innovative educational programs, modern curricula, the preparation of a new generation of textbooks and methodological manuals; staffing of scientific-methodical and educational-educational activity of educational institutions; information provision of educational institutions that train personnel for the civil service; studying and using domestic and foreign experience; bringing normative and legislative basis of the system of vocational training in line with the realities of socio-economic reforms [11, p. 168].

S. Svirko insists on the modernization of public finances in Ukraine and their management systems. In the context of all components in general and budget accounting, in particular, it requires significant financial resources. However, the final implementation of measures to modernize the domestic budget accounting will increase the relevance, reliability, probability of indicators of public finances, which will increase the confidence of the population in the actions of the authorities, and therefore the inclusion of it, in aggregate, of individuals and legal entities, into the mechanism of internal financing budget deficit. On the other hand, in the presence of these characteristics in terms of harmonization of the accounting approaches of the domestic budget accounting to the achievements of accounting science and practice in the public sector segment, the expected consequence of the said reform of this subsystem of accounting in Ukraine should be not only the activation of simple external financing of the budget deficit, but also investment activity, in particular, of venture capital investment in economic entities of Ukraine, which is one of the main tools of innovation economy [12, p. 64].

N.Mihalitskaya belongs to a group of scholars supporting the economic approach to reforming public administration. An urgent problem, in her opinion, in the field of increasing the effectiveness of state influence on the state of economic security is the need to improve official methods of assessing the level of economic security and the level of socio-economic development of Ukraine [13, p. 92]. On the definition of the main causes of the imbalance of

the development of public administration in innovation and technological development of the economy of Ukraine at the present stage of state formation emphasizes I. Parizsky [14, p.28]. Problems of strengthening the market regulation of the economy and implementation of anticorruption reform in the study of O. Dyachenko. In his opinion, it is necessary: to improve the efficiency of management of public finances; to improve foreign economic activity and to improve interagency interaction; to improve legislation in the field of combating economic crimes; to create favorable and effective conditions for doing business; to fight corruption and to raise the level of legal culture of the population [15, p. 39-41].

However, according to I. Lozitskaya, the results of modern studies do not meet the needs of science of public administration. The author believes that there is a certain marginalization of the conclusions of scientific works on the needs of real management in the implementation of foreign experience. Beyond the attention of the researchers there were purely practical aspects of the implementation trend in public administration. First, an analysis of the relevance, feasibility and likelihood of adaptation of the principles of european governance to domestic management systems in the context of the overall management problem - the formation of an adaptive model of the system of authorities of the national state. Secondly, the formation of a methodological model for the transformation of public administration in the context of the european integration policy of state policy. Thirdly, the functioning of research centers on the issues of reforming public administration - in fact, the state administration, as well as legal, political science, and economics, within which formed tangent but diverse, dichotomous approaches to the substantive sphere of reform, the principles and models of the transformation process. In these circumstances, the need for integrated theoretical research is actualized, the main purpose of which is to form the scientific basis for the evolution of public administration in the format of modernization of management [16, p. 22].

Summarizing the theoretical positions of scientists, you can see some similarity with the point of view of the legislator. If you turn to the provisions of the Strategy, they are aimed at solving such problems facing the system of public administration. Regarding the strategic principles of reforming public administration: lack of strong political leadership and insufficient level of coordination of public administration reform at the political level; insufficient capacity of state authorities to carry out comprehensive reform of public administration; insufficient capacity of the Cabinet of Ministers of Ukraine to strategic planning.

Regarding the formation and coordination of state policy: insufficient level of quality of state policy in various spheres, legislative and normative base (policy formation and drafting of legislative acts on the basis of thorough analysis, public participation, integrity and consistency of actions and decisions of the Cabinet of Ministers of Ukraine as a whole); lack of a

medium-term budget planning system related to strategic policy planning; on civil service and human resources management: the lack of senior management and other high-level civil service positions that are important for the development and implementation of national reforms and can meet the challenges of reform in various fields; high level of corruption in the civil service system, which constitutes an obstacle to the efficiency and effectiveness of public administration; gender imbalance; insufficient level of human resources management in ministries and other central executive bodies, lack of automated human resources management system.

Regarding accountability of central executive authorities: absence of horizontal and vertical functional review in the system of public administration; the uncertainty of the mission (the main goal for which the central executive body is established), the unclear definition of the areas of responsibility and tasks of the ministries and other central executive bodies; partial duplication of powers; ineffective organization of central executive bodies, whose activities are not directed or coordinated by the relevant ministers.

Regarding the provision of administrative services: the lack of orderly basic principles and guarantees of the protection of the rights of citizens and legal entities under the administrative procedure (lack of a law on administrative procedures); the need for further development of administrative service centers; excessive administrative burden on citizens and legal entities; low quality of work of basic electronic registers; the absence of an acceptable technical solution to ensure the interoperability of systems of state authorities, improper quality of electronic services for citizens and legal entities.

The priorities for the strategic principles of public administration reform are: definition of the political leader responsible for the reform of public administration, effective coordination mechanisms and a clear division of responsibility; strengthening the capacity of state bodies to reform public administration; the definition of a separate unit to provide support for reform, professional, technical and administrative support to the activities of the political leader of the reform of public administration and the mechanism for coordinating activities; communication support for public administration reform; assessment of public administration in order to provide a basis for mid-term review and analysis of the Strategy and plan of measures for its implementation in accordance with the Principles of Public Administration [1].

At the end of 2018, SIGMA specialists made the first comprehensive assessment of the reform of public administration in Ukraine. According to experts SIGMA Ukraine lags behind the planned and in general the first steps can be estimated as satisfactory. The experts noted the slight progress in the reform of the civil service, administrative justice and the provision of administrative services. In other areas, such as the reform of the system of

executive bodies, improving the quality of government decisions by introducing estimates of the cost of implementing laws, strategies and other initiatives, there is a significant lag behind planned. However, international analysts say that the further development of administrative services is hampered by the lack of a basic law, namely, the law on the general administrative procedure, which would provide uniform guarantees for the realization of citizens' rights in their interaction with state authorities. A common disadvantage in all areas is that the amount of financial resources needed to implement bills, strategies and reform initiatives is not properly calculated. Since most bills are introduced to the Parliament by people's deputies rather than by the Government, unlike government projects, such documents do not pass through the usual quality control mechanisms. In addition, the transfer of a significant amount of commitments contained in government plans for subsequent periods indicates that these plans are generally too ambitious [16].

**Conclusions.** Therefore, it should be concluded that in scientific publications the reform of public administration is considered through the prism of financial and economic approaches, european implementation, qualitative training of civil servant and management. Secondly, public administration should be regarded as a system of social relations within the framework of the implementation of state and self-governing administrative powers in accordance with the Constitution and laws of Ukraine, which is capable of adapting to changes in the external and internal environment and, accordingly, changing the qualitative characteristics of subsystems and elements of the system, the process of adaptation – as one that defines the synergy effect in management through implementation and self-organization. Thirdly, public administration reform is one of the major reforms in transition economies that carry out complex reforms in various areas of government policy. The purpose of the government's strategy is to improve the system of public administration and thus increase the country's competitiveness. Taking into account the european choice and european perspective of Ukraine, the strategy is developed in accordance with european standards of proper administration in the issues of transformation of the system of state administration.

Fourthly, the system of public administration in Ukraine does not meet the country's needs for complex reforms in various areas of state policy and its european choice, as well as european standards of good governance of the state. As a result, Ukraine holds low positions in the world's competitive ratings related to public administration.

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## **Environmental Problems of Non-Conventional Gas Exploration and Production in the Regions of Ukraine**

No developing country can exist without energy resources. Therefore, many countries in the world are busy with the task of providing themselves with energy and thus making their development independent from the will of others. The shortage of own fuel and energy resources in Ukraine and its dependence on external supply pose a potential threat to both the country's economic security as a whole and energy security in particular. Under the country's energy security, one can usually understand the state's ability to ensure the efficient use of its own fuel and energy base, to optimize diversification of sources and routes of energy supplies, to realize the potential of energy saving, to balance demand and supply for fuel and energy resources.

The acuteness of the problem lies in the fact that the structure of the Ukrainian economy to a large extent generates dependence on the import of energy resources, first of all, natural gas. Indeed, during the years of independence, nothing was done to change this structure. On the contrary, the monopolization of energy-intensive industries led to the conservation of the economic structure development, the export of capital, the reluctance to make real investments in the modernization of outdated enterprises, and the desire to shift the energy burden of the monopolized economy to the population. Therefore, the issue of energy efficiency of the economy is becoming increasingly acute. Ensuring Ukraine's energy security largely depends on the efficient management of the fuel and energy complex. In view of this, the urgent issue of the policy of our state is today the revival of the country's fuel and energy complex and taking into account the general tendencies in the development of fuel and energy complexes in the countries of the world in the formation of a new system of resource supply of the country's energy sector with the minimization and diversification of foreign fuel supplies. Enhancing the processes of providing own energy resources promotes not only the energy security and energy efficiency of the country, but also energy conservation and ecological harmonization of the development of social production, which determines the relevance of the identified issues study, problems and prospects for the revival of the fuel and energy complex of Ukraine.

The actual structure of primary energy consumption in Ukraine during the years of its formation as an independent state was as follows: natural gas – 41%, oil – 19%, coal – 19%, uranium – 17%, hydropower and other renewable sources – 4%. At the same time, as the analysis of trends in the

development of world energy shows, in the structure of global reserves of organic fuel for coal accounted for 67%, for oil – 18% and for gas – 15%. In Ukraine, these indicators are respectively 95.4; 2.0 and 2.6% [1].

In 2016, 19.99 billion cubic meters of natural gas were produced in Ukraine (+0.5% compared to the previous year). NJSC “Naftogaz of Ukraine” enterprises generally reduced production by 0.8% (up to 15.90 billion m<sup>3</sup>), including PJSC Ukrnafta – by 13.7% (to 1.30 billion m<sup>3</sup>), but PJSC “Ukrgezvydobuvannya” received 0.5% more of this resource (14.60 billion m<sup>3</sup>). Other enterprises of the industry increased production by 5.8% (to 4.09 billion m<sup>3</sup>).

In 2016, Ukraine reduced natural gas consumption to 32.36 billion cubic meters (-4.1% compared to the previous year). The factors that led to a general decrease in consumption were: the weakening of economic activity, including through military actions in the East of Ukraine; rising gas prices in the domestic market; reduction of gas consumption standards by subscribers who do not have counters; replacement of gas with other energy sources [2].

Thus, at the expense of own production, two thirds of the Ukrainian consumers’ needs are met. The shortage and high cost of hydrocarbons pushes the course of national development to increase the volumes of own gas production. Exploring the problem of Ukraine's own energy carriers deficit, we reveal the following situation in its sources: currently exploited oil and gas fields are almost exhausted, investments in further intensification of extraction on them become unprofitable. The output is seen in the development of alternative deposits of so-called non-conventional gas. One of the areas currently considered is the extraction of shale gas, the expediency of which in Ukraine is not well founded. It requires comprehensive research and consideration of both economic benefits and side effects.

At the moment, one of the selected strategies for energy inertia is the development of new hydrocarbon reservoirs, in particular, extraction of non-conventional types of gas (shale gas, coal mine methane, gas of dense collectors, etc.). An attractive conditions are the formation of shale gas reservoirs within a large part of the country, as well as the existence of a developed gas pipelines network that can provide shale gas to consumers.

Natural gas is and will remain one of the key sources of energy. According to World Energy Outlook 2012 International Energy Agency (IEA), “natural gas is the only type of fossil fuels whose global demand will increase in any scenario of energy development, at the same time, forecasts of demand growth will be vary depending on the region” [3]. “Non-conventional gas resources will account for almost half of world production growth by 2035, and most of this increase will be attributed to China, the United States and Australia”. It is noted that the extraction of non-conventional stocks in many countries is at the stage of formation: the scale and quality of the resource base have not been determined yet (Table 1) [4].

Table 1

**Stocks of traditional and non-conventional gas in the world, trillion m<sup>3</sup>**

Area	Traditional natural gas reserves	Non-conventional natural gas reserves			
		Gas of dense rocks	Shale gas	Coal-based methane	Total
Eastern Europe / Eurasia	144	11	12	20	44
Middle East	125	9	4	-	12
Asian-Pacific area	43	21	57	16	94
North America–OECD	47	11	47	9	67
Africa	49	10	30	0	40
Latin America	32	15	33	-	48
Europe – OECD	24	4	16	2	22
World	462	81	200	47	328

Shale revolution, which began in the United States, has already substantially changed the transport flows of natural gas in the world. Thus, volumes of shale gas extraction in the USA during the last twenty years have grown 12 times (from 7.6 billion cubic meters in 1990 to almost 93 billion cubic meters in 2009), the cost of its production, on the contrary, decreased from 240 \$ per 1,000 cubic meters to 100...110 \$ per 1000 cubic meters. The United States has refused to import North African and Middle Eastern liquefied gas, forcing exporters to send their flows to Europe. As a result, this has led to a drop in spot prices for natural gas and a reduction in Gazprom's share in total EU consumption from 25% to 23%. And this is just the beginning. The technologies of gas extraction from shale rocks, which became a real technological breakthrough, have been rapidly developing in the USA. If you add a sufficiently large number of mining and service companies with their specialists, the unique experience of drilling in shale stratum has been created, then we can talk about the emergence of a new sub-sector in the gas business that is ready to export its know-how all over the world.

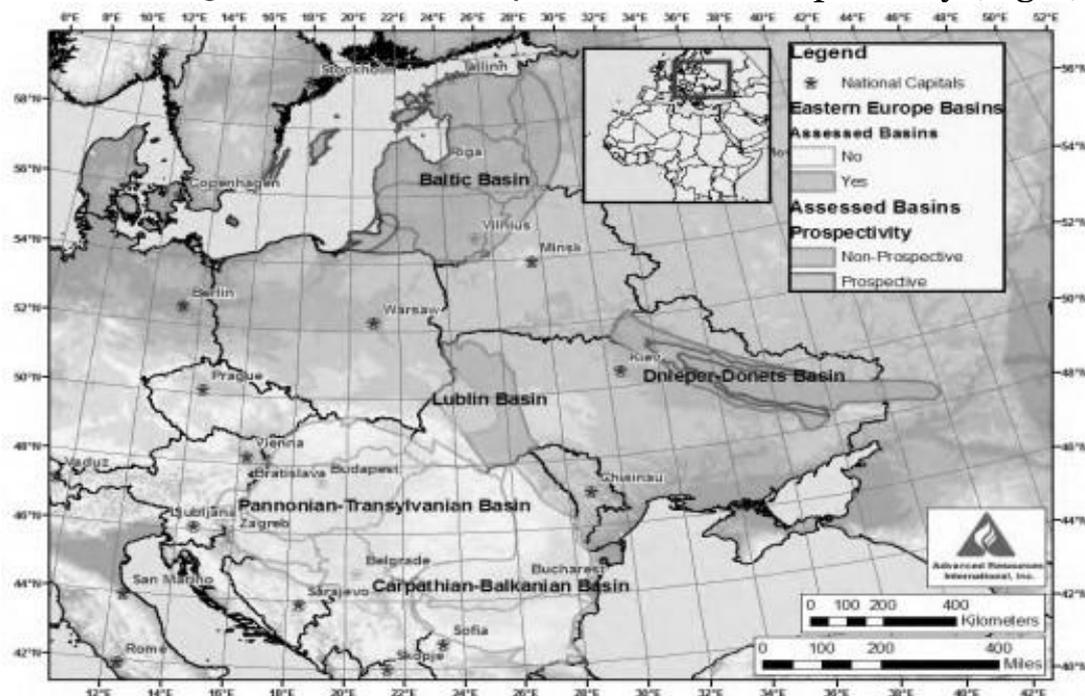
The leading scientists and experts of the Academy of the Noosphere and the Ukrainian Society for the Conservation of Nature conducted in-depth research on the problems of shale gas extraction in Ukraine, its environmental and economic aspects. This problem, on the one hand, is causing great concern to ecologists all over the world, and on the other hand, it has the same importance for ensuring the country's energy security, economic development policies [5].

Shale gas is, in essence, analogous to the natural gas produced in Ukraine and imported from Europe, with the only difference it contains not in the huge underground stratum created by nature, but in the small traps in the shale. That is, to extract shale gas it is not enough just to drill a vertical well. The technology of exploiting shale deposits consists in the use of so-

called hydraulic fracturing of stratum (GFS). First, in the process of well drilling, the method of horizontal directional drilling (GDD) is used, i.e. controlled trenchless method of laying underground communications, based on the use of special drilling complexes (installations). The length of the laying paths can be from several meters to several kilometers, and the diameter – more than 1200 mm. Subsequently, in the drilled well, the hydraulic fracturing of the stratum is carried out in order to create cracks in the shale rock. After this, under high pressure, a mixture of 98.0 - 99.5% water and sand and 0.5 - 2.0% of chemicals are pumped into the well. The mixture breaks the “pores” in the shale rock, through which the gas is released from the set of small traps. After reducing the pressure, the water freely flows out of formed cracks, and the sand does not allow them to close for free gas leakage. Discharged water should be cleaned and used repeatedly for hydraulic fracturing.

Estimates of shale gas reserves in Ukraine differ substantially from one source to another: State Service for Geology and Mineral Resources of the Ministry of Natural Resources of Ukraine (2012) – 7.0 trillion m<sup>3</sup>; American Energy Information Agency (U.S. EIA) (2011) – 1.2 trillion m<sup>3</sup>; Ministry of Energy and Coal Industry of Ukraine – 5.0 trillion m<sup>3</sup>. Most experts agree that Ukraine holds 4th place in Europe after Poland, France, Norway in terms of shale gas reserves.

On the territory of Ukraine, two promising basins with shale gas reservoirs are considered: Dnipro-Donets and Lublin in the West of Ukraine with reserves of 1.36 trillion m<sup>3</sup> and 4.22 trillion m<sup>3</sup> respectively (Fig. 1).



**Figure1 – Scheme for the of shale gas basins distribution in Europe**

Of the total reserves at 5.58 trillion m<sup>3</sup> can be technically seized 1,19 trillion m<sup>3</sup> (up to 20%). With the use of only technically available shale gas at

the present level of natural gas consumption, the reserves of these sites will last more than 25 years.

However, shale gas compared with natural has significant disadvantages:

1. Shale gas production is a very high-tech process, which requires powerful equipment, highly skilled personnel and very significant investments.
2. Short term of wells operation – even new technologies (horizontal drilling and hydraulic fracturing), which increase the area of contact of a well with a breed in 30...50 times, ensure its cost-effective functioning to 2...3 years (for comparison: the wells of natural gas in Urengoy function from 10 to 15 years).
3. According to the actual extraction, transportation and use of shale gas, it has increased aggressiveness to the metal, which reduces the duration of gas pipelines operation and 2 times less energy efficiency.
4. High cost of gas, compared to natural gas (US - real costs 212...283 \$ per 1 thousand m<sup>3</sup> of shale gas, and Gazprom of Russia – 19 \$ per 1 thousand m<sup>3</sup> of natural gas, the return on investment – 10...12 years (against 5...7 years with ordinary gas production).
5. Unlike US gas fields, where technological parameters of the geological environment have been studied very well and are favorable for extraction (reduced strength), other shale basins have not been studied to such an extent that it is possible to estimate stocks and costs of extraction for the construction of business models, thus more that the cost of shale gas depends heavily on the depth of production.
6. Incomprehensible ecological consequences, especially remote, lack of knowledge of the reaction of the environment, primarily pollution of the underground hydrosphere (including strategically important horizons of fresh water of drinking quality).
7. Surface disturbance and seismic phenomena, emissions of greenhouse gases, extraction from the economic use of large land areas.
8. The existing extraction technologies provide significant additional impacts on the existing infrastructure and the environment, which are caused by the removal of significant land areas, with the subsequent pollution of large volumes of fresh water resources (4...20 thousand m<sup>3</sup> per extraction well), additional charges on the waste neutralization enterprises and transport routes.

Thus, according to the United States Environmental Protection Agency (EPA USA), the share of chemical additives in technological water is up to 2%, but huge volumes of aqueous solutions used in the operation and replenishment of hydraulic fractures in wells (9000...25000 m<sup>3</sup>) are related to returning 1300...23000 m<sup>3</sup> of polluted water drainage. They contain both technological reagents (chloride ammonia, petroleum products), as well as

toxic trace elements from shale rock (iodine, bromine, heavy metals, possibly radioactive uranium and radium). In addition, there is saturation of toxic chemical compounds of large volumes of shale gas-saturated rocks, which, due to hydraulic fractures and increase permeability, can form zones of long-term pollution of the underground hydrosphere.

World experts agree that large-scale development of shale gas extraction will redraw the energy map of the world. Unfortunately, the environmental impacts of such a one-sided approach go away, geopolitical aspects are considered more important.

At the end of May 2012, the International Energy Agency (IEA) issued a report entitled "Golden Rules of the Golden Age of Gas," which predicts that Russia may lose its status as the global leader in the gas market over the next decade.

The main motive for the report is the need to increase attention to the environmental moments of shale gas production and use. According to the IEA, "Golden Rules" emphasize the importance of full transparency, measurement and monitoring of environmental impacts, involvement of local communities, careful selection of sites for drilling numerous wells (8-10 barrels per 1 km<sup>2</sup>), and measures to prevent any leakage from wells in aquifers; strict assessment and monitoring of water needs and losses; measures for zero emissions and a minimum level of gas combustion, as well as improved design and regular monitoring [6].

According to IEA experts, the main threats to the environment are more "aggressive" extraction technologies that require more wells, large volumes of fresh water and a greater threat of pollution with the absence of safety. However, the potential benefits, provided that the gas is produced and transported in accordance with strict environmental standards, contribute to the rapid spread of this resource popularity.

In Ukraine, the process of developing shale gas begins with the development of two sites: Oleska within the Lublin Basin (Fig. 2) and Yuzivska within the Dnipro-Donets Basin (Fig. 3) [7].

Tenders for the development of these areas have two companies that are among the leading in the world, and therefore have the most advanced technologies: American "Chevron" and British-Dutch "Shell". The need for attracting foreign companies is due to two main factors: the development of shale gas reservoirs requires large investments and requires reliable and safe extraction technology.

According to the Ministry of Ecology and Natural Resources, the total reserves of the Oleska and Yuzivska reservoirs amount to 2...5 trillion m<sup>3</sup> of gas. However, mining at the Oleska reservoir may be limited due to difficult geological conditions. According to the optimistic scenario on the Yuzivska reservoir, it will be possible to extract from 30 to 40 billion cubic meters of gas annually, and from 15 to 20 billion cubic meters of oil at Oleska reservoir.

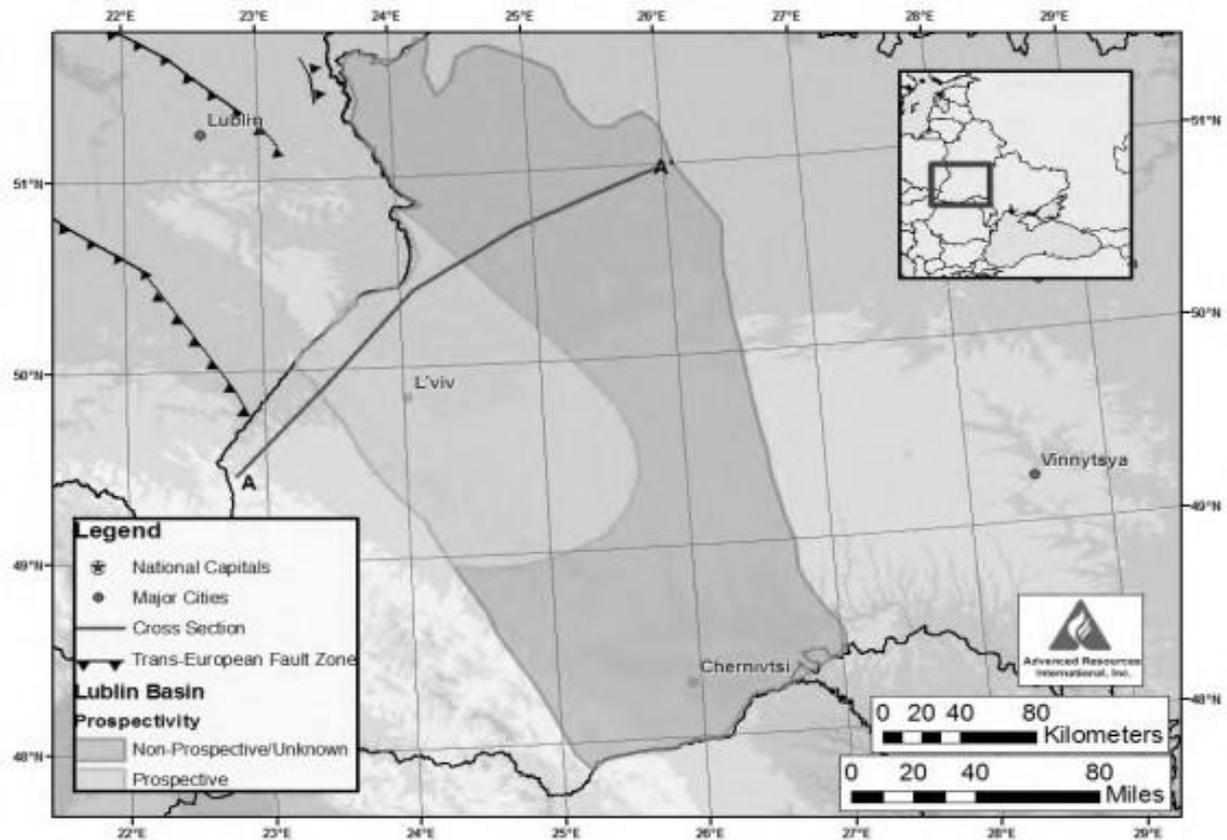


Figure 2 – Oleska area placement scheme within the Lublin Basin

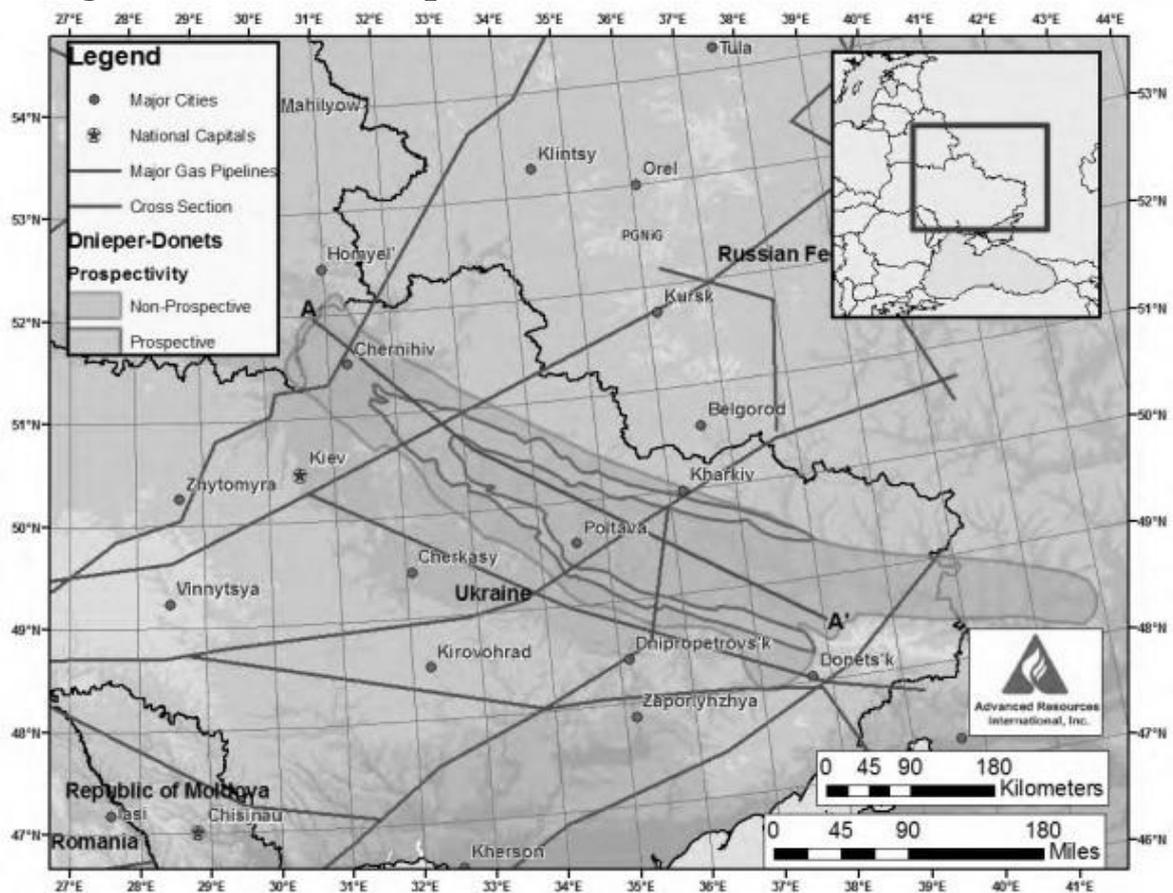


Figure 3 – Yuzivska area placement scheme within the Dnieper-Donets Basin

Announcement of the tender winners caused a wave of discussions at various levels regarding the feasibility and safety of the development of shale gas reservoirs in Ukraine. The main arguments of the adversaries are precisely the environmental constraints on the development of such deposits in a relatively densely populated area and the danger of environmental degradation (failures of the soil, flooding of territories, pollution of fresh underground and groundwater, growth of seismicity).

Environmental engineers and experts highlight the following issues regarding the environmental safety of shale gas reservoirs development in Ukraine [8...10]:

1. Low availability of Ukraine water resources as a whole and, in particular, areas of shale gas production, high probability of water pollution, including underground water, which is a strategic reserve of the country.
2. The possibility of irreversible loss of large areas of land resources and degradation of the country's agricultural potential.
3. Occurrence of surface deformations, decrease of seismic stability of the territory, seismic stroke increase.
4. The uncertainty of the environmental reaction to the combined effect of man-caused impacts caused by the exploration and extraction of gas and other industries (chemical and extractive enterprises), as well as the consequences of global climate change (increasing the number and extent of precipitation, frequency and rise of flood).
5. The possibility of gas entering the atmosphere (from 4 to 8% of gas output) at the stage of construction and operation of the well.
6. The question is acutely raised, especially in populated regions, about the allocation of land for drilling, as well as for access roads and the construction of associated infrastructure (gas and water treatment plants, a network of gas pipelines, etc.). This infrastructure, as well as the construction projects that are being implemented, create environmental risks of accelerated erosion of soils.

According to the estimations of the leading experts of the developed countries of the EU (England, France, etc.) and United States the leading factors of ecological danger of shale gas extraction are the receipt of a toxic substances large quantity in the geological environment (underground hydrosphere) and their active movement in the rock mass during hydraulic fracturing.

With an average drilling rates of up to 10 wells per km<sup>2</sup> on Yuzivska area ( $\approx 4$  thousand km<sup>2</sup>) and Oleska ( $\approx 6$  thousand km<sup>2</sup>), up to 100 thousand wells will be drilled with an opportunity to pump up to 15,000 m<sup>3</sup>/1well  $\times$  100,000 wells  $\approx$  1.5 billion m<sup>3</sup> of water, of which 1.2 billion m<sup>3</sup> in the form of highly toxic waste will return to the surface. Even after effective cleaning, they will return to the rivers and surface reservoirs, which are totally over-regulated and significantly contaminated. In addition, the pressure of hydraulic

fractures reaches from 500 to 1500 atmospheres, which is equivalent to the pressure of the rock layer in the thickness of 1700...5000 m. The latter can testify to the risk of hydro-geogamy in the horizons of fresh groundwater, which lie at smaller distances from the shale gas stratum.

The reaction of the geological environment to hydraulic fracturing, as the main element of the shale gas extraction technology, is mainly related not to the geological structure, but to the mechanical properties of rocks (their continuity, the absence of tectonic disturbances). These include, in the first place, the anisotropy of the gas bearing layers strength, when the strength of stratification is much less than the thickness, which significantly increases the efficiency of hydraulic fracturing and gas productivity of wells. At the same time, there is a risk of loss of isolation along the wellbore as a result of rock unloading during drilling and low-grade cementation of the annular space, which may lead to the migration of contaminants to fresh aquifers.

Without a doubt, the spatial distribution of shale gas extraction areas within Ukraine, most regions of which are characterized by a high population density and tense environmental (first of all – water and ecological) situation, will be associated with additional man-made changes in the geological environment and the risk of reducing its environmental protection capacity. This is very relevant for Ukraine. Because of a large variety of geological structures that have a significant variability in the composition of rocks, their permeability, strength, tectonic disturbance. In addition, most of the geological structures of the Donbas, Volyn, oil and gas regions (Eastern, Carpathian, and Black Sea) have a significant technological disruption of the geological environment by coal mines (up to 15,000 km<sup>2</sup>) and oil and gas wells (up to 12 thousand).

At the same time, the data of remote sensing of the Earth testify to the considerable density within the Ukraine geological structures of various rank tectonic violations. Most of such zones may be potential routes of migration of natural and man-made waters of the gas-bearing horizons to the layers of the active water exchange zone with fresh groundwater resources, which, under the conditions of surface sources continuous contamination, is the last protected reserve of drinking water supply.

In addition, the issue of exploration and extraction of shale gas in Ukraine poses a threat to increasing social tensions in densely populated areas, where environmental aspects are of increased significance. This is due to insufficient transparency in the issues of technologies for the development of individual companies, the lack of experience in Ukraine, the lack of awareness of the population and public organizations, the sad experience of exploiting subsoil by oligarchic structures, in which profits are assigned and exported abroad. And only losses and environmental disadvantages remain for the local population.

Prospects for shale gas extraction in Ukraine, as in other countries of the world, are crucially dependent on solving environmental problems that

accompany the development of this type of production. Therefore, first of all, it is necessary to clearly identify a complex of environmental disruptions and social consequences, on the one hand, and economic benefits, on the other hand, for building the most effective development policy in this area.

Given the insufficient geological study of shale gas deposits in Ukraine, careful research is needed to clarify the conditions for extraction and prediction of the consequences of its impact, for which areas of priority mining works are recognized as research sites, which, along with the intelligence, carry out a set of scientific works, including an assessment of the impact on the environment. Carrying out these works should be transparent, and the results – open. It is necessary to provide skilled planning and scientifically sound calculation of drilling sites. The choice of places is necessary taking into account the territorial planning and placement of cultural heritage objects, taking into account the existing land use and the impact on the natural environment and the ecological situation. Avoid the earthquake and prevent the water from leaking between the geological layers will help a skilled impact assessment, including deep faults.

Taking into account the exceptional significance of this problem, it is expedient to develop and implement the state target scientific and technical program “Shale Gas of Ukraine” by the institutions of the National Academy of Sciences of Ukraine.

Before the start of shale gas extraction, it is necessary to decide, at the governmental level, on the preparation of the relevant infrastructure, obviously, largely at the expense of the state budget, which today is not even planned. These costs should also be taken into account in the cost and profitability of extraction of future gas.

If development proceeds in an optimistic scenario, there will be a need for the annual drilling of a large number of wells (several hundreds or more), the territorial displacement of mining areas and engineering infrastructure (access roads, technological water pipelines, etc.), modernization of existing gas pipelines and the construction of new ones; access to water supply, drainage and water treatment systems, as well as the construction and upgrading of waste treatment plants with sufficient capacity. It is obligatory to observe strict control and assessment of the impact of work on the environment. To do this, account must be taken of the general and regional effects of the consequences of drilling, extraction and subsequent delivery of the finished product. None of the listed actions should affect the quality of air, water, land use and the state of the environment as a whole.

The assessment of freshwater supplies, including for technological needs, and the threat of its pollution, should be taken into account when deciding on shale gas extraction as a matter of priority. In order to reduce the burden on local water resources, international experts are advised to reduce the use of fresh water as much as possible by reuse, recycling and improving the efficiency of work.

One of the key issues that concerns the public at large, and especially residents near drilling areas, is the company's approach to waste disposal. It is known that Ukrainian environmental standards allow us to dispose of drill waste – drilling sludge – directly on the site. However, given the public interest and the public's demand for responsible waste management, there is a decision to place waste on a specialized site rather than on a drilling site, although this option is more expensive. However, it is believed that it is winning from many points of view. First, this eliminates the concern of local communities and landowners about the possible impact of slurries on the land plot used for the construction of wells. Secondly, drill sludge can be used to equip a polygon that will improve its functionality. In addition, the utilization of the region communal enterprise capacity can support business activity, save jobs and facilitate the receipt of tax payments to the corresponding budgets.

The technologies of slant and horizontal drilling allow drilling several wells from one small area on the surface. Thus, the drilling site occupies a much smaller area, about 1 hectare. If you adhere to the rules and regulations of environmental safety, shale gas development can be very compact and insignificant for the environment.

It should be explored the possibility and economic expediency of the shale gas use in place of hydrocarbons and other long-lived chemicals compounds of alcohol and other short-lived organic and chemical substances harmless to the environment.

Based on the results of scientific research and taking into account world experience, an outreach campaign should be conducted among the local communities on the advantages and risks of shale gas extraction. Local self-government bodies as well as public organizations should receive complete and reliable information on this issue in accordance with the Laws of Ukraine "On Environmental Protection", "On Environmental Expertise", "On Local Self-Government". It is recommended that people be involved in explaining their situation in the production of shale gas development and extraction. Operational data on water use, sewage characteristics, amount of atmospheric emissions and disclosure of information on chemical additives - all this should become the property of the public in accordance with the Cabinet of Ministers of Ukraine Resolution "On Approval of the Procedure for Involving the Public on the Issues of Decision Making that May Affect the State of the Environment".

And, finally, the main thing. In Ukrainian realities, it is much more important than the shale gas extraction to pursue a policy of restructuring the national economy, reducing energy consumption and improving the energy efficiency of the economy. Every year, about 48 billion m<sup>3</sup> of natural gas is consumed in Ukraine, almost the same as in France or the Netherlands, and three times more than in Poland. According to expert estimates, Ukraine can painlessly reduce natural gas consumption by at least twice. This can be

achieved by means of state regulation of the economy, making the process of energy saving more attractive than the process of energy consumption.

Water in Ukraine is more expensive than oil and gas, and the prospects of environmentally development of the agrarian sector, which are impossible without clean water and land, are more attractive to the country and the world than the development of an environmentally dirty energy-intensive industry.

In general, it should be borne in mind that long-term environmental imperatives are superior to temporal economic benefits.

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## Trends of the public management development in Ukraine

The purpose of the paragraph is to examine the theoretical principles of the implementation of public administration in Ukraine, to identify the main problems and preconditions for its improvement and the main trends of development. The preconditions for the formation of Ukraine as a European state in the current conditions of turbulence and transformation necessitate reforms in the field of public administration. Unsatisfactory level of efficiency of management of socioeconomic processes and low quality of management services, inefficient use of resources, low level of public confidence in public authorities are those factors that determine the need to improve the system of public administration in Ukraine. It is advisable to study the experience of reforming public administration in other countries, to determine the prospects for their further adaptation to domestic conditions and the implementation of the most effective for the development of Ukraine.

The main features of contemporary world development are the processes of globalization and the interdependence of economies of different countries of the world, problems of acceleration of rates and uneven development and introduction of new technologies, irregularly growing ecological crisis, transition to the seventh technological structure. There are new tendencies, such as: global citizenship and network states where democratic mechanisms are becoming stronger and more influential than traditional state mechanisms and influences, active involvement of the population in information and communication technologies and network channels; new challenges, associated with the danger of conspiracy wars, the problems of international influence, etc. [1].

Modern realities and the state of development of Ukraine are complicated and affect the content and adequacy of governance processes in the state, which should correspond to the existing, negative and positive components of it. Modernization and development of institutes, mechanisms and models of public administration is an actual scientific and practical problem in the world, for transition countries, in particular for Ukraine. [2].

The basic negative components of Ukrainian realities and the risks of sustainable development of the country in recent years were the dragging of all the transformational processes leading to the devastating state of most state systems, the complication of living conditions of people and the deterioration of the socio-demo-economic situation, the scale of the systemic crisis of statehood, which led to massive civil conflicts, aggression, revolutions, complicated by the annexation of the Crimea, full-fledged military events in the East of Ukraine, the formation of separatist sentiments etc.

The main negative transformations in Ukraine related to the polyetiological influence of risks in the last years include:

- imperfect infrastructures, economic imbalances and instability;
- dis-coordinated policies, disparate decisions and practices;
- inconsistency in the adoption and inefficient implementation of management decisions, overloading the economic and socio-humanitarian spheres;
- the failure of many industries / spheres of the state's life, as a result of many years of prolonged, redirected incomplete reforms;
- complex demographic situation and ageing of the population, deterioration of health indicators and, accordingly, reproduction;
- the impoverishment of the population and the growth of social imbalances;
- the growth of emigration of the intellectual and labour potential of the country.

All this is aggravated by the conduct of hostilities in the east of the country, the operation of the Combined forces, which in turn leads to:

- the constant growth of the forced migration movement of the population and the emergence of two new social groups: internally displaced persons and participants in hostilities;
- destruction of infrastructure and territories;
- the emergence of new problems with the health of Ukrainians, associated both with battle wounds and with mental health problems, both of the combatants and people staying temporarily or permanently in the zone of operations of the Combined forces;
- increase in the number of abuses and dependencies on alcohol, drugs, antisocial behaviour;
- the intensity of the social climate, the aggression of society, etc.

This complicates the processes of governance, shapes the vulnerability of the state and the nation, reducing the potential for resilience to risks.

Positive shifts in recent years have been:

- a new position of Ukraine as a geopolitical partner (for the first time in its newest history) – Ukraine has received significant support from the world community, influencing the world;
- accession to the EU - European choice that activates the Europeanization of society and the state, systematic renewal of values, assimilation and implementation of European norms and standards of living, introduction of European norms and standards of state administration and local self-government, first of all, via adaptation of the legal framework to the European legal paradigm, an increase in European political and expert assistance;
- a real movement towards the implementation and completion of the necessary reforms - systemic reforms, about 60 of them, the realization of which defines the future and the positive results of which can only appear for

citizens of Ukraine after years. The implementation of reform requires significant intellectual, political efforts, appropriate resources, peace, international support and a developed national civil society. The slowdown in the implementation of transformations may be the weak management of reforms, lack of coordination and scientific support;

- the rapid development of civil society and consciousness - the population becomes an active subject, influencing the authorities and the full initiator and participant in the transformation, respectively, with the activation of local self-government and joint, partner management, etc.

It is also positive that the urgent need for radical changes in the models of the state, state administration, local self-government, political system, civil society, national security, training and education of people, patriotism and other things arose. There is an extreme lack of sufficiently correct scientific developments in the concepts and programs of state development in Ukraine [3]. Public administration has become deformed and extremely ineffective.

The main problems of public administration that had to be solved during the transition to public administration in Ukraine, but still remain relevant, include:

- contradictions between the advantages and disadvantages of decentralization, caused by the growing popularity of democratic principles of governance;

- aggravation of issues related to the freedom of the individual, protection and strengthening of his rights, and, at the same time, the restriction of his rights and freedoms by generally recognized and accepted rules;

- providing management in Ukraine in accordance with the requests of citizens and increasing of the participation of citizens in solving economic, political, cultural and other issues, development of self-governance and co-management;

- ensuring the activity of the process of entering Ukrainian society into the information era, where the role of information and telecommunications has increased, network structures have arisen, a virtual world exists and evolves, which inevitably affects reality with the formation of e-government and self-government, e-democracy, network management structures, national intelligence, expert communities etc.;

- resolving issues related to the development of effective crisis management technologies, forecasting and preventing crises, developing anti-crisis systems will help stabilize the volatility of social development and strengthening dynamics, scaling up crises, their globalization;

- the difficult problem of disastrously lacking resources - the need to develop a well-balanced, scientifically grounded, resource policy based on the principles of total rescue savings and the introduction of alternative resources with the restructuring of social infrastructure and industry; effectiveness of use under public control; formation of a new resource culture of Ukrainians -

managers and citizens; active use of resource co-operation, public-private partnership; the prevalence of the use of "resourceless" social management, through the use of works for public benefit, volunteer activities, patronage, etc.;

- corruption of authorities and officials, bureaucratization, low efficiency of management decisions and management culture.

Public administration under such conditions should become as clear as possible, focused on solving problems of ensuring, first of all, peace and independence, economic growth, competitiveness for the long-term development of Ukraine as well as the well-being of its citizens. Accordingly, essential changes are needed for a public administration - a comprehensive transformation, a transition from functional management to management of public and state development, management of reforms, and for the state apparatus, with staffing by relevant specialists - professionals of the European model. Also, an important direction of change should be the activation of local self-government, which will take away a number of state functions in order to provide partner management and development of self-organization, initiative of state management.

The main internal problems of Ukraine for a long period were disproportions in the redistribution of material wealth, monopolization of political and economic life, corruption and the ineffectiveness of the bureaucratized system of public administration. Modern tendencies of scientific search for solving problems of the effectiveness of management of society are based on ensuring the interests and values of social and personal life of a person, his active participation in the formation of society and life of the country. This, in its turn, makes it imperative to introduce world-wide-tested and time-wise basics of public administration - a system that will cover many subsystems: political, economic, social, administrative, legal, humanitarian, etc. The process of its formation and development, of course, will be influenced by the above-mentioned factors both internal (instability of the socio-political system of the state) and external (geopolitical environment, global financial crisis, etc.). That is why the modernization of the semantic filling of the concept of "public administration" is necessary through the prism of awareness of its role in the life of every person and state.

Ukrainian society is democratizing, moving to an efficient economy, a highly educated civil society, political, economic and demoesocial stability and development. Such modernization is an evolutionary change in the public spheres of the state's activity (economic, social, political, sociocultural) to solve problems and contradictions of society. It is the choice of a certain institutional alternative. In today's Ukraine, when civil society, the public sphere, many components of the political system are not yet fully formed, it is public policy that should become the sole speaker of the general interests of all sectors of society, aimed at realizing the values of society and achieving the goals of public policy. At the same time, a strong public policy is possible only

on the basis of intensive development of a socially oriented market economy, civil society, civic culture and solidarity, which is of great importance in the private life of members of society [4].

Public administration is modernized with all the main components: 1) the regulatory system of governance and local self-government - in the aspect of strengthening the rule of law; 2) subjects, first of all, the highest bodies of state power - in the aspect of increasing their efficiency; 3) functions - in terms of their compliance with the modern model of the state; 4) mechanisms, technologies and tools - in the aspect of simplification, democratization, saturation with the achievements of scientific and technological progress; 5) administrative services of the state - in the aspect of their humanization; 6) civil servants - in the aspect of transformation into a real professional and moral service of the people; 7) man - in the aspect of transformation into an active citizen [5].

Europeanisation as one of the main principles of modern transformations of public administration in Ukraine prompts the development of the most expanded, reasoned decentralization and deregulation; anti-corruption technologies and practices; experience of "proper", "good governance", reform of local self-government; a fundamentally new system of training public administration personnel, based on the concept of human capital, practice-oriented learning, leadership and team work, clearly defined professional competences, patriotism and the morals of the public good.

One of the important principles for solving public administration issues is the matter of reducing resource consumption, in particular, the costs of the public administration system. In the era of the global financial crisis, virtually all countries of the world went to a significant reduction in the control apparatus. However, during 2008-2013 the number of persons working in the system of public administration practically did not decrease only in Ukraine [6]. As the world experience shows, this can be achieved by introducing the following elements:

- deregulation, decentralization and deconcentration, which mean the abandonment of the bureaucracy, the transfer of certain functions and powers to the lower levels of government, local self-government, autonomy of organizational structures which will become independent and responsible;

- involvement of public institutions in the provision of services provided by local government bodies, in particular in education, health care, pension provision, etc.;

- improvement of organizational structures, functions of state administration bodies, redistribution of powers between individual organizations, structural divisions;

- changes in the principles of the organization of the civil service, in particular, the system of remuneration and promotion of civil servants (social efficiency, efficiency of direct-proportional payment of labor); training

systems, advanced training and staff development (providing opportunities for continuous professional growth); ensuring publicity of attestation and evaluation of performance of duties, etc.

The introduction of modern civilization principles of government transforms public administration, public policy and the public sphere into mainstream scientific research of foreign (A.Gor, D.Osborn [7], F. Thompson [8], V.E.Chirkin, I.O.Malkovskaya) [9] and Ukrainian (Yu.V.Kovbasyuk, V.V.Bashtannyk, V. Bakumenko, M. M. Bilyinskaya, I. Hrytsyak, V. Prikhodko, S. M. Seriogin, V.P.Troshchinsky) scientists. The question of functioning of the system public administration and possible directions for its modernization are considered in the writings of many as domestic and foreign researchers, in particular such as MS Ayr Petan, O. Bosak [10], H. de Bruin, O. P. Golubutsky, B. Jenkins, N. Ivanchuk, M. Lavruk [11], M. Castells, D. Killing [12], S. Pollitt [13], V. Fox [14], D. Scott [15], M. Henos [16], N.R. Nyzhnik, L.V. Smorgunov, etc. However, consideration of the actual directions of reforming the system of public administration that can be used in Ukraine, needs proper coverage.

The main principles of public administration - the values of the development of civil society, democracy in society and the awareness of the inhabitants of the country of the need for solidarity of society and the state. Certified, economically independent person; guaranteed activity of the institutes of freedom on the general principles of equality and fraternity of people, institutions and organizations; awareness and implementation of the foundations of civil society; democratic, legal, social state; mixed competitive economy; participation of civil society in management; peaceful, democratic, evolutionary means of resolving contradictions and problems; economically, politically and ideologically dominant middle class serve as the basis for the progress of modern society [2].

The modern principles of public administration development include the introduction of new social technologies into management activities - it is about developing special, well thought out and clearly prescribed measures that will optimize the relations among different subjects included in the management process (including the public) [17, 18]. In particular, it is believed that the basis of all social technologies in the field of management is the process of social communication [19]. Therefore, managerial influence can be reduced to the process of communication, and the technology that increases the efficiency of management activities - to the system of technological measures, actions and operations that harmonize the processes of communication by increasing the trust, consensus, cooperation among various actors included in the general process that needs to be managed to achieve a conceived result capable of solving a particular social problem.

Themes to improve interconnection through collaboration, partnership, cooperation, and building trust are key “building blocks” for improving social support structures, promoting social cohesion, and improving shared

understanding of protective measures that improve the well-being of communities, whether in their normal routine or in an emergency — they support Norris (2008), Levak (2012), Herrman (2011) and co-authors [20,21,22].

In modern conditions, when social institutions and other objective regulators of social life do not have time to react to changes and new challenges, quickly adapt to new circumstances, the role of managerial technologies in ensuring social control and increasing the ability of social systems and organizations to cope with social risks and the fossils that have arisen. At present, information and knowledge are the basis of the progressive innovation development of society. The basis for strengthening social control and ensuring knowledge management technologies is the competent use of information technology to ensure social stability, organization, progress [23, 24, 25].

The phenomenon of management in general and public management in particular is complex and multifaceted. That is why there is no stable, exhaustive and generally accepted definition. By definition, public administration is most often suited from the standpoint of the actual content of activities or forms, which it acquires and in which it operates.

The basis of the definitions of public administration provided by the majority of Ukrainian scholars is the classical understanding of governance in the public sector, which was proposed by Max Weber. The classical governance model in the public sector is still in place in Ukraine. It is believed that its main features are the power of nature, the source of which is the state will and prevalence for the whole society. The treatment of state administration as a power influence of the state on the social system is the best illustration of how the term "public administration" is perceived and understood in Ukraine. The key aspect of state administration is the state, while the key aspect of public administration is the people. One of the modern public administration researchers Geert Bukert stresses that "the public administration is not some neutral, technical process, whereas an activity which is closely linked to politics, law, and civil society."

In Ukraine, until recently, the term "state administration" was actively used, which does not exactly correspond to the term "public administration". Very often two different terms of public administration and public management are translated from English into Ukrainian as "state administration". In the scientific literature you can find many definitions of state administration.

The term "public administration", as a scientific category, has become widely used among domestic scientists only in the last ten years. Moreover, in Soviet times, the theory and practice were characterized by the functioning of the totalitarian regime and the authoritarian system of state power and governance. Later, in the post-Soviet times, there was a lack of a totalitarian regime and the remnants of an authoritarian system of state power and

governance. Then, on the basis of an authoritarian system of state power and governance in Ukraine, they began to develop a democratic regime and move to public administration, but this did not lead to qualitative changes.

Consequently, the necessity to bring the system of power and governance in the country into conformity with the concept of "public administration" was formed. The core of systemic reforms is an organic combination of the reform of state power and governance, the reform of local self-government and the reform of the administrative-territorial system of the country. It is the complex implementation of these reforms that will enable the process of paradigmatic changes in the theory of state formation, the essence of which is to change the algorithm of the formation, implementation and development of the system of power and governance in the country: to replace the authoritarian system of state power and management that is formed, implemented and developed from top to bottom, the democratic system of public power and governance will appear that is being formed, realized and developed from the bottom up will come. Such changes in the future will inevitably lead to the exclusion from the categorical apparatus of the theory and practice of democratic state formation of such categories as "state power", "state administration", "public service", etc. and the introduction into scientific circles of non-ambiguous concepts such as: "public authority", "public administration", "public service", etc.

Public administration in Ukraine is at the stage of its formation. Public administration - is an activity that ensures the effective functioning of the system of state authorities, regional government, local authorities, public (non-governmental) organizations, individuals and other actors of civil society with a view to implementing state policy in the most diverse spheres of public life [26].

In the countries of the socialist camp for public administration, the peculiarities that fundamentally distinguished him from such in the western countries were: the mono-ideological communist basis; clear hierarchical subordination; command-administrative style; excessive size and inefficiency; unreasonable costs of maintaining the state apparatus, strict state control over the activities of civic organizations, restrictions on the practical expression of the will of individuals, etc. [27]

According to A. Melnyk and O. Obolensky, the notion of "public administration" is oriented towards the realization of public (general) interests and includes such components as state administration (the subject is the state power bodies) and public administration (the subject is public institutions). As elements of public administration, state and public administration interact, complement each other based on the unity of public interests and the appropriateness of coordinating administrative influence in order to enhance its effectiveness. In the system of public administration, the decisive role is played by public administration, which has a managerial influence on all spheres of public life. At the same time, in the context of the

deployment of democratic transformations, activity of public structures in the management of not only public but also state affairs is increasing[28].

Public administration is a management carried out on the basis of the will of the community (a collective of people) and implemented by the entities defined by the community to meet the needs and achieve the goals of the community as an object of governance. Public administration - implementation of a set of rational (that is, programmed and isolated on the basis of certain features of the possible environment, taking into account the state of the environment) influences on the functioning and development of the collective of people based on the program of management and information on the behavior and state of the object of management, aimed at supporting, improving and the development of the object of management as well as the achievement of a predetermined set of goals [2].

In countries where public administration is an integral part of social life, the generally accepted methods used are strategic management and strategic planning, new public management, policy analysis, priority task programs, etc. Such methods that are aimed at ensuring the effectiveness and efficiency of management have been actively being implemented in Ukraine in recent years. The introduction of public administration, as a new institutional system of governance, requires the search for new content and forms of interaction between man and community, community and society, society and public administration, public administration and state, institutions of the state and human.

At the present stage of development of the theory of "public administration" in Ukraine, the practice of substitution and / or identification of a number of concepts, such as "state power" and "public power", "public administration", "public administration" and "public administration"; "public service" and "public service", etc. has become widespread. This is associated with the lack of a proper methodological basis against the background of objectively determined transformations [29].

In modern national literature, the terms "public power" and "public administration" are increasingly used, which correspond to modern trends and practice of the functioning of institutions of a democratic society. Given the young age of the national science, "state administration" does not yet have a well-grounded theory of public authority, public administration. Note that Western scientific schools also consider the variety of options for defining these concepts and do not have a unified approach [30].

The emergence of a new form of governance in the public sphere was driven by the need to modernize the organizational structures and procedures that they use to make all public sector institutions work better. Public administration has a bearing on the effective functioning of the whole system of political institutions. Public administration is an activity that ensures the efficient functioning of the whole system of public authorities and local self-

government bodies and involves the broad involvement of various stakeholders in the development and implementation of public policy [30].

Today, the distinction between concepts of public management and public administration has important scientific and practical significance. It can be suggested that public administration is the management of the activity of the enterprise's management apparatus, institution or organization of nonprivate ownership, including a public authority, a body of local self-government, a civil society entity.

According to some scholars, public management or public administration comes from English "Public administration". In domestic practice, it is believed that management is a broader concept, and administration is more narrow. In particular, researchers point out that, in the narrow sense, public administration is linked to the executive branch of government and is considered as: 1) professional activity of civil servants, which includes all activities aimed at implementing government decisions; 2) the study, development and implementation of public policy. In a broad sense, the system of public administration, presented by administrative institutions within the framework of the adopted hierarchy of power is understood under public administration [31].

Ukrainian scholars, Zhyluk T., Yu. Sharov, I. Chikarenko [5,32] propose to consider the three-dimensional design of public management proposed in the context of "governance-administration-management", where governance is responsible for ideological-demo-direction, administration - for an institutional organization, and management - for the methodological basis of the formation and implementation of strategies, policies, programs and the achievement of a specific socially-determined result of public administration [5]. This vision removes the identity of public management and administration and defines public management as combining power, business and society, creating the basis for building a solidarity society and responding to the postulates of civil society.

Consequently, the object of public administration is the relationship to streamline public affairs at the state, regional, and local levels of governance based on the people's sovereignty. The subject of public administration are regularities, principles, methods, forms, tendencies of theory and practice of ordering and ensuring the solution of social problems.

The functions of public administration include: definition, formulation and ranking of social problems; definition of approaches to solving problems arising in the "triangle": government - business - citizens; the formation of administrative structures that tend to adapt to the problem-solving type; development of normative documents and action plan for solving socially significant problems; organization of functioning of mechanisms of public administration; realization of public control; assessment of the effectiveness and efficiency of public administration.

Distinctive feature of the concept of public administration is the basis of self-diagnosis, self-determination of problems, self-formulation, self-proposing their solution, self-selection of the best policy option, self-determination of estimates, self-acceptance of action plan, self-control, self-assessment. All this implies an increase in decentralization and democratization. Compared to the region and local self-government, this is interpreted as self-financing, self-taxation, self-support, self-determination, self-control [33].

The mechanism of public administration is complex, its elements are constantly being perfected, responding to the demands of time. Among such modern requirements in Ukraine there are: development of civic consciousness and solidarity society; orientation to solidarity, state, personal values; development of contract technology, approvals, interactions, publicity, etc.; evolution from Old Public Management to Good Governance, etc.

Solidarity involves the construction of legislation on the principle of solidarity, the existence of solidarity funds (compulsory, state, social insurance) and public accumulation funds. It is constructed subject to the functions of democracy, democratization, transparency, representation and equality of all before the law. It is formed by administrative, economic and socio-psychological methods. The formation of a solidarity society takes place on a conceptual basis, has its own laws, which form the basis of the methodological basis, and is presented by the mechanism of public administration [32].

Today, one cannot underestimate the size and diversity of the existing risks of natural and man-made: from daily man-made disasters, economic and social crises, cyber attacks and terrorist acts to natural disasters, climate change. At the same time, the frequency of such risks / threats, their combinations, the costs of overcoming the negative consequences and losses (up to 20 percent of the countries' GDP) and limited investment in risk reduction is rigorously increasing. Risks for countries and nations are diverse, but they equally represent a serious threat to national growth and stability. All this stimulates the growth of the need for a thoughtful and timely response of public administration for effective recovery after the occurrence of risks.

One of the main strategies for the future development of Ukraine today with significant potential in the future is the way to form public administration using the national resilience paradigm. An analysis of crisis situations in Ukraine indicates that the crisis situation was aimed at reforming public administration [34]. The crisis denudates the problems in order to show the ways of solution, consolidates society and actualize the need to overcome it. President of Ukraine P.A. Poroshenko on the presentation of the “Strategy 2020” developed the development power emphasized: “... only reforms can renew the state that is not able to address the public’s requests. An alternative to it is total collapse”[35].

There are already good developments in the initial stages of national resilience development in the world - concepts have been formulated, sets of policies, practices and decisions affecting its formation have been developed and implemented at various levels, applied on a special basis (state security, prevention and reduction of natural disasters, etc.) with a mandatory set of specific data, information support, coordination and cooperation of organizations, territories, authorities.

National resilience was defined as the resilient ability of a community to resist and recover from adversity (economic stresses, pandemics, cataclysms), as a paradigm shift in emergency preparedness ... which emphasizes strengths, not just a description of vulnerabilities / weaknesses [36; 37]. The five main components of national resilience include: physical and psychological health, social and economic justice and well-being, effective communication with risks, integration of organizations (governmental and non-governmental), and social connectedness [37; 38].

Norris and the author define national resilience as a set of network adaptive opportunities for economic development, information and communications, community competence and social capital [39].

New wayhide et al. believe that national resilience is a process rather than a result in which collective identity, prior experience with an adverse event, and established social support networks contribute to increasing national resilience over time. In addition, community cohesion, social solidarity and associated political leadership affect the quality of national resilience after a negative event [36, 37].

Today in Ukraine there is no common vision and coordination strategy for shaping and ensuring national resilience; this problem is only included in the list of important political decisions and trends in the future development of public administration.

It is important today for Ukraine to form, develop and implement full-scale measures for the development of national resilience, applying its paradigm as a strategic imperative for the development of public administration. This requires basic research in this direction.

The foreign experience of reforming the public management and the peculiarities of implementing the principles and development of public management in Ukraine, those challenges facing the state and society today, give grounds for proposing the following conclusions regarding the tendencies of public management development:

First of all, there is an important methodological and methodical task for the science of public administration to more clearly conceptualize and operationalize the concept, to develop a system of social and sociological indicators and indexes for fixation and analysis of social effects. This will enable the creation of real scientific instruments for measuring certain humanistic components of social management efficiency - a measure of social justice, well-being, welfare, etc.

Trends, the main tasks of the public management development are to ensure social efficiency, social effectiveness and social justice with the development of a real social state, with the realization of the declared rights of its citizens to decent, high-quality life and active longevity. Management modernization should be focused on the realization of social values, achievement of social effects, capable of making each citizen's life more worthy, free, and society more equitable and equal. The main criteria of the public management system should be social efficiency and effectiveness that can affect the growth of social trust, the formation and strengthening of social partnership and cooperation, and increase the level of civil and social responsibility.

The criteria for modernizing the system of public administration include the following aspects of the social effectiveness of management activities, such as the development of social capital and human potential, manifested in the implementation of existing opportunities for development, the prevention of acute social conflicts, overcoming the critical values of sociodemographic indicators, etc.

Also, the development of the principles of public administration will support the balance of interests and civil dialogue in society, removing the severity of social tensions and conflicts, in parallel stimulating the development of social mechanisms of self-organization and social order, mobilizing the potential opportunities of social capital of the country. After all, the formation of an effective public management system is possible only in the conditions of social consolidation of society, the expansion of public support for the goals and actions of the authorities.

We also emphasize that the introduction of deregulation, decentralization and deconcentration, the improvement of organizational structures and principles of the organization of the civil service, its personnel, will ensure reduction of scales and resources of public administration. The main objective of any manager in the public sphere is to achieve maximum efficiency, sufficiency and effectiveness with minimal cost of resources, time and effort. The main task facing the public manager is to affect directly the quality of life of citizens through his actions. The Public Manager takes care of the most rational use of public infrastructure for the production of public goods and the satisfaction of public interest [29].

Ensuring multipronged democratization by introducing broad consultations, openness of the public sector, accountability of public administration institutions will provide the necessary transparency, publicity, soundness and accountability for the decisions taken, ensure the implementation of citizens' rights, expand advisory and informational analytical work with public organizations and the public. This, accordingly, will increase the quality of services and the reality of mechanisms for monitoring their implementation and efficiency in terms of development of public administration.

The main challenge facing public administration in the world today is to ensure the prevention and elimination of the consequences of risks / threats. Therefore, the development of the principles of national resilience in the framework of improving public administration is extremely important, promising and urgent task for Ukraine. Efforts to create national resilience will not only lead to the protection of human life, but also to the provision of socio-economic systems that will not become dysfunctional in the event of threats, will increase national competitiveness and gain the trust of the international community.

It is also important to revive the strategic orientation of all managerial processes. The programmatic and strategic component is the unifying core of the joint activity of all subjects of public administration in Ukraine, therefore it is very important to clearly define the specific goals and tasks of strategic development, clearly defining the peculiarities of participation in the strategy of all subjects: public authorities, business, and the public. Such a strategy, mechanisms and means of its implementation, the assumption of responsibility for improper performance, etc. should be clear and accessible to all.

During the rapid development of the information and communication society, the realization of the implementation of public administration in Ukraine depends on the introduction of new information technologies, with an emphasis on the processes of improving the organizational structures and work of the authorities (the development of information networks linking public authorities with the population and facilitating access of citizens to data banks, etc.). The widespread formation of national networks that combine local networks of regions, ministries, agencies, the use of international standards for the use of information technology, the creation of special centers that will be responsible for the implementation and development of modern information technology in the activities of government bodies - should become an important way of reformation of the public management in Ukraine.

The key to the development of domestic public management is the task of ensuring the flexibility of the management system, its resilience - the ability to adequately adapt to changes in external and internal governance conditions - the dynamics of state development, society and people's needs.

Note that for the long-term formation of Ukraine - a strong, capable democratic state, stability in society and sustainable development of the economy cannot be ensured without broad support of citizens, without their social consolidation. Therefore, the concept of development and reform of public administration should be aimed at meeting the actual inquiries and interests, needs and problems of citizens, to ensure a common solution of problems. This is referred to as the transition to a model of "sensitive bureaucracy" - the creation of mechanisms for the influence of civil society on the decisions of the executive authorities with conducting sociological surveys

of the population, ensuring citizens' access to materials of state bodies, transparency of work of the authorities, ensuring public control and accountability of officials, the use of new information technologies etc.

The transition to new forms of governance is at the same time an important task for Ukrainian citizens who must form an active socio-political environment for the transformation of governance, increase of its openness and saturation with innovations.

To summarize, in the current conditions of "global citizenship", a deep integration into the life of people, it is the development of public administration that will be able to optimize multivariable solutions in the multidimensional space of social development, so proper public management will provide a promising future. We are convinced that questions regarding the conceptual framework for constructing a resilient public management, forming a strategy and identifying the peculiarities of the ways of its implementation are in need of further examination.

Meanwhile, implementation of most of the above-mentioned reforms is impossible without ensuring proper scientific and theoretical soundness, studying and implementing adapted world experience, forming a new generation of managers, etc. A scientific search and generalization of theoretical views on the concept and phenomenon of public administration, determination of peculiarities of its formation in modern realities of Ukraine's development will be required.

Therefore, at the current stage of development of the public management system in Ukraine, the above-mentioned questions should become the subject of further scientific research.

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## The impact of European integration on gender policy in Ukraine

Successful implementation of state gender policy is one of the factors behind the implementation of democratic reforms. Since the rule of law, human rights and democracy are the main European values, the achievement of gender equality (equal rights and opportunities for women and men) is a prerequisite for the entry of Ukraine as a rightful partner into the European Union. The signing of the Association Agreement between Ukraine and the European Union on June 27, 2014 and its ratification by the Verkhovna Rada of Ukraine and the European Parliament on September 16, 2014 will contribute to extension of the gender equality implementation in the Ukrainian society.

For the first time, the idea of equal rights and opportunities for women and men was enshrined in the Treaties of Rome (1957). Thus, Article 119 states that “men and women should receive equal pay for equal work”, “equal pay for work without discrimination on the basis of sex” [33, art.119]. So, at first, gender equality issues related only to the labor market.

The Maastricht Treaty (1992), on the basis of which the European Union exists in its present form, speaks of the values characterized by “pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men” [16]. Article 3 states that the EU fights against social marginalization and discrimination, promotes social justice and social protection, equality between women and men, solidarity of generations and protection of the rights of children [Ibid.].

European integration was described as one of the strategic priorities of Ukraine’s foreign policy since the proclamation of its state independence. The Appeal of the Verkhovna Rada of Ukraine “To Parliaments and Peoples of the World” of December 5, 1991, in essence, commenced the process of the political, economic and cultural integration into the European Community. In 1993, the Verkhovna Rada of Ukraine adopted the Resolution “On the main directions of foreign policy of Ukraine”, which determined the long-range objective of our state’s foreign policy – membership in the European communities. The European choice of Ukraine is stipulated by the awareness of the need for pan-European integration as an important factor of state independence, security, political stability, the country’s economic development and social harmony. The legal basis for the relations between Ukraine and the EU was the Partnership and Cooperation Agreement of 14 June 1994 (entered into force on March 1, 1998). In 1995, Ukraine became a member of the Council of Europe. It became the starting point for introducing gender equality issues in Ukraine. At that time, the policy towards women, introduced in Ukraine, included the social protection of women and children

(maternity and childhood protection). Gender policy was not implemented altogether, although Ukraine acceded to the international declarations, conventions that were primarily aimed at combating the discrimination of women's rights. It is in May 1995 that the powers of the newly created (April 1995) Committee of Women, Motherhood and Childhood Affairs – a consultative and advisory body under the President of Ukraine, in addition to the traditional agenda on advancement of women, included a clause on ensuring the equality of women's rights and opportunities [19].

In July 1995, parliamentary hearings were held, which recommended that the Verkhovna Rada of Ukraine introduce provisions on equal rights and freedoms of women and men and their equal opportunities into the draft new version of the Constitution of Ukraine in accordance with the international human rights standards. At the same time, the State Committee for Television and Radio Broadcasting of Ukraine, the Ministry of Press and Information were invited to familiarize the general public with the modern global concept of equal rights of women and men, to form public consciousness as regards the role and place of women in society [28].

Adopted in June 1996, the Constitution of Ukraine guaranteed the equality of rights of women and men. Thus, Article 24 stated that the equality of rights of women and men is ensured by: providing women with opportunities equal to those of men in socio-political and cultural activities, in obtaining education and professional training, in work and its remuneration; special measures aimed at protection of women's labor and health, establishment of pension privileges; creating conditions that enable women to combine work with motherhood; legal protection, material and moral support for motherhood and childhood, including provision of paid holidays and other benefits for pregnant women and mothers. Article 51 emphasized that women and men have equal rights and responsibilities as to marriage and family life [6, art. 24, 51].

The next impetus for the introduction of gender equality into the Ukrainian society was given by the Treaty of Amsterdam (1997) and the Strategy of Ukraine's Integration into the European Union (1998). The Treaty presented the idea of equality of men and women in terms of work placement and employment, including the principle of equal pay for equal work, ensuring full equality between men and women in their working life [31, art. 118, 119]. A Strategy for Ukraine's Integration into the European Union determined the key priorities of the executive authorities for the period up to 2007, during which the prerequisites for Ukraine's full membership in the European Union were to be created. The Strategy contributed to implementation of the provisions of the Partnership and Cooperation Agreement in the Ukrainian legislation.

The impact of the Treaty of Amsterdam and the Strategy of Ukraine's Integration into the EU was reflected in the "Declaration of General Principles of State Policy of Ukraine on Family and Women", adopted in March 1999,

which proclaimed the creation of legal, socio-political and socio-economic conditions for improvement of the situation of the family and women, enhancement of their role in society, a full-fledged development of their intellectual, spiritual and creative potential. The Concept of State Family Policy (September 1999), among the main policy principles, pointed out the parity of balance and partnership between women and men in all spheres of life, and among its main directions – provision of equal opportunities for women and men to be fully realized in labor and social activities, in particular, the relevant conditions in the labor market for women and men fulfilling their family responsibilities [5. Chapter II, III, it.1]. The aforementioned Declaration and Concept attributed gender equality issues to family relations. This evolution of the gender equality spectrum corresponded to the EU trends: moving from the equality of women and men in the labor market to their equality in marriage and family life.

The European Union Common Strategy on Ukraine, endorsed by the European Council on December 11, 1999, emphasized the need to respect and implement the standards of the International Labor Organization, in particular in the field of labor and employment, with a special attention paid to gender equality [29]. That was another impetus for the development of the National Program for Integration of Ukraine into the EU, approved by the Decree of the President of Ukraine dated 14 September 2000, as well as for further advancement of gender issues in the Ukrainian legislation.

The expansion of the gender perspective in Ukraine was also influenced by the work of the World Summit of the Millennium (September 2000): the United Nations Millennium Declaration (approved by the heads of 191 countries of the world, including Ukraine) and the Millennium Development Goals Covenant. In the Declaration, the states committed themselves to promoting equality between men and women and empowering of women as effective means of combatting poverty, hunger and disease, and promoting a truly sustainable development. Of the eight Millennium Development Goals, identified in the Covenant, the third goal is to promote gender equality and empower women.

The aforementioned international documents stipulated the signing by the President of Ukraine of the Decree “On Enhancement of the Social Status of Women in Ukraine” (April 2001), which obligated the Government to carry out analysis of laws and other regulatory acts of Ukraine on the status of the family and women with a view of its improvement and alignment with the norms of the international law [24].

The next step was to enshrine the term ‘gender equality’ in the Ukrainian legal acts. Thus, for the first time, this notion was used in the Resolution of the Cabinet of Ministers of Ukraine of May 6, 2001 “On the National Action Plan for Advancement of Women and Promoting Implementation of Gender Equality in Society for 2001-2005” [23]. Further transformation of the policy for protection of women in the line of gender

policy can be associated with the adoption of the Law of Ukraine “On Prevention of Family Violence” (November 2001). The issues of domestic violence prevention were assigned to the functions of the central executive body responsible for the family policy formation and implementation – the State Committee for Family and Youth Affairs [18]. It appeared that the law was to some extent ahead of the Treaty of Lisbon (2007), which referred to the abolition of domestic violence [32].

The Family Code of Ukraine (January 2002) became the next document that legally consolidated the issue of gender equality in family relations. It contained a series of articles on the equality of rights and responsibilities of women and men / wife and husband in family relations, marriage and family life, their equal rights to the respect of individuality, habits and preferences, to physical and spiritual development, education, manifestation of their abilities, creation of conditions for work and rest; to choose the surname of one of them as a common name; the spouses making joint decisions on the most important issues of family life, possession, use and disposal of the property belonging to them under the right of common ownership; division of property that is an object of the right of common ownership of the spouses [12. Art. 7, it. 6; Art. 51, it.1; Art. 53, it. 1; Art. 54, it. 1; Art. 70, it. 1].

The Community framework Strategy on Gender Equality (2001-2005) directed the gender policy vector towards the political sphere. More specifically, attention was focused on improving the gender balance in the process of political decision-making; the possibility of applying quotas and other measures to ensure gender balance in elected bodies of power; holding awareness-raising campaigns for citizens on the need for a gender balance in elected bodies and political parties [3]. The European Community put a new emphasis on the Roadmap for equality between women and men 2006-2010. Among the main priorities of the European countries’ governments there was elimination of all forms of gender-based violence and equal representation of women and men in decision-making at the highest levels of government [11]. The subject matter of the European Union’s gender policy has undergone qualitative changes: from the issues of promoting gender equality in the socio-economic sphere to those of increasing women’s impact on decision-making in politics and public administration.

It appears that since 2001 the European Union, from the stage of passive gender policy, primarily aimed at supporting the groups of population who cannot provide themselves with a certain level of income, has passed to a stage of active gender policy aimed at effective support of potentially active, enterprising citizens (particularly women), establishing conditions for their creative, leadership activity.

A qualitatively new stage in the implementation of gender equality is linked to the Law of Ukraine “On Ensuring Equal Rights and Opportunities for Women and Men” (September 2005), which became a practical embodiment of the main gender equality principles [9]. In accordance with

the law, the equality of rights of women and men lies in the absence of restrictions or privileges based on sex. Its coming into force in January 2006 entailed amendments to other laws, as well as adoption of the relevant regulatory acts. The law introduced the institutional mechanism of gender policy in Ukraine. The state institutions that ensure the principle of equal rights and opportunities for women and men are the Verkhovna Rada of Ukraine, the Parliamentary Commissioner for Human Rights, the Cabinet of Ministers, a special central executive body for equal rights and opportunities. The law establishes positions of gender equality coordinators at all levels of government.

The Charter of Fundamental Rights of the European Union (2000), which included prohibition of discrimination, in particular on grounds of sex, for the first time allowed for the use of the so-called affirmative actions, which can also include gender quotas [1. Art. 21, 23]. As V.Cherniakhivska noted, the process of gender equality evolution in the European Union was long and complicated. Initially, attention was focused only on labor market issues within the labor law, while later on the vector of gender parity was extended to cover the issues of marriage and family life, violence against women, and then entered the sphere of women's representation and equal participation in the political sphere and the sphere of public administration [2, p. 78].

It should be emphasized that, due to European integration, the process of gender equality evolution in Ukraine, although quite complicated, was less lasting. Interestingly, the Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women and Men" covered all the areas of gender equality implementation, which, over 50 years (since 1957), was embodied in every document of the European Union. Since 2005, the main directions of the state policy of ensuring equal rights and opportunities of women and men in Ukraine have been proclaimed as follows: establishment of gender equality; non-discrimination on grounds of sex; application of affirmative actions; preventing and combating gender-based violence, including all forms of violence against women, ensuring equal participation of women and men in socially important decision-making; ensuring equal opportunities for women and men to combine professional and family responsibilities; support for the family, formation of responsible maternity and parenthood; raising awareness of and promoting the culture of gender equality among the population of Ukraine, and widening the scope of educational activities in this sphere; protection of the society from information propagating gender-based discrimination [9. Art. 3]. Five years have passed since the adoption of the Charter of Fundamental Rights of the EU, and less than 5 years since the concept of gender equality was first used in the national legislation, when the basic law on gender policy allowed the use of the so-called affirmative actions in order to achieve a balanced representation of women and men in civil service and local self-government bodies taking into account the categories of

civil servants' positions, as well as in various spheres of work activities and categories of workers [9. Art. 16, 17].

The term 'gender equality' has been increasingly used since 2006, along with the set phrase 'equal rights and opportunities for women and men'. The Ministry of Family and Youth Affairs of Ukraine was assigned the function of ensuring the implementation of the state policy on family, children, youth, gender equality, physical culture and sports [21, it. 1].

The first State Program for Ensuring Gender Equality in Ukrainian Society for the period up to 2010, adopted in December 2006, addressed the issues of formation and implementation of the state policy in the field of gender equality [13]. Among its main tasks there were adaptation of the legislation of Ukraine to the EU legislation in the field of ensuring gender equality; improving the mechanism for conducting expert gender-law studies of legislation in force and draft regulatory acts; carrying out information and educational work on elimination of all forms of discrimination on the basis of sex; overcoming stereotypes about the roles of women and men in the family; forming responsible motherhood and parenthood; introducing gender approaches into the activity of executive authorities and local self-government bodies; ensuring inclusion of the gender component in the programs of socio-economic development of regions and branches; observance of gender equality laws in resolving personnel issues in the central and local executive authorities; monitoring compliance of the media with the requirements for ensuring gender equality when placing employment advertisements, publication of materials on labor market situation, and covering the roles of women and men in all spheres of life activity [13].

In order to promote equality and non-discrimination in the EU, the year of 2007 was proclaimed the "Year of Equal Opportunities for All" [7, p. 6]. Following the decision of the European Union, Ukraine also proclaimed 2007 the "Year of Gender Equality". The Minister for Family, Youth and Sports, as the leader of the central executive authority in the field of family policy, was appointed the head of the Organizing Committee for the preparation and conducting of the Year of Gender Equality. In the same year, the Interdepartmental Council on Family Affairs, Gender Equality, Demographic Development and Human Trafficking was established [22].

Due to the joint financing of the European Union and the United Nations Development Program, since September 2008, the Equal Opportunities and Women's Rights Program in Ukraine (EOWR) has been implemented in our country. It is based on the achievements and results obtained within the framework of the Equal Opportunities Program "Ukraine: On the Way to Equality", implemented by the United Nations Development Program in Ukraine with support from the Swedish International Development Cooperation Agency (SIDA) in 2003-2010. EOWR in Ukraine contributed to further development of the Ukrainian legislation and the general policy of introducing gender equality. Thus, in 2009, Parliamentary

hearings were held in the Verkhovna Rada of Ukraine on the status of men in Ukraine; the National network of male leaders against violence was established; campaigns of external social advertising against domestic violence were launched; gender education centers were set up, etc [10, p. 4–6]. In 2010, recommendations were developed to integrate gender approaches into the education system; gender studies departments were opened in five universities; and a series of trainings were conducted on promotion of gender equality and counteraction of domestic violence [10, p. 7, 8]. In 2011, a number of international public forums and scientific-practical conferences on gender issues, trainings for judges, seminars on gender budgeting were held. The Ministry of Social Policy of Ukraine finalized a draft law on prevention of domestic violence (new edition) and submitted it to the Cabinet of Ministers of Ukraine for consideration [10, p. 8, 9]. Also, with the support of EOWR, the State Statistics Committee of Ukraine developed the national database on gender statistics, analyzed its data, and created a list of gender-related indicators. Consequently, the international commitments and the course for European integration taken by Ukraine have created the grounds for actual changes in the direction of achieving gender equality in the Ukrainian society.

Unfortunately, the years of 2011-2013 saw an interruption of the state gender policy implementation in Ukraine: its financing from the state budget was stopped. In 2010, the Ministry for Family, Youth and Sports of Ukraine was reorganized, with its functions related to gender policy removed from its competence and transferred to the powers of the Ministry of Social Policy of Ukraine [20, it.1; 3, 10)-12); 4, 5)]. Simultaneously, the relevant terminology changed: performing its tasks and powers, the Ministry repeatedly used the phrase “ensuring equal rights and opportunities for women and men”, yet never once – “gender equality”.

For the purpose of developing gender legislation, aiming to accept the comments of the UN Committee on Elimination of All Forms of Discrimination Against Women, Ukraine approved the Law “On the Principles of Prevention and Combating Discrimination in Ukraine” (2012), which defined the organizational and legal framework for the prevention and combating of discrimination with regard to ensuring equal opportunities in realization of human and civil rights and freedoms [27].

After a three-year break, in September 2013, the State Program for Equal Rights and Opportunities for Women and Men until 2016 was approved [14]. It noted that an optimal solution to the problem of ensuring equal rights and opportunities for women and men was considered to be arrangement of information campaigns aimed at highlighting the need for equal distribution of family duties and male-female responsibilities for child-rearing [14]. Section II of the State Program provided for amendments to the electoral legislation on the introduction of gender quotas for positions in representative bodies of power and in senior management of the central and local executive bodies [14].

In order to compare the state of gender relations in the EU countries, a Gender Equality Index was introduced in June 2013. In order to calculate it, the following six indicators were used: work (position of men and women in the labor market, duration of working life, work quality and security); money (the gap between male and female income, risk of poverty); knowledge (the number of men and women who get education of different levels); time (time spent on unpaid activities, including childcare and housework, participation in cultural events, etc.); power (representation of men and women in political and economic spheres); health (access to health care structures); and violence (violence against women, stereotypes and prejudices that undermine the improvement of the situation in ensuring gender equality) [7].

An important impetus for gender policy activation in Ukraine was Association Agreement between Ukraine and the EU. Chapter 21 of Section V (“Economic and Industrial Cooperation”) emphasizes cooperation in the field of employment, social policy and equal opportunities, stating that parties should strengthen dialogue and cooperation to ensure gender equality and non-discrimination [30]. The Strategy for Gender Equality 2014-2017 launched by the Council of Europe has played a significant role in gender policy enhancement in Ukraine. The Strategy was started by the Transversal Program on Gender Equality (2012), aiming to ensure gender equality standards. Its objective was to be attained through achievement of the following strategic goals: 1. Combating gender stereotypes and sexism 2. Preventing and combating violence against women 3. Guaranteeing equal access of women to justice 4. Achieving balanced participation of women and men in political and public decision making 5. Achieving gender mainstreaming in all policies and measures. [4, p. 9].

In 2014, with a view of taking into account the gender component in the Ukrainian budget process, the Ministry of Finance of Ukraine signed an agreement with SIDA and launched the project “Gender Budgeting in Ukraine”. The project objective was to provide advisory support to the Ministry of Finance of Ukraine in the field of introducing a gender perspective into the planning and execution of budgets at all levels of government. Gender-Oriented Budgeting (GOB) is a management technology that includes gender analysis of public services in the fields of education, medicine, employment, housing and communal services, culture and sports, socio-economic development programs. Gender budgeting was introduced in Ukraine from 2014 to 2018 in 3 stages: 1) 2014-2015 – initial work on piloting GOB in sectoral ministries and regions; 2) 2016 – introduction and testing of GOB piloting; 3) 2017 – consideration of the gender-oriented aspect in the budget process at the state and local levels; 4) 2018 – introduction of GOB in Ukraine. The pilot sectoral ministries implemented GOB in state-level budgeting; regional authorities – at the local level; the Ministry of Finance – at the state and local levels; the relevant actors are actively involved in implementing GOB and support it.

The documents of the European Union also refer to the equal representation of women and men in elected bodies. This is important for Ukraine, since it has defined its geopolitical guides as development of the European democratic model of society. A 2012 report of the Women's Rights and Gender Equality Committee of the European Parliament on women's participation in politics (Section "Women's Representation in Elected Positions") spoke about the role of political parties in advancing women in politics [7, p. 14]. It is of interest to note those three years later, in 2015, Ukraine recognized legislatively a 30% gender quota for local elections. In particular, the adopted Law of Ukraine "On Local Elections" stated that representation of persons of one gender on the lists of candidates for local councils in multi-mandate constituencies must be not be less than 30% of the total number of candidates on the election list [8. Art. 4]. The same Law introduced amendments into the Law of Ukraine "On Political Parties in Ukraine": the size of the quotas, which determine the minimum level of representation of women and men on the list of candidates for people's deputies of Ukraine from the party in a national constituency, candidates for local councils deputies in multi-mandate election districts must not be less than 30 percent of the total number of candidates on the electoral list [25. Art. 8].

On November 7, 2011, Ukraine signed a Convention of the Council of Europe on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention, 2011). However five years later, on 7 November 2016, the Verkhovna Rada of Ukraine refused to ratify it, although the Convention was widely recognized as the most comprehensive international instrument in combating violence against women and multiple forms of domestic violence. The deputies rejected the convention because it contained the concepts of gender, sexual orientation, and gender-based violence; they believed that some of the European values "destroy the country's foundations of Christianity" [34]. A year later, on 7 December 2017, as an alternative, the Ukrainian Parliament passed the Law of Ukraine "On Prevention and Combating Domestic Violence". There is no "gender violence" phrase in it, but the term "gender-based violence" is used instead [26].

In order to coordinate the work of all ministries and state bodies in the gender direction, on 7 June 2017, the Cabinet of Ministers of Ukraine (CMU) introduced the post of Governmental Commissioner for Gender Policy. The main tasks of the Governmental Commissioner for Gender Equality K. Levchenko, appointed by the Cabinet of Ministers in December 2017, included monitoring of the Government's compliance with the principle of gender equality, assistance in development of the state gender equality programs, cooperation with international organizations, and civil society, as well as the monitoring of implementation by Ukraine of the UN Security Council Resolution 1325 "Women, Peace and Security", the aim of which is to

address gender issues at all stages of the peace process, including peace-keeping, peace-building, and post-conflict reconstruction.

Adopted by the Council of Europe on 7 March 2018, the Gender Equality Strategy for 2018-2023 is targeted to achieve the effective implementation of gender equality and empowerment of women and men in the member states of the Council of Europe. Compared to the 2014-2018 Strategy, it sets a new goal – protection of the rights of female migrants, refugee women, women and girls seeking asylum [4, p. 7]. The new Strategy also encouraged the Ukrainian authorities to further promote gender equality.

For Ukraine, the year of 2018 was marked with development and adoption of new gender equality regulatory documents. In January 2018, the Governmental Committee for Social Policy and Humanitarian Development approved a draft Resolution of the CMU “On Approving the Strategy for Implementation of Gender Equality in Education” – “Education: Gender Dimension – 2021”, prepared by the Ministry of Education and Science of Ukraine.

The introduction of the European equality standards and improvement of the mechanism for ensuring equal rights and opportunities for women and men in all spheres of social life became the goal of the “State Social Program for Equal Rights and Opportunities for Women and Men for the Period up to 2021”, approved in April 2018. The Program pointed out that it takes into account the international instruments of the UN, the Council of Europe, the European Union, the OSCE, the recommendations of international human rights monitoring institutions, as well as the provisions of the Association Agreement between Ukraine and the European Union, the European Atomic Energy Community and their member states [15]. The program outlined 5 priorities: 1) upgrading the legal framework, the mechanism for gender expertise and introduction of statistical indicators into the field of equal rights and opportunities for women and men; 2) raising the professional level of civil servants and local self-government officials as to ensuring equal rights and opportunities for women and men; 3) counteracting gender discrimination and that on more than one basis, in particular, improving the mechanism for realizing the right to protection against discrimination on grounds of sex, and discrimination on several grounds, one of which is sex, considering cases of such discrimination and taking appropriate measures; 4) implementation of the agreement-based and other kinds of international obligations ensuring the equal rights and opportunities for women and men; 5) getting international organizations and public associations, ensuring equal rights and opportunities for women and men in society, involved in implementation of the Program, in particular, strengthening of public-private partnerships engaged in the field of equal rights and opportunities for women and men [15].

Influenced by European integration, the Code of Labor Law (September 18, 2018) included provisions on the prohibition of any discrimination in the

workplace, in particular, violation of the principle of equality of rights and opportunities, a direct or indirect restriction of the rights of employees on the basis of gender, gender identity, or sexual orientation [17. Art. 2<sup>1</sup>].

Therefore, gender policy in Ukraine is being implemented under the influence of European integration, based on international regulatory acts ratified by Ukraine, and regulated by the national laws on equality between women and men. Gender issues are an essential component of family policy in Ukraine. Much attention is paid to preventing and combating domestic violence.

Six stages of gender policy development in Ukraine can be identified depending on the content and qualitative changes in the field of gender equality: 1) 1993-2001 – protective policy on women; 2) 2001-2005 – creation of conditions for implementing gender equality policy; 3) 2005-2010 – formation of the institutional mechanism of the state gender policy in Ukraine and its harmonization with the relevant policy of the European Union; 4) 2010-2013 – suspension of financing of the state gender policy in Ukraine at the national level, implementation of gender policy at the regional and local levels; 5) 2014-2017 – restoration of the state gender policy in Ukraine through introduction of gender budgeting, setting quotas for party lists at local elections; 6) since 2017– to this day – formation of the features of the national gender policy model.

Under the impact of European integration, the evolution of gender equality in Ukraine was less prolonged than in the European Union. Over a decade (1996 - 2005), the Ukrainian legislation covered all areas of gender equality: the labor market, marriage and family life; the use of affirmative actions; preventing and combating gender-based violence, including all forms of violence against women; ensuring equal participation of women and men in making socially important decisions.

The Association Agreement between Ukraine and the European Union promotes gender mainstreaming in Ukraine, accelerating the implementation of gender equality in all areas of the Ukrainian society.

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## Unemployment as a consequence of a socially pathological phenomenon in the family

Unemployment seminar work result of socio-pathological phenomena in the family discussed in the introductory part of the family characteristics and the changes in the current period. The aim of this work is the definition of unemployment and its affiliated notion of socio-pathological phenomena. Defines the concept of socio-pathological phenomena, it defines poverty and social exclusion. In addition, more particularly the unemployment and consequences in the family and the relationship with socio-pathological phenomena individuals.

### Family and its changes at the present

Family is a dynamic system. As an individual overcomes certain changes in the individual developmental stages through which he passes, the family goes through the different stages in which changes occur.

There are many theoretical and practical starting points for different family definitions. We generally characterize the family as a basic social institution.

*"A family is a temporary or relatively permanent community of one or more men, with one or more women and their children. The primary goal of the family is demographic reproduction which has the basis in a sex."*

Family members usually live together and form one household, while household may include three generations. The family can also be described as a unique and irreplaceable institution of human life.

Family is always an important support point for every family member. The basic characteristics of the current family include:

- Creating married families is accompanied by considerable freedom, losing its ritualized form, legalization is not so important,
- Reducing the stability of the family, which is manifested by increasing divorce rate,
- the structure of the family is changing, especially the number of children decreases,
- Significant growth is recorded by planned parenting,
- High emphasis on material values and high standard of living,
- Frequent is the two-career model of the family,
- Diversion from the previous typical family coalition,
- There is also a limitation of direct contacts between partners as well as between parents and children,
- They become the parents of a higher age.

**Social - pathological aspects**

*"Social pathology is a generic term to refer to sick, abnormal, generally undesirable social phenomena. It also includes sanctioned forms of deviant behaviour, as well as the study of the causes of their origin and existence."*

One of the founders of scientific sociology, E. Durkheim, considered social pathology to be a science of diseases and adverse facts, deeds and behaviours that deviated from established standards.

Since we do not know exactly to define normality, it is difficult to define precisely what is pathological and understand what is abnormal we know only if we are clear about what is normal. What is considered to be normal in society cannot be compared with average, thus with that what we consider to be average or standard in society.

Explaining the notion of normality will rather be done through social relationships, predominantly social roles, attitudes, patterns of behaviour or culture. For this reason, it is necessary to draw attention to the socio-cultural determinants of socio-pathological phenomena and their variability depending on time, territory, region and the like.

The social-pathological phenomena at the turn of the 20th century also included such phenomena as alcoholism, unemployment, suicide, prostitution, homosexuality, divorce, and war. Drug addiction, violence and aggression were gradually added to them. These socio-pathological phenomena are currently a major danger that they are gradually becoming part of our culture in which young people are learning aggression and drug use from childhood. Therefore, the emphasis is now high on combating these undesirable socio-pathological phenomena at the present, while the most effective form is prevention. Not once we meet the opinion that the most effective prevention of sociopathological phenomena is therapy, which reportedly to prevent further spread.

**Poverty and social exclusion**

The loss of status which is with an individual connected during the unemployment is also an integral part of his family.

Unemployment is also connected with the internal rules of family and household functioning, while at the present it is not unusual phenomenon also the disappearance of relationships between partners. The most common reason for the disappearance of the relationships is usually the lack of finances, but it can also involve changing relationships and attitudes towards children and the partner or manifesting of the violence. The concept of poverty is also connected to unemployment. Poverty as a social phenomenon is the accompanying phenomenon of large social groups not only in the present but it can be said to be accompanied individuals throughout the whole history of humanity.

However, there is no definition that defines the concept of poverty and cannot be characterized as a marginal phenomenon of society. It is very difficult to define poverty, for poor we consider those whose income is lower than the defined poverty line. In his publication, Matousek argues that there is no general concept of poverty, and the criteria of poverty depend on traditions and the current concept of social justice. Poverty is a social phenomenon, which is a constantly growing problem in all regions of the world, with developed economies not exaggerating. The social status of the poor is in connection with their appearance on the margins of the society, with their social exclusion, to despondency.

### **Unemployment**

With the concept of unemployment, we meet almost daily, but it is a concept that we do not value greatly until one of our close, acquaintances, or even ourselves, gets in touch.

Unemployment is a socio-economic phenomenon, the definition of which is based on the fact that a person able to work is disqualified from the opportunity to work in paid employment. With this disqualification, he is not satisfied and is looking for a new paid job, even if only part-time.

In her publication, Rievajova understands unemployment as a consequence of the imbalance between supply and demand of labor in the labor market. This means that there is not enough demand for the labor supply available on the labor market or a sufficient number of jobs. If unemployment does not become mass, it is not considered a serious social or economic problem, on the contrary, the existence of unemployment is a natural phenomenon in society. The Harrison model shows the effect on the psychological stability of the unemployed with time and distinguishes the following phases:

- Shock - the initial reaction of a person who becomes unemployed,
- Optimism - a period of hard-hitting a new job, usually lasting for the first three months,
- Pessimism - there is a decline in job search activity and the accompanying phenomenon is a feeling of inferiority, the time period is up to six months,
- Fatalism - after a period of pessimism, there is a loss of interest in seeking employment and apathy towards society.

The loss of status associated with an individual is also an integral part of his family. Unemployment is also connected to the internal rules of family and household functioning, and there is no unusual phenomenon the disappearance of relationships between partners. The most common reason for the disappearance of relationships is usually the lack of finances, but it can also involve changing relationships and attitudes towards children and the partner, or manifesting violence.

### Unemployment and social-pathological aspects

The consequences of the global crisis have the greatest impact on the weakest social groups. In many European countries, there is an increase in low-income workers and an increase in the number of employed poor people who are real on the poverty line. Based on existing forecasts, the current economic situation, despite some signals, does not represent a more robust turnaround for the better, especially in employment. From the employment and income situation of the population, the following demographic indicators are developed, which we have focused more on in the next part of the thesis.

Increased divorce rate in our territory is most likely contributes to marriage in addition to high marriage also low marriage age, because of age of the highest divorce rate of men is between 30 and 34 years and for women 25-29 years of age, with marriages usually divorce after 6 to 8 years cohabitation, with the proportion of divorcing marriages for minor children representing up to 75% of all divorcing marriages.

In addition to the demographic indicators, we also consider it important to focus on the labor market indicators, which are clearly shown in Table 1.

**Table Labour Market Indicators in 2009 – 2014**

	2009	2010	2011	2012	2013	2014
<b>Annual percentage change in employed population</b>	3,2	-2,0	-1,5	1,8	0,1	0,3
<b>Employment rate in %</b>	62,3	60,2	58,8	59,5	59,7	59,3
<b>Long-term unemployment rate in %</b>	6,7	6,5	9,3	9,3	9,4	9,1

*Prameň: KÁRÁSZ, P. 2009. Vplyv globálnej ekonomickej krízy na vývoj hospodárstva Slovenska so zreteľom na trh práce.*

The annual percentage change in the number of employed people had an alternately decreasing and increasing tendency. The employment rate, ie the share of productive age population who are employed, is considered as a key social indicator for analytical purposes when examining labour market development. In Slovakia, the employment rate has only descending trend since the outbreak of the crisis.

Long-term unemployment means unemployment longer than lasts more 12 months, with the share of long-term unemployed from the total number of the unemployed, generally has increasing trend in the worldwide, although in some countries total unemployment is declining. Long-term unemployment has become more often the topic discussed in recent years. This type of unemployment has a significant negative impact mainly on the social condition of the individual, which can lead to increased crime, the growth of drug and other addictions.

About the term of poverty, it is also important to mention the appearance of criminal activity and the search for illegal alternatives to survival. The conditionality of crime and poverty also shows different tendencies in different types of crime. Based on statistical data, it can be concluded that there is a closer connection between unemployment, social dependence and property crime.

It follows that property crime has a much more significant connection with the socio-economic situation of individuals than other types of crime. Table 2 shows the total number of crimes and the number of offenders in the 2009 to 2014 reference period.

**Table Number of crimes in 2009 – 2014**

Year	2009	2010	2011	2012	2013	2014
Crime	104 759	104 905	95 252	92 873	90 351	91 675
Number of offenders	52 574	56 265	53 310	54 307	54 469	54 786

*Prameň: Počet trestných činov. <http://data.gov.sk/3.11.2016>*

One of the indisputable factors that promote the emergence of criminal activity is social exclusion, which is often connected with poverty. Based on the statistics, it can be stated that individuals from socially excluded groups have a higher trend to create the base of criminals. However, poverty cannot apologize criminal activity in no way, and criminal activity is not exclusively the domain of low-income people. A key factor in causality of crime is not directly poverty or economic deficiency, but the social situation that accompanies poverty and, to a certain extent, reproduces itself to some extent.

Minimum wages, insecurity, family indebtedness, family incompleteness, and the ongoing economic crisis suggest worsening poverty. The normal consequence of unemployment is the collapse of those relationships that have made the unemployed provide support in his attempt to return to the labour market. The concomitant phenomenon of unemployment is the lack of job opportunities, resulting in a loss of self-confidence, resignation, depressive states.

There are many studies of unemployment and suicide. According to studies collected by Platt, unemployment is provably connecting with a higher incidence of suicide, but also incomplete demonstrative suicide, particularly incomplete suicide, signifying significant psychological problems. Actually, incomplete suicide is an extreme way of communicating in a situation where, in the view of the individual, other ways of telling their problems failed. According to some UK studies, areas with higher rates of unemployment are characterized by a greater number of demonstrating suicides, and the number

of demonstrating suicides among the unemployed is up to nine times more prevalent than in the employed population.

In 2014, there were 972 suicide attempts, followed by psychiatric health care. The number of intentional self-harm, suicide and attempted suicide, was between 2014, even 1600.

Compared to the previous year 2013, this represents an increase of 11 cases. In a long-term tendency, volunteers death prefer more often men. In 2014, 544 men and 84 women committed suicide. In suicide attempts, however, the share of women and men is almost equal. Most people commit suicide at the age of 50-59. Suicide attempts are almost in younger age groups. Most attempts were recorded in people aged 30-39 years.

As the most common way to commit suicide, both men and women have chosen hanging, with women often choosing a jump from a height as a way of suicide. Suicidal attempts were most commonly performed in males with a sharp subject, in women the prevalence of poisoning and poisoning with antiepileptics, sedatives, hypnotics, antiparkinsonian drugs and psychotropic drugs not elsewhere classified prevailed.

From the perspective of permanent residence, the most suicides were recorded in the Banská Bystrica Region, 110 cases, at least in 61 cases in the Trnava region, which represents 10%. The number of suicide attempts was highest in the Bratislava region, up to 210, on the contrary, the lowest in the Nitra region in number of 45 cases. ([www.aktuality.sk/3.11.2016](http://www.aktuality.sk/3.11.2016))

**Table 3 The number of deliberate self-harm in the reference period 2009 to 2014.**

Year	Suicides			Suicide attempts		
	together	men	women	together	men	women
<b>2008</b>	631	531	100	971	534	437
<b>2009</b>	609	534	75	795	463	332
<b>2010</b>	612	534	78	880	522	358
<b>2011</b>	537	457	80	1006	641	365
<b>2012</b>	571	499	72	1018	601	417
<b>2013</b>	628	544	84	972	521	451

In conclusion, the issue of addressing unemployment, sustaining jobs and mitigating the effects of the recession is currently paying particular attention, as it has problems not only economic, but also psychological, political and cultural. The most sensitive are the problems of economic nature, in the form of losses from uncompleted production and payment of unemployment benefits, and problems of a social nature, resulting in loss of

self-esteem, deterioration of family relationships, loss of social relations and depression, which can lead to criminality.

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PART II

**POLITICAL DIALOGUE  
AND REFORMS,  
POLITICAL  
ASSOCIATION,  
COOPERATION AND  
CONVERGENCE IN THE  
FIELD OF FOREIGN AND  
SECURITY POLICY**

*Association agreement: driving integrational changes*

## **Integral Valuation of the System Efficiency of Economic Security of the Enterprise**

In the conditions of intensification of modern globalization processes and scientific and technological progress, the negative influence of crisis phenomena on the development of entrepreneurial activity is observed. The modern business environment became a lot more difficult in comparison with previous years, resulting in new threats and risks, in addition to new opportunities. Under these conditions, in order to achieve the desired economic result, it is very important to correctly assess the economic situation for timely detection of possible negative trends and their neutralization. In view of this, increased attention should be paid to assessing the level of their own economic security of enterprises. This confirms the relevance of the choice of methodological approaches to assessing the systemic efficiency of economic security of enterprises in order to ensure their stable functioning under uncertainty. In order to understand the success of any system, a necessary condition is the use of a certain criterion, which demonstrates the degree of its adaptation to the conditions of the external and internal environment. Given the subject of this study - the system of economic security, we believe that such a criterion advisable to choose the systemic efficiency, which involves determining the effectiveness of the functioning of the selected functional components of the system. After all, it is believed that in the sixth technological way, the predominant concept of managing the economic activities of economic actors would be precisely efficiency management, instead of such topical processes as business management, production, market value of the enterprise, etc.

It should be noted that the widespread use of the category of "efficiency" is not based on generally accepted interpretations of tasks, conditions and restrictions on its application. In this regard, there are many thoughts about the nature, characteristics and ways of measuring it in different indicators. Thus, various scientists effectively understand the degree of achievement of the goal, the intensity of the functioning of the system, the level of its organization, the effectiveness or performance of certain business processes, the cost of the company. In addition, in most cases, the assessment of economic efficiency is limited only to the ratio of the expected or obtained result (effect) to the cost of its receipt (most often the cost of operating activities - cost approach, or to all resources used - resource approach) [1,2,3,4]. In this regard, it is important to remember the well-known principle of marginal economic efficiency V. Pareto, which involves determining the effectiveness of the level of organization of the economy, in which society gets the maximum benefit from available resources [5].

Thus, the problem of assessing the effectiveness of various business processes of the company and its sources, has always been one of the most

urgent issues of economic science. The first study of the concept of efficiency is devoted to the work of such prominent scholars as S. Brue, F. Ken, K. Mackonel, D. Ricardo and others. As stated in the paper [6], the theory of efficiency as an independent scientific direction was formed in the 1930s to solve the problems of mass service systems, to evaluate the results of certain processes, to optimize the allocation of resources, to study conflicts, and so on. On this basis, the principles of analysis and synthesis were formed, which subsequently became basic in the system approach. As part of these scientific areas, as well as the complement to the theory of economics and management theory, the theory of efficiency continued to develop.

In violation of the concept of the effectiveness of management, the author M. Klimov in 1981 noted that foreign and domestic scientists are only beginning to seek approaches to the essence, criteria, indicators and efficiency factors. The search for a solution to this problem is aimed at finding a correlation between quantitative and qualitative, objective and subjective indicators. At the same time, some of these indicators can be measured in physical or cost units, and part - to estimate only approximately (moral values, level of satisfaction of needs, etc.) [7]. As I. Gontarev rightly points out "... the variety of environmental parameters and the system itself, the instability of these parameters in time, the presence of a large number of direct and indirect, positive and negative connections in the system does not allow us to find a fairly simple mathematical description that complicates the understanding of the essence such an important category in economics as efficiency " [8].

It should be noted that the feature of modern studies of economic processes is the need to take into account such trends as accelerating the scientific and technological process, the development of innovation and the formation of an information society, which increases the level of intellectualization of production as a result of the emergence of new knowledge, the development of human intelligence, the introduction of new information technologies and telecommunications. It interdepends with social and economic factors of development, which certainly requires taking into account both economic and social indicators during the evaluation of systemic efficiency. After all, in accordance with modern methods of evaluating the efficiency of the operation of enterprises, priority is given to the indicators of the quality of working life, the degree of satisfaction with the work of the staff, their professional qualification level, along with the typical indicators of assessing the financial condition.

In view of the above, the assessment of the system effectiveness of such a multifunctional mechanism as the enterprise's economic security should include a set of partial assessments that will meet its functional constituents. It is worth to note that at the current stage of development important and universal functional components for any enterprise, along with financial security, also have information, personnel and innovation and investment

security. It should be noted that selected subsystems of economic security of the enterprise are different in essence and function, but achieving the appropriate level of security of each of them will contribute to ensuring integral efficiency and achieving the overall goal of sustainable operation of the enterprise in an unstable economic environment. As a result of this, as is precisely stated in [8], the causal relationships of the processes of functioning and development of a unified system provide systemic characteristics, namely, the effects of emergence (new properties of the effect) and symmetricity (additional or supportive effect). In this case, all types of efficiency are interrelated and interdependent, that is, the change of any of them serves as the cause and effect of changing another. For example, innovation-investment efficiency depends on the results of scientific and technological progress and the degree of readiness of the enterprise to introduce innovations, while the effectiveness of innovative achievements is impossible without informational, personnel and financial efficiency.

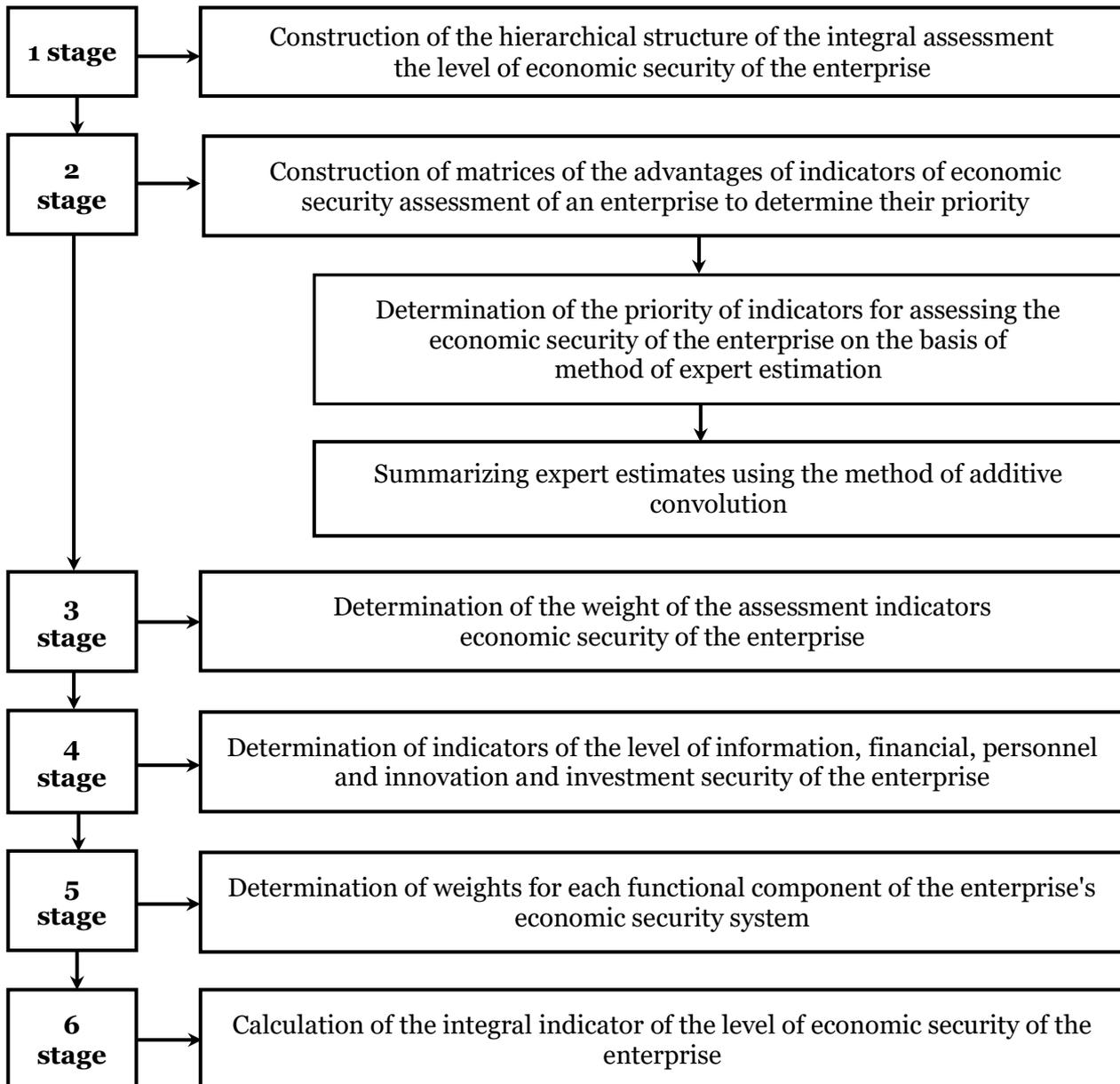
Consequently, if the assessment of the efficiency of an enterprise's economic security system is based on only one of the subsystems selected (for example, financial as the easiest to measure and analyze based on the use of indicators for assessing the financial position of an enterprise), then the integral system efficiency will be incomplete and imperfect as a result of non-inclusion the effectiveness of other functional subsystems. After all, the complex (integral) efficiency of the system of economic security of the enterprise almost never coincides with the sum of its local effects (efficiency of functional subsystems). In this case, the authors agree with I. Gontarev's view that "the heterogeneity of local effects, their differences in the nature of occurrence and the principles of reproduction complicate the understanding of system efficiency and the formation of a comprehensive assessment. Moreover, it is not always clear how the system will behave in one or another situation, in particular fluctuations in the external environment or innovations in any field of activity. Consequently, systemic efficiency is the higher, the more the overall effect exceeds its partial components (positive synergy)" [8].

Thus, taking into account the foregoing, under the estimation of system efficiency of economic security of an enterprise we will understand the process of determining the levels of safety of its functional components and integral indicator on the basis of a choice of aggregate of indicators that are the most optimal for assessing the information, financial, personnel and innovation and investment security of the enterprise, and also the identification of quantitative and qualitative result (effect). In this case, the components of the system efficiency of economic security of enterprises are: performance, which shows the correspondence of actual results and planned values; rationality, reflecting the relation of the target effect (purpose) to the resources necessary for its achievement; efficiency as the amount of time that is needed to achieve the goal.

It should be noted that the analysis of existing methodological approaches to assessing the level of economic security of an enterprise allows us to state that almost each of them is based on the choice of a set of indicators of the enterprise, the composition of which is ambiguous and insufficiently justified for specific methods. In addition, the above methods of calculating indicators use critical or threshold values, within the magnitude of the deviation of which the necessary condition is the gradation of levels of economic security of the enterprise for its qualitative evaluation. Also, the problem aspect is the availability of the source information base, since for the calculation of most economic and financial indicators, data can be obtained from standard or specialized statistical reporting, but there remains a set of indicators (this applies, for example, resource-functional approach), which computes additional information. Often, the information processed is controversial or duplicated, since it is based on the use of different sources [9]. In addition, some methods of assessing the company's economic security cannot be used in the context of the closed information about competitors and partners, which requires in-depth studies of alternative valuation methods [10]. In this regard, from the point of view of the effectiveness of the practical application, we consider that the most optimal option is to use a method that synthesizes several approaches at once, which will allow you to obtain the most accurate results with minimal deviations from the real state regarding the level of economic security of the enterprise.

A prerequisite is the establishment of a list of requirements that the methodology for assessing the systemic efficiency of an enterprise should comply with, namely: the sectoral affiliation of the enterprise (taking into account the sector specifics of the functioning of the enterprise and the main functional components in the structure of its economic security); information accessibility (use of official statistics, company reports and public expert assessments); representativeness (selection and display of the most significant indicators for each functional subsystem that affect the level of economic security of the enterprise); dynamism (taking into account the cyclic factor in the functioning of the enterprise and its impact on external and internal economic conditions); integral decomposition (the possibility of solving one complex task by its allocation to the required number of more simple and interrelated tasks). Indeed, as it is rightly noted in [8, p. 273], "Efficiency is a multicomponent and complex property, for obtaining the characteristics of which it is necessary to divide (decompose) into more simple properties, to present simple properties through singular (partial) parameters (parameters), to form a complex index of complex property. For the formation of a system-wide efficiency criterion, the collapse of complex indicators into one integral is required."

Taking into account the foregoing, we will present an algorithm for the integrated assessment of the systemic efficiency of the enterprise's economic security, consisting of the implementation of successive stages (Fig. 1).



**Fig. 1 Algorithm of integral estimation of system efficiency of economic security of the enterprise**

Implementation of the first stage consists in the construction of a hierarchical structure of the integrated assessment of the level of economic security of the enterprise by selecting indicators for evaluating its functional subsystems. An overview of the literature on assessing the level of economic security of the enterprise [11,12] shows that in most research studies, the focus is on the study of purely financial indicators that can be calculated using financial statements. However, we believe that financially oriented system of indicators does not fully cover the functioning of the enterprise's economic security system and the analysis of the effectiveness of all its functional components.

Hence, the development of an effective system of indicators is a complex methodological problem, since their quantity and quality should be aimed at obtaining balanced information on the state of the security of each functional component of the enterprise's economic security system on the basis of compliance with the actual and normative values of these indicators. In this regard, the choice of indicators for assessing the economic security of enterprises should comply with the following principles:

- complexity - a set of indicators should be sufficient to fully characterize all components of the economic security of the enterprise;
- measurability - the indicators should be realistic to calculate and provide the possibility of obtaining reliable information;
- information simplicity - the calculation of indicators should be based on existing official documents and reporting of the enterprise, the results of expert assessments;
- uniqueness - indicators should not reflect the same characteristics of the subsystems of economic security and functionally dependent on each other;
- normalization - the possibility of bringing the selected indicators to isomorphic form, that is, to the same orientation and units of measurement.

Taking into account these principles and selected functional subsystems of the enterprise, the next step is the choice of indicators for assessing the information, financial, personnel and innovation-investment security, which should be carried out individually for a particular enterprise, taking into account the sectoral affiliation and the specifics of its activities. On the basis of the choice of these indicators, it is possible to construct a hierarchical structure of the integral estimation of the system efficiency of the enterprise's economic security, consisting of the following levels (Fig. 2):

- the first level - an integral indicator of the level of economic security of the enterprise:

$$L_{ESE} = \bigcup (L_{IS}, L_{FS}, L_{PS}, L_{INS}) \quad (1)$$

- the second level – indicators of assessing the levels of economic security of the enterprise by functional subsystems:
- the level of informational security:

$$L_{IS} = \bigcup (K_1, K_2, K_3 \dots K_n) \quad (2)$$

- the level of financial security:

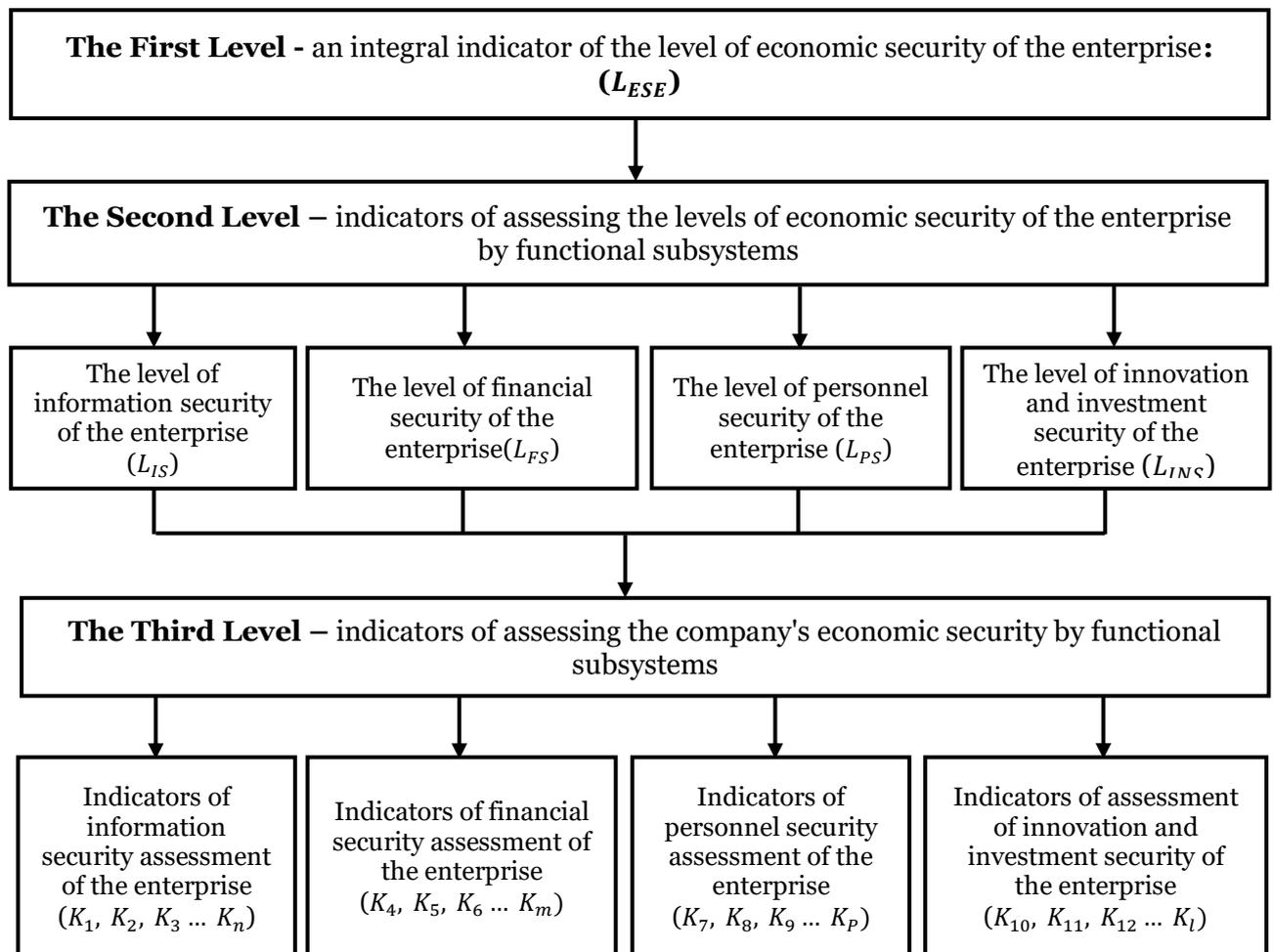
$$L_{FS} = \bigcup (K_4, K_5, K_6 \dots K_m) \quad (3)$$

- the level of personnel security:

$$L_{PS} = \cup (K_7, K_8, K_9 \dots K_p) \tag{4}$$

- the level of innovation and investment security:

$$L_{INS} = \cup (K_{10}, K_{11}, K_{12} \dots K_l) \tag{5}$$



**Fig. 2 Hierarchical structure of integral estimation of system efficiency of enterprise economic safety**

- the third level – indicators of assessing the company's economic security by functional subsystems.

The second stage involves the construction of matrices of the benefits of indicators of economic security of the enterprise to determine their priority on the basis of pairwise comparisons of indicators. For the purpose of obtaining detailed information on the indicators that are the most priority in the activity of the enterprise and ensuring its economic security, the

application of the method of expert assessments based on a questionnaire survey is a prerequisite. In order to summarize expert assessments, we use the method of additive convolution of indicators based on the theory of "additive value", according to which the value of the whole equals the sum of the values of its components. If the signs of the set have different units of measurement, then additive aggregation requires bringing them to one basis, that is, the previous normalization. The results of pairwise comparisons of the indicators of the systemic efficiency of economic security of enterprises are reflected as elements of the matrix of preferences (Table 1). In this case, the elements located behind the diagonal of the matrix, are equal to units, because they correspond to the comparison of the same indicator. Such a matrix is symmetric, the results of pairwise comparison of indicators relative to its diagonal are inversely proportional. Accordingly, the number and size of the matrix of preferences depends on the hierarchical structure of the integral assessment of the systemic efficiency of economic security of enterprises.

The third stage is to provide indicators of economic safety of weight coefficients - a numerical relative indicator that characterizes the degree of importance or importance of its manifestation of the enterprise. The sum of weight coefficients for all indicators is equal to one.

The calculation of the weight values of the indicators for assessing the systemic efficiency of the enterprise's economic security is carried out on the basis of the formation of their own advantage vector ( $A_i$ ), which is determined by the formula of the average geometric weighted:

$$A_i = \sqrt[j]{\prod_{i=1}^j \left(\frac{A_i}{A_j}\right)} \quad (6)$$

where  $A_i$  – own vector of advantage of the indicator, which is located in the  $i$ -th line of the matrix of advantages ( $i = \overline{1, n}$ );

$1, 2, \dots, j$  – the numbering of indicators for which the advantage of the  $i$ -th indicator is calculated;

$\prod_{i=1}^n$  – a sign of the multiplication of the results of the benefits of indicators  $i$  and  $j$ .

Table 1

**The matrix of the advantages of indicators for assessing the system effectiveness of economic security of the enterprise**

Indexes	$x_1$	$x_2$	...	$x_i$	...	$x_n$
$x_1$	1	$A_1/A_2$	...	$A_1/A_i$	...	$A_1/A_n$
$x_2$	$A_2/A_1$	1	...	$A_2/A_i$	...	$A_2/A_n$
...	...	...	1	...	...	...
$x_i$	$A_i/A_1$	$A_i/A_2$	...	1	...	$A_i/A_n$
...	...	...	...	...	1	...
$x_n$	$A_n/A_1$	$A_n/A_2$	...	$A_n/A_i$	...	1

where  $x_1, x_2, x_i, x_n$  – the comparative indexes;

$A_i/A_n$  – the relative advantage of the  $i$ -th index over the  $n$ -th index.

Further, the weight values of the matrix of advantages according to the following formula are directly determined:

$$w_i = \frac{A_i}{\sum_{i=1}^n P_i} \quad (7)$$

where  $w_i$  – the weight of the indicator in the matrix of preferences, which is located in the  $i$ -th line ( $i = \overline{1, n}$ ).

Consequently, the execution of this stage allows us to present in the final form the matrix of the advantages of the indicators for assessing the systemic efficiency of the economic security of the enterprise, taking into account their own advantage vector and determining weight coefficients (Table 2).

The fourth stage involves the definition of a generalizing level of information, financial, personnel and innovation and investment security of

the enterprise, which is calculated taking into account the above-mentioned weighting factors. In the formalized form, this stage can be represented as follows:

- indicators of information security assessment of the enterprise:

$$L_{IS} = K_1^{w_1} \cdot K_2^{w_2} \cdot K_3^{w_3} \cdot \dots \cdot K_n^{w_n} \quad (8)$$

- indicators of financial security assessment of the enterprise:

$$L_{FS} = K_4^{w_4} \cdot K_5^{w_5} \cdot K_6^{w_6} \cdot \dots \cdot K_m^{w_m} \quad (9)$$

- indicators of personnel security assessment of the enterprise:

$$L_{PS} = K_7^{w_7} \cdot K_8^{w_8} \cdot K_9^{w_9} \cdot \dots \cdot K_p^{w_p} \quad (10)$$

- indicators of innovation and investment security assessment of the enterprise:

$$L_{INS} = K_{10}^{w_{10}} \cdot K_{11}^{w_{11}} \cdot K_{12}^{w_{12}} \cdot \dots \cdot K_l^{w_l} \quad (11)$$

The fifth stage of the proposed methodology for evaluating functional performance is identical to the third stage, since it involves determining the weighting coefficients of each functional component for the calculation of the integral index of the assessment of system efficiency of the enterprise's economic security. It should be noted that in addition to the expert estimation method, the graph method and other economic and mathematical methods can be used to determine weight coefficients. However, the use of these methods is complicated by the fact that weighted coefficients of standardized unit indicators are not directly measurable by any of the above methods. In this regard, the application of the expert estimation method is the most feasible and reliable [13].

Consequently, the result of the sixth stage is the obtaining of the final result - the definition of the integral indicator of the assessment of the system efficiency of the enterprise's economic security, taking into account the weight coefficients of the functional subsystems, which in the formalized form has the following form:

$$IL_{ESE} = L^{w_{IS}} \cdot L^{w_{FS}} \cdot L^{w_{PS}} \cdot L^{w_{INS}},$$

$$\sum_{i=1}^4 w_i = 1 \quad (12)$$

where  $IL_{ESE}$  – integral index of the level of economic security of the enterprise;

$L^{w_{IS}}$  – level of information security of the enterprise;

$L^{WFS}$  – level of financial security of the enterprise;

$L^{WPS}$  – the level of personnel security of the enterprise;

$L^{WINS}$  – the level of innovation and investment security of the enterprise.

Table 2

**The matrix of the advantages of indicators for assessing the systemic efficiency of economic security of an enterprise to determine their weighting factors**

Indexes	$x_1$	$x_2$	...	$x_i$	...	$x_n$	Own vector of benefits of indexes	Weights of indexes
$x_1$	1	$A_1/A_2$	...	$A_1/A_i$	...	$A_1/A_n$	$A_1$	$w_1$
$x_2$	$A_2/A_1$	1	...	$A_2/A_i$	...	$A_2/A_n$	$A_2$	$w_2$
...	...	...	1	...	...	...	...	...
$x_i$	$A_i/A_1$	$A_i/A_2$	...	1	...	$A_i/A_n$	$A_i$	$w_i$
...	...	...	...	...	1	...	...	...
$x_n$	$A_n/A_1$	$A_n/A_2$	...	$A_n/A_i$	...	1	$A_n$	$w_n$

For the purpose of a constructive process of qualitative assessment of the process, the necessary condition is the gradation of the levels of economic security of the enterprise, which is presented on the basis of the use of normative values of the indicators and the method of expert assessments (table 3).

Thus, the level of risks of an indefinite business environment is a key factor in influencing the level of economic security of modern enterprises. This creates the need to develop risk management methods in the system of economic security of the enterprise, the implementation of which will facilitate the adoption of effective management decisions aimed at minimizing or neutralizing the impact of these risks on the enterprise to achieve the necessary level of its economic security. The proposed methodological approach to assessing the system effectiveness of the company's economic security is unified, objective and complex, since the results of its implementation allow to make sound management decisions regarding the state of functional subsystems and their impact on the overall level of economic security of the enterprise. In addition, an analysis of available methodological approaches to assessing the systemic efficiency of economic security of enterprises, emphasizes the need for their improvement

and development of new methods for obtaining reliable results and deepening the provisions of economic security.

Table 3

**Characteristics of the levels of economic security of the enterprise**

<b>Levels of economic security of the enterprise</b>	<b>Threshold values of the levels of economic security of the enterprise</b>	<b>Characteristics of the enterprise in accordance with the established level of economic security</b>
High	$0,8 < L_{ESE} < 1$	Evidence of the existence of effective risk management methods, which is the result of adaptation to the unstable conditions of the economic environment and minimization of threats to the business activities of the enterprise. This level of economic security ensures the stable operation of the enterprise in an uncertain economic environment.
Medium	$0,6 < L_{ESE} \leq 0,8$	It is evidenced by the presence of a moderate level of the impact of internal and external risks on economic security as a result of a qualitative risk management process at the enterprise. Under these conditions, the implementation of management measures should be aimed at monitoring possible threats as an effective risk management tool at the enterprise.
Satisfactory	$0,3 < L_{ESE} \leq 0,6$	It testifies to the presence of the permissible level of the impact of risks on the state of economic security, the probability of obtaining a negative financial result and violation of the sustainable operation of the enterprise. A prerequisite is to improve the risk management methodology at the enterprise in order to minimize the possible destructive effects of the business environment risks.
Low	$0 < L_{ESE} \leq 0,3$	It testifies to the significant impact of the risks on the company's economic security as a result of the ineffective process of risk management. Such level of economic security is characterized by a violation of the financial condition of the enterprise and its stable functioning. This requires the introduction of fundamentally new methodological approaches to risk management at the enterprise to achieve tactical and strategic goals.

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## **Use of Investigation (Search) (Special or Independent) While Bringing to Criminal Responsibility for Corruption Actions, Related to Public Services**

The development of corruption-related phenomena in Ukraine is enormous, the individuals who commit unlawful corruption-related acts constantly improve their methods and ways of their commitment in order to avoid responsibility. Correspondingly, the anti-corruption authorities improve the methods for combating anticorruption offenses (crimes), building evidence schemes to bring the guilty persons to responsibility. That is why it is necessary to build a prosecution, based on the system of evidence being difficult to appeal. The basis of such evidence may be the results of conducting public and covert investigations (eatches) that are duly documented and recognized as appropriate and admissible evidence in the criminal proceeding. The role of such evidence is significant and takes special place among other types of evidence while each of these procedural actions has its own procedural mechanism for preparing, conducting, consolidating the results and, in fact, is the basis for proving or refuting the person's guilt, bringing him/her to criminal responsibility. Corruption-related criminal offenses (crimes) form a separate category of cases that are difficult to prove and resonant for society. That is why, when investigating such a variety of criminal proceedings, it is important to carry out a complex of actions - public and covert investigative (search) actions - which will be the basis for bringing suspicion to a person and further execution of the indictment and sending it to court.

In accordance with the Law of Ukraine "On Prevention of Corruption", the term "corruption" is the use by a person of the authority granted to him/her or the associated possibilities for the purpose of obtaining an unlawful benefit or the acceptance of such a benefit, or the acceptance of the promise/offer of such benefit for himself/herself or other persons, or promise/offer accordingly, or provision of unlawful benefit to the person specified in the part 1 of the Art. 3 of the Law "On Prevention of Corruption", or on its request to other natural or legal persons, in order to incline the person to the unlawful use of the powers granted to him/her or their related capabilities. The Law describes the criminal offense for which criminal liability is foreseen [1].

The Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on the Activities of the National Anti-Corruption Bureau of Ukraine and the National Agency for the Prevention of Corruption" provided a list of corruption-related crimes in accordance with the Criminal Code of Ukraine,

which include the art. 368-4 of the Criminal Code of Ukraine "Bribing a person providing public services". The legislative definition of the corruption-related crimes is not given in the context of their broad description with the disclosure of specific features but by the enumeration of specific articles of the Criminal Code of Ukraine which provide the responsibility for such socially dangerous attacks [2, p. 15].

The Anti-corruption policy is based on certain anti-corruption principles adopted at the 101st session of the Committee of Ministers of the Council of Europe on November 6, 1997, including: limitation of immunity for investigation, prosecution or submitting to court for the corruption-related acts, the degree of which should not be greater than necessary in democratic society [3, c. 37].

The international instruments dealing with corruption include: the Criminal Convention Against Corruption (ETS 173), adopted on January 27, 1999, ratified by Ukraine on October 18, 2006; Civil Convention Against Corruption (ETS 174), adopted on November 4, 1999 and ratified by Ukraine on March 16, 2005; the United Nations Convention against Corruption dated October 31, 2003 (ratified by Ukraine on October 18, 2006), etc.

International anti-corruption acts provide for responsibility for the crimes specified in the Criminal Code of Ukraine, respectively, the art. 368-4 of the Criminal Code of Ukraine provides for the implementation in the Criminal Code of the following provisions of the anti-corruption conventions on the establishment of criminal responsibility: art. 21 of the UN Convention Against Corruption and art. 2.3 of the Additional Protocol to the Criminal Convention of the Council of Europe Against Corruption [4].

Particular attention among the anti-corruption offenses (crimes) deserves the art. 368-4 of the Criminal Code of Ukraine "Bribing a person providing public services"; the mentioned criminal offense (crime) is a rather new kind in the system of the criminal offenses. A feature of the specified type of a criminal offense (crime) stipulated by the art. 368-4 of the Criminal Code of Ukraine is that the addressee is a person who is not a civil servant, an official of local self-government, but carries out professional activities related to the provision of public services; the subject of an offense is an auditor, a notary, an expert, an appraiser, an arbitrator, another person who carries out professional activities related to the provision of public services, as well as an independent intermediary or referee when considering collective labor disputes [5, c. 136]. The state deals with the issue of fighting against corruption. This is why it creates bodies that deal with the fight against corruption-related criminal offenses (crimes) and actually use state coercion. Such bodies include: the National Anti-Corruption Policy Council, Anti-Corruption Policy Commissioner, National Anti-Corruption Bureau of Ukraine, Council for Public Control, National Police of Ukraine, Economic Protection Department, Ministry of Internal Affairs of Ukraine, Security Service of Ukraine, National Security and Defense Council of Ukraine, National Agency Against

Corruption, Anti-corruption Prosecutor's Office, State Bureau of Investigation and others. These bodies contribute to the fight against corruption, help in bringing guilty persons to criminal responsibility.

The process of proving is an important stage in bringing guilty persons to criminal responsibility, especially for the corruption-related crimes. From the moment of entering data of the criminal offense (crime) into the Unified Register of Pre-trial Investigation, the collection of data begins to confirm or refute the fact of commitment of an illegal act. Since pre-trial investigation commences only in the case when the data is entered into the Unified Register of Pre-trial Investigations, then the authorized officials have the right to conduct a range of the actions that will constitute an evidentiary basis. After all the necessary procedures for informing the prosecutor and the applicant about the commencement of the pre-trial investigation, the question arises as to how to gather evidence, to consolidate them in procedural form and to use them to reach the goal of bringing the guilty persons to criminal responsibility.

Evidence in criminal proceedings is the actual evidence obtained in accordance with the procedure provided for in the Criminal Procedural Code of Ukraine (hereinafter referred to as the CPC of Ukraine) used by the investigator, prosecutor, investigating judge and court to establish the presence or absence of the facts and circumstances that are relevant for the criminal proceedings and subject to proving [6].

Procedural sources of evidence are a certain procedural form used to implement the actual data in the field of criminal procedural proving. The CPC of Ukraine provides the following sources of evidence: testimony of the suspect, testimony of the accused, testimony of the witness, testimony of the victim, expert testimony, evidence, documents, expert opinions. Each of these sources has inherent features that distinguish them from each other. Of course, these specific features do not deprive them of common for all sources of evidence of properties but rather give each of them the nature of a special, independent source of evidence [7, p. 22].

Evidence, in turn, must conform to their legal properties: affiliation, authenticity, admissibility and sufficiency. Each of these legal properties has its own peculiarities. Belonging is the opportunity to use them to establish in criminal proceedings the factual data, as well as the circumstances to be proved, due to the existing criminal-procedural relationship between them. Admissibility is determined by the legality of the source, the conditions and methods of obtaining it. Reliability means that they correctly, adequately reflect the material and non-material traces of the investigated event. The sufficiency of evidence is a property of evidence, which enables them to put together a basis for a procedural decision [7, p. 17].

According to the CPC of Ukraine the investigative (search) actions are the part of procedural actions aimed at obtaining (collecting) evidence or verifying evidence already obtained in a particular criminal proceeding.

Carrying out pre-trial investigation in relation to the subjects related to a criminal offense (crime) stipulated in the art. 368-4 of the Criminal Code of Ukraine, it is mandatory to conduct investigative (search) actions that can obtain evidence. Such actions may include: questioning (article 224 of the CPC of Ukraine) - questioning a witness, victim (articles 224, 225, 352, 353 of the CPC of Ukraine), questioning a suspect (article 224 of the CPC of Ukraine), questioning the accused (article 351 of the CPC of Ukraine), questioning an expert in court (article 356 of the Criminal Procedure Code of Ukraine), questioning a minor or an under-age person (articles 226, 354 of the CPC of Ukraine); simultaneous questioning of two or more already questioned persons; presentation for identification (articles 228-231 of the CPC of Ukraine); search (article 234 of the CPC of Ukraine); examination (articles 237-238 of the CPC of Ukraine); disinterment of the corpse (article 239 of the CPC of Ukraine); investigative experiment (article 240 of the CPC of Ukraine), disclosure (article 241 of the CPC of Ukraine) [6].

The covert investigative (search) actions are a kind of investigative (search) actions, information about the fact and methods of conducting not being the subject to disclosure, except in cases stipulated by the CPC of Ukraine. These include: audio and video monitoring of a person (article 260 of the CPC of Ukraine), imposition of arrest on correspondence (article 261 of the CPC of Ukraine), inspection and seizure of correspondence (article 262 of the CPC of Ukraine), removal of information from transport telecommunicational networks (article 263 of the CPC of Ukraine), removal of information from electronic information systems (article 264 of the CPC of Ukraine), inspection of publicly available places, housing or other property of a person (article 267 of the CPC of Ukraine), specification of the location of the radio electronic device (article 268 of the CPC of Ukraine), observation of a person, thing or place (article 269 CPC of Ukraine), monitoring of the bank accounts (article 269-1 of the CPC of Ukraine), audio-video monitoring of the place (article 270 of the CPC of Ukraine), control over the commitment of a crime, the forms of which are the controlled delivery and operational procurement, special investigative experiment, simulation of the crime consequences (article 271 of the CPC of Ukraine), implementation of a special task for the disclosure of criminal activities of an organized group or a criminal organization (article 272 of the CPC of Ukraine), unconditional receipt of samples necessary for a comparative study (art. 274 of the CPC of Ukraine) [6].

The work of the investigator in identifying, fixing, obtaining, preserving such evidence in the criminal proceedings is significantly different from the work with other types of evidence. Since objects of material evidence along with the information properties important to the investigation, have other, in particular, material ones, that is material evidence has a certain value, serve to meet human needs, as well as physical (or chemical) properties that are related to the manufacture, use, storage, destruction of certain things.

Therefore, the work of an investigator with material evidence in criminal proceedings is related not only to compliance with the requirements of criminal procedural law but also to the consideration of the organization of the investigation of the features of detection, fixation, storage and resolution of the fate of various material objects which can be substantial evidence in criminal proceedings [8, p. 45].

Proving is an important activity in criminal proceedings since it inextricably combines the whole collection, verification and evaluation of evidence, retaining the goal of establishing all the necessary circumstances of the activity (those that are subject to proving). Conducting public or covert actions should help in the investigation of the criminal proceedings and establishment of the truth in the case. It is important to consider the peculiarities of such actions: the purpose, the grounds for conducting, the documents that must be obtained for conducting, fixation of results, etc.

The theoretical and practical significance of the initial element of evidence - the gathering of evidence - consists in obtaining the information received (actual data, information about the facts) of evidence properties in the procedural sense. The proof is carried out by the investigator, the prosecutor not for himself, not only for the purpose of his own conviction in the existence of certain facts, but also for other participants in the criminal proceedings - the prosecutor, the investigating judge, the court, other participants. Since all circumstances, which are subject to evidence in a criminal proceeding, they will be perceived precisely from the available case materials, decisions made should also be based on the information contained in the procedural acts [8, c. 34].

The investigative actions should be carried out in compliance with the basic rules: with the decision of the authorized official and without it; on the basis of the order of the investigating judge and without the need for such a decision; according to the decision of the prosecutor; with the participation of the nobles and without them; with the participation of the specialists and without them. The results of investigative (search) actions are fixed by the protocol in accordance with the requirements of the CPC of Ukraine in order to recognize them as proper and admissible at the trial stage.

In the case of conducting covert investigative (search) actions, an important condition is the commitment of a serious or the gravest crime (criminal offense). Using the art. 368-4 of the Criminal Code of Ukraine consisting of the 4 parts as the example, we can say that an authorized official conducting a pre-trial investigation may initiate the covert actions only under the Part 4 of the art. 368-4 of the Criminal Code of Ukraine, since the criminal offense (crime) belongs to the category of serious. At the same time, the initiation of investigative (search) actions of the public nature is possible in case of any gravity of the crime.

The reason for the covert action is the existence of information about the crime, the person who committed it, requiring the mandatory check to

confirm or refute, provided that otherwise it is impossible to obtain such information, which gives the authorized officer (investigator, prosecutor ) the possibility of doing this kind of action. The covert investigative (search) actions have their own procedures for preparing and conducting: preparing a petition for a permit to conduct this action or issuing a prosecutor's decision (depending on the action); approval of a petition or a ruling from the prosecutor; filing a petition to a court with a view to obtaining a decision on the permission or refusal to act; carrying out such an action; consolidating the results of the action; proper declassification and adherence to criminal proceedings.

The fixation of the course and the results of the covert investigative (search) actions must be in accordance with the general rules for the fixation of the criminal proceedings. According to the results of conducting the covert investigative (search) actions, a protocol is executed, to which, if necessary, the annexes are attached. The information about the persons who conducted the covert actions or were involved in their conduct, in case of the implementation of their security measures, may be indicated by ensuring the confidentiality of data about such person in accordance with the procedure established by the legislation. The covert actions can be fixed using technical and other means [9, c. 181].

Each investigative (search) action has requirements for conducting and its peculiarities which must be fulfilled. For example, for conducting an investigative (search) action, there is a need for appropriate grounds and sufficient information indicating the possibility of reaching its goal. The persons conducting pre-trial investigation in the criminal proceedings (investigator, prosecutor) are required to take all measures to ensure that the rights and legitimate interests of the persons during the investigation (search) action were not violated. The procedurally important aspect is an explanation of all the rights and obligations of the persons in respect of which an investigative (search) action is being carried out (of the victim - articles 56, 57 of the Criminal Procedural Code of Ukraine, an witness - article 66 of the Criminal Procedural Code of Ukraine, an expert - 69 of the CPC of Ukraine, the suspect, the accused - article 42 of the CPC of Ukraine, etc.). In addition to clarifying the rights and obligations, it is necessary to clarify the responsibility of the subjects during the investigation (search) action.

In case of obtaining during the conduct of investigative (search) actions evidence that may indicate the person's innocence in committing a criminal offense, the investigator, the prosecutor is obliged to conduct the relevant investigative (search) action in full, to include the compiled procedural documents in the materials of the pre-trial investigation and to provide them to court in case of a statement of indictment, a petition for the use of compulsory measures of an educational or medical nature or a petition for the release of a person from criminal responsibility [9, p.160].

In turn, during the conduct of the covert investigative (search) action against a certain person, it is not necessary for such person to explain the rights or responsibility since the conduct of the action is of a covert nature. After completing the covert action, despite the result, the official who carried out the action, must inform the person being the subject of such action and indicate that there was a certain restriction of his/her rights in this way.

The persons having conducted the covert actions or have been involved in their conduct may be questioned as the witnesses. Questioning of these persons may take place with the preservation of information about these persons and the use of appropriate security measures for them. In case of use for the proving the results of covert investigative (search) actions, the persons can be questioned about the actions or contacts of which such actions were taken. Such persons are informed of the covert actions only to them in the extent that affects their rights, freedoms or interests [9, p. 183].

Considering the bribing of a person who provides public services, it is important to establish which services are public and where exactly we will be able to obtain data on this definition. Public services are characterized by the following features: they are aimed at protecting or providing conditions for the implementation of public interests of the individuals or legal entities; give rise to legal consequences; the procedure and form of their provision are determined by the state or local self-government body. The subject of a criminal offense (crime) under the art. 368-4 of the Criminal Code of Ukraine is an unlawful benefit, considered to be a benefit that exceeds one hundred and more times of the non-taxable minimum of incomes of the citizens, at a large amount - such that in two hundred and more times exceeds the non-taxable minimum income of the citizens, in particular, which is five times more than the non-taxable minimum of the citizens' income (note to the art. 364 of the Criminal Code of Ukraine).

The actions of the person include four possible options for improper benefit: 1) its offer; 2) promise; 3) provision; 4) request to provide it. Accordingly, there are three alternatives for unlawful benefit (decision-making): 1) acceptance of the proposal; 2) acceptance of the promise; 3) obtaining such a benefit. These actions are committed only with direct intent and the actions are of the lucrative impulse [10].

Modern forms of crime are characterized by: organization, awareness, armament, technical equipment, thorough preparation and organization of crimes, counteraction to the investigation. And proper provision of evidence in criminal proceedings with the help of only criminal procedural means of cognition is not always possible. That is why, in investigative practice, it is not a rare situation where the use of the results of operational and investigative measures is perhaps the only way to establish the circumstances to be proved in a criminal proceeding [8, p. 81].

After entering into the Unified Register of Pre-trial Investigations of the data of committing the criminal offense (crime), provided for in the article

368-4 of the Criminal Code of Ukraine, the investigation of the criminal proceedings begins. After the appointment of an investigator, who will conduct a pre-trial investigation, a notice is to be sent to the prosecutor and the applicant together with the extract from the register. If the report of the crime is provided by the applicant, he should, as appropriate, be questioned as a witness and identify all possible circumstances of the case known to him.

Somewhat different way is to get information about the type of such corruption-related offense - in case of the initiation of the intelligence-gathering investigation. In accordance with the Law of Ukraine "On Operational and Investigative Activity", if there is sufficient information about preparing for a crime and persons preparing for the commitment of a crime, an intelligence-gathering investigation may be launched. The prosecutor is being warned about this fact during the day. The materials of the case may form the basis of the start of the pre-trial investigation [11].

While collecting the evidence, the investigator/prosecutor may face difficulties since the possibility of conducting covert actions is only in the case of committing a grave or especially grave crime which excludes such actions under the part 1-3 of the art. 368-4 of the Criminal Code of Ukraine. Without the covert actions, it is difficult to prove the bribing a person providing public services. At the same time, only under the art. 264 "Removing information from electronic information systems" and the art. 268 "Establishing the location of the electronic means" of the CPC of Ukraine can be carried out regardless of gravity of the crime. The important thing when investigating this type of crime is to identify documents that may indicate a person's bribing and gaining an undue advantage, and may indicate an agreement or transfer of benefit. Such a fact can be fixed by conducting a place inspection or a search of a place or person.

The option of bribing a person can be the transfer of funds to a current bank account. In this case, it is important to get information from this account, namely: the date and time of the transaction, the amount of funds transferred and those who have transferred and received the transfer. Such information can be obtained in case of such action as temporary access to the things and documents. In case of necessity to remove other documents (financial, accounting, draft records, documents on actions with movable and immovable property, etc.), temporary access to the things and documents, inspection or search may also be carried out.

Upon receipt of the documents to be recognized as evidence, the investigator makes a decision on recognition as the substantive evidence and may, if necessary, designate a judicial documentary examination of the documents (in case of necessity to establish a person's signature on documents), commodity expertise (in case of establishing the value of immovable or movable property), financial and economic examination (in the case of displaying information on financial and economic indicators of the

enterprise, statutory funds, liquidation, bankruptcy, etc.), dactyloscopic expertise (if leaving the fingerprints on the things exempted) and others.

The results of investigative actions must be properly documented in the protocols. The form, content and data in the protocol determine the expediency of its use as evidence. For example, if the person did not report information in the interrogation protocol that is relevant for evidence in a criminal proceeding, it makes no sense to rely on it. This action should be contained in the materials as it was carried out, but it does not actually have the relevant information.

Obtaining the results of tacit action involves the need for their assessment, determination of the ways of using and proper use in criminal proceedings in order to solve its tasks. In addition, the Code contains a number of requirements that necessitate the adoption of participants of criminal proceedings (prosecutor, investigator, investigating judge) certain procedural decisions on the results of undercover operations, items, documents obtained during its implementation, particularly regarding their selection of materials of criminal proceedings, destruction, notification of interested persons, etc. [8, p. 105]. It is important to point out that the results of the tacit action must be properly documented and by the relevant subject.

The direct use of the results of the covert action involves the practical implementation by the subject of the criminal proceeding of intentions about the intended ways of their use, in particular during the conduct of investigative actions and covert actions, the adoption on the basis of procedural decisions, etc. [8, p. 107].

Conclusions. We can conclude that the role of the public and covert investigative(search) actions as evidence while carrying out the criminal procedural process of proving in corruption-related criminal proceedings is invaluable. The process of proving is not a model action but has its own peculiarities for each criminal offense (crime) that contains a corruption-related component. The public and overt actions have their own peculiarities in carrying out such actions but in the case of their proper conduct and proper procedural consolidation, they can provide a reliable evidence base for bringing the guilty persons to criminal responsibility. Since corruption-related offenses (crimes) are resonant, they are under the close supervision of the state, the controlling and public authorities, occupying a special place among other unlawful actions and having clear mechanisms for proving or refuting the guilty parties. Among the types of corruption-related offenses (crimes) they allocate the art. 368-4 of the Criminal Code of Ukraine "Bribing a person providing public services", which has its own peculiarities for proving and therefore is of public interest. The article specified has specific persons for committing a crime, including: an auditor, an appraiser, an expert, a notary, an arbitrator or other person who carries out professional activities related to the provision of public services, as well as an independent intermediary or referee when considering collective labor disputes. The

indicated persons are knowledgeable in the field of law, have higher education and experience, which greatly aggravate the work of the authorized officials in the proving. In this case, it is necessary to build a mechanism for bringing to criminal responsibility of the abovementioned persons by conducting public and covert actions on fixing their illegal activities.

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## Reforms in Ukraine: Corruption as a Threat to Sustainable Social and Economic Development of the State

Corruption is an urgent problem of our time, the solution of which is one of the priority tasks for many countries. Corruption is a negative factor that poses a threat to the national security of any country. This is the moving force that influences the normal activities of all spheres of public life, has a transnational character and is capable of permanent mimicry. It is a factor that threatens the rule of law, economic development, exacerbates social conflicts. There are such negative phenomena as: violations of human rights, in particular the principle of integrity and social justice (which is one of the basic principles of democracy), society's distrust of power, and the deterioration of relations in the international arena. The most problematic feature of this phenomenon is that, from an anomaly it gradually turned into a social norm, and corrupt relations increasingly displaced the legal and ethical relations between people. For now, the prevailing view is that large-scale, systemic corruption is a feature of transitional and underdeveloped countries. In countries with a developed market economy and established democratic institutions, the degree of corruption is less and there is relatively small "bottom line" or domestic corruption, which is usually the most visible demonstration of the expansion of the state apparatus. However, today, no country can claim to be "insured" from corruption. The world is globalized and hence, corruption becomes no longer a problem for individual countries, but a planetary problem. And this trend is gradually becoming more and more aware.

We can add to this at least three obvious arguments that show the danger of corruption for all and not just the underdeveloped and transitional countries.

*Argument first.* Interdependence of economies, including the financial markets of developed and partially developing countries not only represent a certain benefit allowing free movement of capitals, goods and services, but also significantly increases the risk of collapse of the global economic system in the event of the collapse of at least one of the larger markets. There is no need to say that today the market may collapse as a result of its increased corruption. In other words, the globalization of the economy carries with it and the globalization of corruption (Chepelyuk V., 2018).

*The second argument.* Terrorism has become one of the main threats for different countries and international security. But terrorism is spreading successfully largely due to small and large corrupt operations. For terrorist and for corruptor "there is no homeland". They have only personal goals,

although for terrorist organizers these goals are articulated as “ideological”. In any case, the inflammation of terrorism and corruption is a ripe mixture that can undermine national and international security (Bezdol’nyy M. Yu., 2009; Chepelyuk V., 2018).

*Argument third.* The high level of corruption becomes a convenient pretext of political speculation and easily leads to formation of a strong totalitarian system. Of course, corruption in the conditions of dictatorship and total control is not reduced, but only modifies. But, firstly, the awareness of society the extent of corruption is hid by the secrecy of dictatorial regimes, and secondly, even if such awareness occurs, it does not affect the scale of corruption, because democratic institutions no longer operate. The threat of establishing such regimes is dangerous not only for the transition countries, but also for their neighbors, as well as for the entire world community, because the current pattern of world order, which includes, for example, the concept of a “the excluded country” (from the system of international relations), greatly reduces the level of international security (Chepelyuk V., 2018).

Of course, it does not mean that many states - developed and transitional economic - do not understand the dangers of corruption. It is only a matter of the fact that the complexes of protective measures against corruption reflect a slightly outdated view of corruption only as a kind of crime or disciplinary misconduct. This view is detrimental to the fact that by practicing the state preserves traditional anti-corruption strategies – “perceived passivity” or “war”.

Human progress has led to a radical increase the risk of corruption for the whole world. But the advancement of progress can also serve to build a system of protection against negative phenomena and threats. The new reality requires a new look also at the arsenal of means that can oppose a society of corruption danger.

Drawing attention to the current situation in Ukraine, and according to international research (conducted by S. Rose-Akkerman, P. Mauro, I. Shihati and others) and domestic (conducted by O. Sadovsky (2012), B. Kostenko (2013), K. Vishnevskaya (2015), B. Shapka (2018), V. Litvinenko (2018), O.Sosnin (2014), V. Chepelyuk (2018) and others), researchers, leading scientists and specialists consider the current level of corruption in Ukraine as a critically high level. This fact is also confirmed by the data of an authoritative international organization Transparency International (including Transparency International-Ukraine), which annually determines the index of corruption perceptions (CPI) by the population, our country in the world ranking of corruption in 2017 received 30 points and ranked 130th among 180 countries, along with such far-democratic countries as the Gambia, Iran, Myanmar and Sierra Leone. This is 1 point higher and 1 position higher than last year (29 points, 131th among 176 countries). But in dynamics, the results in 2017 are lower than in 2016 (TI, 2018).

Until now, corruption in our country is fairly perceived by society as a complex social phenomenon, an integral part of our everyday life, which adversely affects for all aspects of the political and socio-economic development of the state, threatens democracy and human rights, and harms national security. Today in Ukraine question of prevention, emergence and counteraction to corruption remain one of the most urgent, since this phenomenon poses a real threat to the national security of the country. Effective struggle with this phenomenon is more than ever needed today.

It is possible to solve this problem only by implementing a complex of anti-corruption measures that need to be implemented consistently. Such a set of measures should be aimed, first of all, at identifying the causes of corruption risks that may contribute to the emergence of corruption behavior and the identification of key mechanisms for combating corruption (Bokovykova Yu. V., 2017).

Corruption struggle is a pre-emptive or repressive act based on the right and is conducted by the relevant competent institutions, as well as a set of measures, means necessary to create conditions for preventing the commission of corrupt acts by legal entities and aimed at restoring rights, that violated of unlawful acts of corruption, as well as the prosecution of the person who committed the corruption act. The main role in this process should be played by prevention - elimination and neutralization of causes, circumstances, factors, which determine of corruption, carrying out of corresponding legal-educational work on raising the level of legal (law) culture of the population.

Activities on the prevention of corruption are characterized by the implementation of normative prescriptions on combating corruption in the system of legal relations, in social and public life. It requires the development of anticorruption policy (Anti-corruption strategy), the implementation of various state programs that would improve the situation in one or another field, and the corresponding activities of the state of a positive character.

However, the mechanism of combating corruption is a dynamic, mutually coherent and interconnected system of legal forms, means and legal measures established by the legislation of Ukraine, with the help of which the relevant institutions carry out preventive measures in the field of prevention of corruption and are provided in accordance with state-defined work standards bodies of state authority, bodies of local self-government, their officials and officers, other subjects of legal relations (Chepelyuk V., 2018).

In corruption struggle one of the fundamental state-management mechanisms is the organizational legal mechanism. The basis of the development of this mechanism is the Anti-corruption strategy of Ukraine as a document defining the main directions of the country's anti-corruption policy. The general objective of the implementation of the organizational and legal mechanism of counteraction to corruption in the state should be the elimination of corruption in all spheres of public life, recognition of this

phenomenon as a socially dangerous, threatening and devastating, which causes negative political, economic and social consequences in the country, moral and psychological deformations in the mind of citizens (Shapka B.V., 2018).

Unfortunately, the latest Anticorruption Strategy of Ukraine was developed and approved by the Law of Ukraine “On the Principles of State Anti-Corruption Policy in Ukraine (Anticorruption Strategy) for 2014-2017” (Law of Ukraine, October 14, 2014), which is currently in force. And the attempts of the government to approve the Anti-Corruption Strategy for 2018-2020 have not been successful yet, the bill itself was submitted to the Verkhovna Rada of Ukraine on April 26, 2018 (Draft Law of Ukraine, April 26, 2018).

At first, the lack of Anticorruption strategy of Ukraine calls into question the intentions of the leadership of the country to comply with anti-corruption norms in general. And secondly, as the previous strategy and the draft law of the new Anticorruption Strategy testifies, short-term strategies of this nature are not effective, since it is simply not possible to see the results of the strategy implemented in such a short period of time. Therefore, there is a need to develop such a strategy at least for 10 years period.

In addition to the Anti-Corruption Strategy, there are a number of laws (“On Prevention of Corruption” (Law of Ukraine, October 14, 2014), “On the National Anti-Corruption Bureau of Ukraine” (Law of Ukraine, October 14, 2014), “On the Prosecutor's Office” (Law of Ukraine, ), “On the National Agency of Ukraine on Detection, Investigation and Asset Management of Corruption and Other Crimes” (Law of Ukraine, October 14, 2014) etc.) and bylaws regulating the sphere of prevention and combating corruption in Ukraine, as well as the norms of international law ratified by the current legislation of Ukraine (Council of Europe Criminal Law Convention on Combating Corruption (27.01.1999), European Convention for the Suppression of Corruption (11.04.1999), UN Convention Against Corruption (11.12.2003) etc.).

Traditionally, the subjects of the implementation of any policy, as well as the entities involved/represented in the organizational legal state-management mechanism, connected with the authorities, are the bodies of public authority of general and special competence act.

The bodies of special competence are, in particular:

- National Anti-Corruption Bureau of Ukraine, which deals with the prevention, detection, suspension, investigation and disclosure of corruption offenses attributed to its jurisdiction, as well as the prevention of new ones;
- National Agency of Ukraine for the Prevention of Corruption, which ensures the prevention of corruption, ensuring the formation and implementation of state anti-corruption policy, creation and enforcement of rules that will prevent corruption;

- Specialized Anti-Corruption Prosecutor's Office, which carries out the support of criminal proceedings of the National Anti-Corruption Bureau of Ukraine;

- National Agency of Ukraine for the Detection, Investigation and Management of Assets Received from Corruption and Other Crimes etc. (Legislation of Ukraine, 2018).

Regarding of these subjects, the most unresolved issue of organizing parliamentary control over their activities remains, insomuch as the closed nature of their functioning requires the introduction of appropriate mechanisms for monitoring and decision-making. Among the possible options for improving parliamentary control in this area is the creation of a subcommittee with the necessary control powers in the relevant committee of the Verkhovna Rada of Ukraine.

It is important to emphasize that for the further successful work of specially authorized state authorities that implement country anti-corruption policy, it is necessary to ensure:

- guarantees of independent activity of these bodies from other authorities;

- wide participation in the activities of these civil society bodies;

- cooperation with state public authorities and local self-government;

- one hundred percent financial security (Tin'kov A. L., 2012).

The subjects of anti-corruption activity in Ukraine are also: President of Ukraine, Parliament, Government, judiciary and the public. However, there are numerous problems with clarifying the functions of these entities and, in accordance with the functions, improving their structures. The key role here belongs to the Verkhovna Rada of Ukraine, which ensures the legislative regulation of all components of anti-corruption activities, especially in the context of the reform of criminal justice.

General authorities as subjects of anticorruption activities act as subjects of increased corruption risk and are characterized by (Ukraine Against Corruption, 2014-2018):

- possession of powers related to the allocation of significant financial resources,

- a high degree of freedom of action, which is associated with the specifics of management activity,

- the breadth of contacts with foreign organizations, funds and investors.

It should be noted that the objects of anti-corruption activity are also officials of local self-government, which, in accordance with the Law of Ukraine "On Local Self-Government in Ukraine" (Legislation of Ukraine, 2018), have quite wide powers in relation to the management of the resources of the territorial community.

One of the most influential objects of the organizational and legal mechanism of combating corruption is always the society. Anticorruption strategy of Ukraine for 2014-2017 (Law of Ukraine, October 14, 2014) among

the measures related to this object is the holding on an ongoing basis of information campaigns oriented at various social groups and aimed at eliminating tolerant attitude towards corruption, increasing the level of cooperation between authorities and citizens in the fight against corruption. Separately, the necessity of drafting legislative norms to preserve the applicant's anonymity and his protection from persecution, the transition to new forms of cooperation, such as dialogue and partnership, is determined.

Therefore, proceeding from the above, it can be stated that the organizational legal mechanism includes two main components - normative and institutional.

In order to identify the tools of anticorruption activities within the organizational and legal mechanism of combating corruption, it is necessary to find out the reasons for its occurrence. Most experts agree that the main cause of corruption is the imperfection of political institutions that provide internal and external mechanisms for the deterrence of power. The circumstances that contribute to the emergence and development of corruption (for the cause of corruption) include:

- laws and regulations that allow ambiguous interpretation of their content;
- ignorance or misunderstanding of laws by the population, which allows officials to interfere with the implementation of bureaucratic procedures;
- unstable political situation in the country;
- imperfection of the existing mechanisms of interaction of power institutions;
- the dependence of the implementation of the basic standards and principles of the bureaucracy's work on the policy of the elite, which lawfully manages the state;
- professional incompetence of officials;
- nepotism and political patronage, leading to concluding secret agreements that weaken the mechanisms of corruption control;
- lack of unity in the system of executive power, that means the regulation of the same activities by different instances;
- low activity of citizens in participating in control over the activities of state authorities and local self-government (Ukraine Against Corruption, 2014-2018).

Among the main factors contributing to corruption is the lack of integrity of individuals authorized to perform state or local government functions; the lack of a critical attitude of society towards corruption; perception of corruption by the population as one of the means to achieve the desired result.

The latest Anticorruption Reform in Ukraine was started at the end of 2014, the impetus was the Revolution of Dignity and the adoption of the Ukraine-2020 Sustainable Development Strategy (Legislation of Ukraine, 2018).

In order to successfully carry out Anticorruption reform, the Government has set the following objectives:

- to create a specially authorized body for the prevention of corruption, responsible for a set of measures on the formation and implementation of anticorruption policy;
- to introduce a national methodology for assessing the level of corruption in accordance with the UN standards;
- to conduct anticorruption examination of election legislation and review it on the basis of conclusions about corruption and European standards;
- to adopt legislation on the implementation of the recommendations of the Group of States Against Corruption (GRECO) in terms of establishing restrictions and ensuring transparency and accountability in the financing of political parties and electoral campaigns;
- to adopt legislation to strengthen public control over decision-making by elected officials;
- to increase the transparency of activities of the Verkhovna Rada of Ukraine and local councils;
- to take all necessary measures to prevent corruption in public procurement;
- to take into account the conclusions of the European Commission “For Democracy through The law” to amend the Constitution and relevant laws of Ukraine;
- to take measures aimed at deregulation of the economy;
- to take measures aimed at ensuring free competition and conducting administrative and judicial reforms;
- to reform law enforcement and supervisory bodies;
- to adopt in cooperation with civil society institutions a plan of activities aimed at different social and age groups and aimed at a comprehensive solution to the problem of tolerant attitude of the population towards corruption (Bezdol’nyy M. Yu., 2009; Legislation of Ukraine, 2018).

The following government agencies were identified as responsible for the reform: National Anti-Corruption Bureau of Ukraine and National Agency of Ukraine for the Prevention of Corruption.

At the end of 2018, it can be argued that partly anticipated anti-corruption reform tasks have been completed, but there are many shortcomings:

- lacking Anticorruption Strategy;
- the problem of functioning of the Higher Anti-corruption Court exists, the decision of which is delayed (created by the Law of Ukraine in June 2018);
- there is a problem of functioning of anti-corruption bodies and their cooperation;

- Anticorruption reform is voluminous and is closely linked to a number of other reforms, the implementation of which is ineffective and does not meet the planned results;

- there is also a number of problems in the current anti-corruption legislation: no uniformity, double interpretation etc.

In order to address the above-mentioned problems, in the medium-term the priority actions of the Government of Ukraine up to 2020 as instruments of the organizational legal mechanism for combating corruption are proposed (Ukraine Against Corruption, 2014-2018): programs, authorized divisions, the Unified State Register of Declarations, standards of integrity, state control over party finances etc.

The introduction of anti-corruption programs in the activities of state authorities, oblast public administrations and councils, public target funds aims at introducing mechanisms for planning and controlling local anti-corruption policies (anti-corruption programs) based on the results of the analysis of corruption risks (Kostenko B.O., 2013).

The formation of a system of authorized departments (authorized persons) on the prevention and detection of corruption in public authorities and local self-government, public and municipal enterprises, institutions and organizations should ensure the proper implementation of anti-corruption legislation at the national and local levels.

Ensuring the functioning of the Unified State Register of Declarations of persons authorized to perform functions of the state or local self-government will provide an opportunity to effectively control compliance with the requirements of legislation on the declaration of persons authorized to perform functions of the state or local self-government (Legislation of Ukraine, 2018).

Increasing the level of standards of integrity of persons authorized to perform functions of the state or local self-government, and persons of equal value to them as well as the public, is an integral part of a set of measures aimed at eliminating corruption, preventing conditions that may contribute to its occurrence.

Improving the system of state control over party finances will promote transparency of funding of political parties with a limitation of the influence of private capitals on politics (Bokovykova Yu. V., 2017).

Priority actions of the Government include:

- reorientation of the system of legal aid free of charge to provide legal assistance to individual individuals to strengthen the legal capacity and legal capacity of territorial communities;

- decentralize the system of free legal aid in civil and administrative affairs;

- elaborate the concept and necessary regulatory framework for piloting models of public protection offices in criminal proceedings;

- the establishment of an effective system of legal knowledge management and resolution the social potential of the legal community and the partner networks of the system of free legal aid (Bokovykova Yu. V., 2017; Chepelyuk V., 2018).

The indicated fundamental change in the provision of legal aid can be realized only in financially capable communities, provided with the corresponding human resources, which is lacking today. However, such changes can lead to a reduction in the availability of free legal aid at the level of rural settlements or even before the loss of such a right.

Suppression of corruption as a phenomenon and prevention of conditions that may contribute to its emergence is a very complicated socio-economic, political and social problem.

The elucidation of the components of the organizational legal mechanism for combating corruption allows us to state that the most complicated issues remain related to the development, improvement and implementation of the instruments for its implementation. The state's first steps towards combating corruption should be:

1. The existence of political will and the desire of the authorities to change the situation with corruption in the state, removing their own interests from the authority.

2. The development and adoption of a new National anti-corruption strategy that will meet the current development conditions will be based on the results of advanced domestic research and sociological surveys and will be based on the use of international experience and recommendations of international organizations on the results of the assessment and monitoring of the state of prevention and counteraction of corruption in Ukraine (Anticorruption Strategy for 2014-2017: Law of Ukraine, October 14, 2014; Anti-Corruption Strategy for 2018-2020: Draft Law of Ukraine, April 26, 2018).

The main objective of this document should be to identify and form priority areas of activity of state authorities of normative and organizational nature, aimed at ensuring common approaches to the formation and implementation of state anti-corruption policy, in particular those related to the formation of public support of government actions in preventing and counteracting corruption and increasing level of legal education of anticorruption orientation, reduction of corruption in zones of high corruption risk and intensification of international cooperation in the field of prevention and counteraction to corruption.

3. Development of an appropriate State target program for the prevention and counteraction of corruption. It should include a mechanism for the direct implementation of strategic objectives, in particular, for defining a list of specific measures, indicators for assessing implementation, deadlines, responsible executives, sources and amounts of financial funding.

4. Resolution of the issue of preparation and dissemination of scientific and practical explanations and comments on the main anti-corruption laws and anti-corruption stories in the legislation in order to avoid double interpretation of norms, raising awareness and legal awareness of the population etc.

5. The process of drafting anti-corruption legal acts should be based on the best domestic and international experience in the field of prevention and counteraction of corruption involving representatives of scientific institutions, enterprises, associations of citizens, sociological, international organizations, independent experts, and the developed projects have to be published in the media for discussion and comment (Anticorruption Strategy for 2014-2017: Law of Ukraine, October 14, 2014; Anti-Corruption Strategy for 2018-2020: Draft Law of Ukraine, April 26, 2018).

6. The need for further reformation of the legal framework for the activities of law enforcement agencies taking into account European and Euro-Atlantic criterias, bringing criminal law and criminal justice in line with the standards and recommendations of the Council of Europe, determining the optimal structure and staffing of law-enforcement bodies, based on the urgent needs of national anti-corruption policy and economic the possibilities of the state, elimination of frequent duplication of functions by different bodies, raising the level of professionalism and accountability at all levels of law enforcement sector, continued implementation of democratic standards in the world and the daily service activities (Shapka B.V., 2018).

7. It is also necessary to follow the multi-level methodology for assessing corruption risks in the legislation at the level of developers of draft legal acts (formalized self-assessment), at the level of specialized units (basic official expertise before the adoption of the relevant act), at the level of the public (informal) expertise, which the existence of a transparent procedure for normative design and availability of information for the public and at the level of the control expertise, with further generalization of the practice of conducting and Second expertise to identify and address identified systemic deficiencies in the drafting of legislation (Sadovs'kyy O.M., 2012).

As a result of conducted research, it was proved that corruption is actual problem of the modern world, the solution of which requires the implementation of a complex of anti-corruption measures and the improvement of state mechanisms for the prevention and counteraction of corruption. The organizational legal mechanism was considered in more detail. Accordingly, shortcomings from the government of the state were identified, such as: lack of anticorruption strategy, unified legal framework, ineffective performance of functions by authorities etc. The implementation of the developed recommendations would enable to form an anti-corruption legislation of a world standard in Ukraine, ensure a unified approach to the formation and implementation of state anti-corruption policy, prevent the emergence of corruption risks in the most problematic areas of social

relations, bring public management and service in public authorities and bodies local self-government in accordance with the principles and practices of democratic governance, to implement European principles in the national the legal system and, as a result, qualitatively increase the international authority of our state.

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## **Dual Education: European Experience Adoption for Strategies of Integrated Urban Development Implementation in Ukraine**

The current situation in the vast majority of Ukrainian cities is characterized by sufficiently large quantity of unsolved issues: economic development, demography, environmental cleanliness and security, social and spatial decision, etc. How flexible a city can respond to new challenges and plan long-term sustainable prospects depends on the success of its development and prosperity in the future. Consequently, modern cities in Ukraine need a comprehensive approach that involves solving new problems and the most pressing problems, examines the needs and requirements of all spheres on the principles of equality and attracts politicians, businessmen, investors, civil society, city residents to these processes. The strategy of integrated urban development for the near future, embodied in the Concept of Integrated Development of the city, is an instrument that can be adapted to the challenges of the present and enable Ukrainian cities sustainable development. While designing strategy of integrated urban development, an approach is considered that addresses the interconnection and interdependence between different spheres of urban life. It enables the location and adoption of exact focused optimal planning solutions for long-term urban development, their coordination with higher-level programs and strategies. The approach enables optimally utilizing the existing potential in terms of obtaining the maximum effect from intersectoral interaction synergy.

In the EU, planning for an integrated urban development is quite common, and other countries of the world have recently started to implement it actively. Despite the variability of economy and population demographics structure in different regions, the model of a spatially compact, multifunctional, socially and culturally integrating European city best suits the requirements of sustainable urban development. The "Leipzig Charter for a Sustainable European City", adopted in May 2007, states that sustainable urban development must ensure economic prosperity, social balance and healthy environment. According to the Charter's recommendations, integrated development policies implementation will enable cities to use limited resources efficiently and to focus on areas in need and disadvantaged areas [1]. The use of integrated development approaches will contribute to achieving the goals of the United Nations Sustainable Development Agenda for the period up to 2030, which are currently facing the countries of the world as the most important benchmarks for the coming years.

The project "Integrated urban development in Ukraine" is implemented by the German government company "Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH". Today Lviv, Chernivtsi, Vinnytsya, Zhytomyr, Poltava and Podilskyi districts of Kyiv take part in it. The project is funded by the governments of Germany and Switzerland and aims at achieving the goals of international cooperation for sustainable development. The priority areas for Germany's cooperation with Ukraine are: effective state governance, energy efficiency, sustainable economic development.

An integral part of the city's inter-city development strategy is the economic component, which implies the usage of all the city potential to enable its sustainable development. However, an efficient city economic development can not be ensured without high-quality, competitive labor force availability that meets innovative economy needs, contributed not only to economic prosperity, but also to human potential realization and city's inhabitants needs maximum satisfaction.

Almost every city in Ukraine has a sufficient quantity of different accreditation levels educational institutions. However, it can now be said that the opportunities of educational institutions are somewhat limited, which negatively affects qualitative and quantitative results. The quality of transition to economy higher level depends on the ability of society to enable development through building effective cooperation between education and business for the welfare of the local community, the ability to send the best achievements of science and education to implement them, to create more qualitative competitive local product. Therefore, it is necessary to stimulate the active education cooperation with production, to enable a strong link between educational institutions and the national economy in the terms of authorities and local self-government full support.

As European Union developed countries experience shows, the most successful form of realization the set tasks is the dual education system introduction, which in the 60's of the last century was initiated by Germany, which still serves as an example for all the countries of the European Union.

The dual system was seen as a new, more flexible form of vocational training organization. In Germany, they calculated that in order to obtain theoretical knowledge, the student had enough 1-2 days of theoretical training per a week. The rest of the time is better to work at the enterprise. Dual education as a way of teaching was in the ratio of 50/50 theory in the educational institution and practice in the production. This German system, which unites a public vocational school with productive training, has taken as a model and used by many countries to reform their own education systems [2].

Today education dual system has been implemented in almost 60 countries of the world. Employers and educational institutions work together

in Austria, Switzerland, and Denmark. The experience of developing educational systems in countries such as Sweden, Great Britain, Germany, Japan points to the need to integrate the educational process and practice, which is the basis for high-quality qualified specialists training.

It should be noted that dual education in Germany is regulated by the relevant Laws and Regulations on vocational training. These documents establish the terms of study, the rights and responsibilities of students and people responsible for vocational training, as well as the content of training.

In Germany, while studying, every student has the right, in accordance with the Law on vocational training, to obtain wages and the amount must be sufficient. The size of the wages depends on the profession and is often fixed by the tariff agreements.

The way how learning is regulated in specific cases is determined by the learning agreement. In Germany, education and examinations are monitored by authorized organizations such as the Chamber of Commerce and Industry (IHK), the Chamber of Commerce (HWK).

During professional training, students are required, if provided for by the Provision on vocational training, to pass intermediate examinations in authorized organizations. They send an interim exam invitation. By means of an intermediate exam, an enterprise and a vocational school determine the student's level of knowledge. The result should be taken into account during further training. Upon termination of vocational training, a final examination, which is also usually organized by the trade and industrial or handicraft chambers, is completed. Training is considered complete after successful passing the final exam [3, 4].

Professional education and training in Denmark is based on a dual system and a model of apprenticeship. This system offers over 100 different types of vocational education. Most of the programs are practical training in the chosen company. Vocational education and training programs are supplemented by a student test, or a similar exam that tests professional knowledge, skills and competences.

In Denmark there are production schools (about 80) that are intended for young people who have not completed their youth education programs or are not ready to start regular youth education. Production schools are based on practical work in workshops. The purpose of the training is to increase the personal development of students and their chances in the education system and in the labor market. The educational option is organized taking into account the fact that students will receive a qualification that let them complete vocational qualification educational programs.

Production schools are funded mainly by the state through a system of subsidizing taximeters in the form of grants to cover the operational costs of training [5].

Spanish dual education projects (Dual FP) combine teaching and learning processes in the company and are characterized by alternating hours or days of stay at a company and an educational center.

Due to this model, companies can support new methods in organizing vocational training that seek to find advantages in company-centered relationships and promote their corporate social responsibility.

Professional training offers over 150 training cycles in 26 professional fields with theoretical and practical content relevant to various professional fields.

Each professional industry offers:

- Basic vocational training courses that provide the appropriate basic professional level are compulsory and free courses;
- Cycles of intermediate level training, which provide the level of "technology" and are part of vocational secondary education;
- Higher-level training courses that provide the level of a senior technical specialist that is part of higher education.

The qualifications obtained during the training cycle have official status and the same academic and professional significance throughout the country.

Training at work centers (FCT) is a compulsory professional module that is taught in all vocational education and training courses, both basic and secondary, and higher. It is practical training stage in the company that takes place in the company's real environment and, as a rule, after passing all training cycle professional modules. The professional training module at work centers has the same structure as other modules, which implies professional training cycles, and its passing is obligatory for obtaining any professional education degree.

Students are appointed by the tutors at the educational and work center, who determine the training program to be performed by the student, appoint a visit date, coordinate its development and evaluate it. The professional module is developed in the company, so the student will be able to observe and perform the functions and options of various positions in the professional profile and know production processes organization, as well as labor relations. The professional module assessment is intended to determine that the student has acquired the general competence of the chosen degree on training a professional module results. Evaluation criteria will serve to establish the professional level of the student after completing the learning process [6].

The dual education system in Switzerland means studying in a company or in a company combined with the completion of a vocational school. A vocational school can be completed only if there is a valid training contract with an educational company. Thus, dual education is an education, as is customary in Switzerland after completing compulsory education. However, the term "dual education system" should also be understood as an additional

vocational education oriented to career growth. Thus, dual education can also be applied at the level of higher education [7].

In Finland, vocational training is intended for young graduates and for working adults. A professional bachelor's degree can be completed either as a basic professional qualification that leads to an appropriate degree or as a diploma exam. Professional training is organized in educational institutions and internship establishments (firms, enterprises, companies). The Ministry of Education and Culture of the country forms the appropriate legislative framework for vocational training, performs the function of public administration and control. For the organization of studies, the Ministry of Education and Culture issues permissions and tasks for companies to teach students, which is included in the relevant license [7].

Consequently, the system of dual education is a combination of work and education when a young specialist is trained at a training institution together with an enterprise. The company determines the specialty required for it and orders the institution of education. A student combines training and internship at the enterprise. At the same time it receives a scholarship close to the salary. Dual education is most appropriate to be considered for applied specialties related to production, but it is also relevant for the higher education system.

The main task of dual form of training introduction elements is to eliminate the main disadvantages of traditional forms and methods of training future qualified specialists, to bridge the gap between theory and practice, education and production, and to improve the quality of training skilled personnel taking into account the requirements of employers in the framework of new organizationally distinct forms of training.

In the course of the project "Development of European approaches and methods for dual learning" (DEWBLAM) a European-wide dual education platform was developed in higher education and vocational education institutions, which stated that:

1. Dual study at a higher education institution can be defined as a combination of formal education and non-formal or informal empirical learning obtained at work and through work.

2. Dual education can be integrated into the student's personal and public capital, and can be assessed at the level of competences or qualifications in accordance with the 6, 7 and 8 levels of the European Qualifications Framework.

3. Dual study makes higher education viable, enabling it to respond responsibly to the social demands at dynamic labor markets, lifelong learning and new cross-disciplinary knowledge sectors by providing educational and research opportunities for adult students, thereby improving and facilitating continuous professional development; increasing the value of learning, providing benefits for companies, public and private institutions and

organizations, or meeting their strategic goals; strengthening innovation in higher education and lifelong learning policies [8].

The key positive elements of dual education system implementation are:

- Business, science, education and government cooperation organization;
- The legislative basis for the recognition of national standards for the quality of vocational education development;
- Teaching students during work activities;
- Qualified production personnel involvement to the teaching staff (instructors, tutors);
- Institutional research implementation and counseling (monitoring the quality of providing educational services in the field of vocational education, updating educational standards);
- Taking into account the specific enterprises requests to vocational education content and quality.

Currently, the Concept of training specialists in dual form of education is adopted in Ukraine, which defines the main problems in the educational sphere, the ways to overcome these problems, the purpose and timing of the Concept implementation, the rights and obligations of all participants in the dual education system, the expected results, the criteria for achieving the expected results for all participants in the system of dual education, amounts and sources of funding. The concept is based on the German experience of the dual form of education that was presented, particular, through the Representation of the Friedrich Ebert Foundation, the German-Ukrainian Agri-Policy Dialogue, Eastern Partnership Project "Dual Education in Dialogue" with various levels educational institutions participation. The purpose of the Concept is to elaborate the principles of state policy on improving specialists' vocational training quality based on the dual form of education.

Summarizing the European experience of implementing dual education system, the Concept highlights the following problems of effective dual education implementation in Ukraine:

- Graduates unpreparedness to work in a specialty;
- Labor market dissatisfaction with the quality of education, which leads to the need for additional training in the workplace, training system expansion at enterprises;
- Low level work of educational institutions, including the inefficient use of budget funds, as evidenced by the excessively high share of educational institutions graduates that do not work (often do not plan to work) according to their professions;
- Ineffective best time usage to obtain professional competences education by applicants;

– Requirements establishment for educational institutions graduates independent professional activity experience (work experience), which are arranged for work for the first time.

Overcoming these problems is assumed by implementing a set of measures for mutually beneficial relations models development between educational institutions and employers aimed at enabling education applicants practical training for independent professional activities and their social adaptation in labor collectives, normative and legal and organizational support, conducting approbation, research, refinement models and recommendations for widespread use.

– The concept defines such basic rights and responsibilities of the main participants in the educational process.

Educational institution:

– Provides theoretical training, the integrity of the educational curriculum, compliance with educational standards and professional standards, is responsible for the quality of applicants education;

– Has the right, in conjunction with the employer, to determine the educational programs, which organize the educational process by the dual form of education;

– Is responsible for establishing cooperation between the educational institution and employers, as well as further effective communication between the parties;

– Conducts selection of enterprises, institutions and organizations providing places of practical training on the dual form of education;

– Together with the designated employers, develop and approve the curriculum of the relevant educational program;

– Together with certain employers, ensure coordination of the theoretical and practical part of the program;

– Coordinates the education of the applicant at an enterprise and, together with the representative of the company, receives a report on the results of the training according to the dual form of education and evaluates the results;

– Adopts relevant internal documents, appoints individuals / units responsible for implementing the dual form of education;

– Arranges the discussion of the educational program (programs) according to the dual form of education in the specialism (profession) with employers / professional associations on the subject of compliance with professional standards and requirements of employers to the competences of future specialists.

Employer:

- May initiate cooperation with the educational establishment in order to train specialists for the dual form of education, including initiating creation of dual education programs;
- Enables labor protection observance requirements established by the legislation;
- Together with the educational institution takes part in the development and approval the educational programs and curriculum;
- Participates in the selection of education applicants for dual education;
- Conducts a permanent dialogue with the educational institution and the student on the stages and results of the training by appointing the person responsible for cooperation with the educational institution by the dual form of education;
- Assesses the educational results together with the educational institution according to the educational program;
- Provides a work place for an education applicant at an enterprise, institution or organization, which involves a cash reward;
- In accordance with the law, it establishes a qualified worker for applicants' education;
- Provides the necessary resources and information materials for the work, creates the necessary conditions and opportunities for the applicant to complete the curriculum;
- If necessary, creates conditions for increasing the professional level of the employees, who provide educational training in the workplace;
- In conjunction with trade unions or their associations, the issues of labor conditions, introduction and determination the amount of allowances, surcharges, bonuses, rewards and other types of material and moral encouragement for employees engaged in educational workers training at work are solved.

The student must:

- Responsibly fulfill the curriculum in accordance with the curriculum schedule in accordance with the goals and objectives of studying in the workplace;
- Observe the rules of the internal labor regulations at an enterprise, institution or organization;
- To maintain contact with the person responsible for the educational program of the dual form of education implementation, to inform the employer and the representative of the educational institution in a timely manner in the case of problematic issues;
- Observe the rules of labor protection, industrial sanitation, occupational health and fire protection;

- Have material liability for equipment and property in accordance within the concluded agreement;
- To carry out in a timely manner at the proper level the tasks entrusted during training in the workplace and individual tasks according to the curriculum.

Implementation of the Concept is provided in three stages:

Stage I - The development of a legal framework for dual form of education implementation in whole (2018 and 2019);

Stage II - Typical models development of the dual form of education in educational institutions, implementation of pilot projects models of dual forms of education, performance evaluation (2019 and 2020);

Stage III - Clusters creation of dual education based on competitive educational institutions and interested employers - enterprises, institutions, organizations, including those belonging to the sphere of state governance authorities (2020-2023 years).

The expected results of the Concept will be:

- Expansion and improvement of the practical part of the program with the preservation at a sufficient level of theoretical training;
- Enabling the interconnection and interaction of different systems (education and production, education and science and science and production) to implement important changes aimed at improving the quality of education;
- Improving specialists' training quality in accordance with the real requirements of the labor market and ensuring qualified specialists training for the national economy;
- Strengthening the role of employers and public associations in the training of qualified specialists from educational programs content formation to learning outcomes evaluation;
- Content education modernization in order to bring it in line with the modern content of professional activity;
- Raising the level of educational institutions graduates competitiveness in the terms of globalization and promoting youth higher employment;
- Reduction of educational institutions graduates adaptation period to professional activities;
- Qualification characteristics / professional standards development / updating;
- Increasing students' motivation to study.

The criteria for achieving the expected results are:

for educational institutions:

- Increasing the educational institution competitiveness in the educational services market;

- Availability of up-to-date information on the professions development current state and types of economic activity, when educational institution trains specialists;
  - Improving education quality through the educational programs adaptation to the employers requirements;
  - Opportunities expansion for applied research;
  - Expand the opportunities for teaching staff advanced training;
- For the applicant:
- Combination of theoretical knowledge gained with practical experience in one or more enterprises, institutions or organizations;
  - Increase the chances of getting a permanent job right after graduation;
  - Availability before the end of the training necessary work experience for further professional growth, as well as the realistic vision of the own career path;
  - Obtaining practical experience during training and the possibility of obtaining a monetary reward in the course of studying;
- For employer:
- Influence on the process of training a specialist with the necessary knowledge, skills and competencies;
  - Obtaining qualified specialists who are ready to work at the appropriate level without additional costs for initial familiarization with work processes at an enterprise, institution or organization or for retraining;
  - Selection and invitation (at the time of training) the most talented trainees to work after graduation [9].

The Concept adoption of training specialists by the dual form of education, in our opinion, can have a significant impact on the integrated development of Ukrainian cities. As already mentioned above, the introduction of dual education system is capable providing the qualitative and, above all, necessary for the sustainable development of the economy, vocational education, improving the quality of life and the well-being of the inhabitants; will enable to solve the strategic tasks of integrated urban development in whole. Confirmation of it is that, for example, the "Integrated Development Concept" Poltava 2030 approved by the development of "Diversified Economy" project is the project "Introduction of the system of professional dual education". The main tasks of the project are: analysis of trends and the market of vocational education in Ukraine and needs of European countries; development and implementation a pilot project of the dual system in vocational education for certain types of specialties; coordination with the regional administration; professional education projects attraction from international donors; appropriate premises provision; tracking results, disseminating experience. It is expected that the integration of vocational education and production will be ensured; the labor

market is provided by qualified personnel under available work places with decent wages; the attractiveness of the city and other factors of its economic growth, social prosperity, and environmental security will increase [10].

Consequently, the European experience of using the dual education system which should be adopted by Ukraine has some benefits for all stakeholders.

Youth, for which the system of dual education implementation is relevant first of all:

- Gets professional skills and skills for further work, career and professional growth;
- Has the opportunity to receive wages during professional training;
- Studying in real production conditions, on technological equipment, observing industrial relations within the enterprise;
- Identifies themselves with the chosen specialism and the enterprise where it operates;
- Qualifies for future work and opportunities for further educational development.

Employers, in turn, receive:

- Competent specialist who fully meets the requirements of an enterprise that has already been adapted to the production process (in comparison with third-party candidates);
- Increase the productivity and quality of products, works or services provided by the enterprise;
- Greater return on capital invested by the results of their educational efforts in the medium term;
- Participation in the development of standards for vocational education;
- Savings on staff recruitment and retraining costs;
- Business social responsibility formation.

Authorities and local self-government:

- Receive political benefits thanks to the positive impact of dual vocational education on the economy and society;
- Satisfy the need for business with specialists in their participation;
- Establish communication between the authorities, business and education in the city;
- Have a real opportunity to influence the modernization and improvement the educational process in accordance with the needs of the city economy;
- Can effectively manage vocational education and enable its quality;

– Monitor the economic situation and shape the future needs of specialists for the development of the city's economy and high-quality labor market.

The city receives:

- Powerful economy and competitiveness growth;
- Supply and demand balance on the labor market, reducing unemployment and outflow of labor;
- Demographic situation improvement, social infrastructure development;
- Social and economic integration of the inhabitants, first of all, young people, in the structure of the city;
- Attractiveness and comfort of living increase.

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PART III

**JUSTICE, FREEDOM  
AND SECURITY**

*Association agreement: driving integrational changes*

**Accent Graphics Communications  
2019**

## Legal Regulation of Special Risks in the EU Labor Law

The beginning of the XXI century is characterized by the labor regulations in the international arena, both at the universal and at the regional level. An important feature of the globalization of the labor norms and standards is that the key role in their formulation in the international law belongs to the international organizations. At the universal level, the work of the International Labor Organization (ILO) contributes to the progressive development of labor regulations. At the regional level, several organizations are involved in this process. However, the privileged role belongs to the supranational formation namely the European Union. One of the priority areas of the EU activity is regulation of labor and implementation of general social policy.

The question of labor regulation in the European Union is in the plane of the correlation of the common European legislation and the national legislation of each of the EU member states. EU legislation extends to the level of national legislative systems and is mandatory for all EU member states. This means that the domestic legislation of individual EU member states must comply with the norms and rules set at the EU level. European law in modern conditions is an important tool for ensuring the integration processes in Europe. It is bound by international and national legislation. The specificity of the relationship of European law with international and national law affected the peculiarities of the sources of this right, divided into two groups: "primary law" and "secondary law". Primary law is primarily the founding treaties that play the role of basic laws, in particular: the Paris Treaty on the European Coal and Steel Union of 1951, the Treaty of Rome of 1957, the Maastricht Treaty of 1992, the Amsterdam Treaty of 1997, the Treaty of Nice of 2002, the Treaty on reforming the EU in 2007. Secondary law is the legal acts adopted by the EU bodies and institutions in order to implement and specify the acts of primary law. These achievements of European Union law, as well as projects of future documents in the field of labor, are undoubtedly of interest to domestic legal science and practice. This is due in particular to the possibility of using the EU's useful experience to improve domestic labor legislation, as well as for the development of domestic legal doctrine. The study of legal regulation of labor at the EU level is important for Ukraine and in practical terms, because: First, the European Union is the most important strategic partner of Ukraine on the European continent and the international arena as a whole. Secondly, Ukraine, as a member of the ILO, and having an active Association Agreement with the European Union (hereinafter referred to as the Agreement), cooperates with him in matters of regulation of labor relations. This is clearly reflected in the

Agreement, Chapter 5, Chapter 21. Thirdly, Ukraine, while implementing the program requirement of the Agreement, seeks to "gradually harmonize the legislation with the EU legislation in the field of labor protection and labor regulations." Fourthly, the construction of a deepened partnership between Ukraine and the EU, as foreseen by the Agreement, is further supported by the Road Map of legislative support for the implementation of the Association Agreement between Ukraine and the EU, and has separate provisions that should be accompanied by the creation of common social space. The emergence of general conditions and regulators for the functioning of such a space in the social and labor sphere would help accelerate the economic convergence of Ukraine and other European countries and would seem quite logical in the face of re-establishing the relations between Ukraine and the EU on the basis of the Association Agreement.

Meanwhile, the processes of regulating labor, and especially labor safety in the European Union, have practically not been reflected in current scientific researches carried out in Ukrainian legal science.

Hence it seems necessary to prepare comprehensive study on the legal regulation of special risks in the EU labor law within the framework of national science of international and European law. The results of such study in terms of international law could play a significant role in defining the international legal position of Ukraine in relations with the European Union on the issue of protecting the labor rights of the Ukrainian citizens at the territory of the EU member states, especially in difficult working conditions.

Goals. Taking into account the above objective, there is comprehensive study on labor regulation and the identification of specific risks in the European Union labor law at the present stage of its development, as well as trends and prospects for development.

Materials and Methods. Methodological basis of the article is a set of methods and techniques of scientific knowledge. Their application directed to a systematic approach that makes it possible to investigate safety issues **in terms of digital globalization** and the ability to carry out a systematic analysis of the legal regulation of labor protection in the world. The synthesis method was used to determine the harmonization of Ukrainian legislation with the norms of international labor safety law. The deduction method determines the legal and institutional mechanisms of international labor safety law changes in connection with the requirements of technical progress. Logical-semantic method contributed to generalization, systematization, and knowledge deepening on labor safety in the information changes measurement.

### **Discussions.**

One of the peculiarities of the modern social development is the growth of spheres of human activity, where the technologies are used. However, their use has exacerbated the problem of preserving their own and public health,

requires the improvement of existing and developing new approaches to the organization of the workplaces, implementation of preventive measures to prevent the development of negative effects on the professionals' health.

As the key to maintaining the life and health of the working person is first and foremost compliance with the legislation in the field of labor protection and industrial safety, the issue of the occupational safety culture becomes one of the key elements of enterprise management.

In accordance with the legislation of Ukraine, the implementation of the constitutional right of the workers to protect their life and health in the process of work, on adequate, safe and healthy working conditions, the relationship between the employer and the employee in matters of safety, occupational health and working environment is regulated with the participation of relevant government bodies and establishes the unified procedure for the organization of labor protection in Ukraine.

Labor protection is the system of legal, social and economic, organizational and technical, sanitary and hygienic, therapeutic and preventive measures and means, aimed at preserving life, health and efficiency of a person in the process of labor activity.

Special risks arising during the production activity are inalienable conditions of the number of the professions. That is, the risks that arise or may arise when the employee performs its immediate duties, as well as the factors of productive influence that accompany any activities.

In international law, the EU legislation, as well as the legislation of Ukraine, to a certain extent, certain types of professional risks directly related to the process of production activity and can constitute a significant danger to life and health of the employee. These risks include:

1. Work with the monitors.
2. Manual loading related to risk.
3. Biological factors of influence.
4. Chemical factors of exposure and asbestos.
5. Physical factors of influence.
6. Electromagnetic waves.
7. Noise.
8. Mechanical vibration.
9. Ionizing radiation.
10. Cancerogens and mutagens.

It should be noted that the legislation of Ukraine does not provide for certain guidelines and regulations to regulate the special risks in the production.

Therefore, to understand the notion of "special risks", let's first consider the conceptual apparatus. The term "risk" comes from the Greek words "ridsikon", "ridsa", which means "rocket", "rock". According to the linguists, the etymology of the word comes from South America. It is this term that appeals to the South American peoples, implying an increased danger at sea.

In Ukrainian, "risk" means "conscious possibility of danger, a courageous, proactive act, an action with hope for success, a positive outcome; the possibility of damage or failure in any case." At the same time, this concept is not defined in all modern dictionaries of the Ukrainian language. For example, in the New Interpretative Dictionary of the Ukrainian Language there is no interpretation of either the notion "risk" nor "to risk". Although some scholars point out that the problem of risk arose in the consideration and analysis of such philosophical categories as freedom and necessity, activity, certainty and uncertainty, reliability, in the philosophical vocabulary the concept of risk, as in some modern interpretive dictionaries of the Ukrainian language, is not defined.

Risk as the legal category related to issues of responsibility, to determine the nature of the committed offense and therefore is investigated within the administrative, economic, criminal, civil law, etc.

In particular, the Law of Ukraine "On the Basic Principles of State Supervision (Control) in the Field of Economic Activity", the risk is defined as the quantitative measure of danger, taking into account the probability of negative consequences of economic activity and the possible amount of losses caused.

According to the State Standard DSTU 2293-99, the risk is treated as the probability of causing harm in the context of its severity. The international standard OHSAS 18001:2010 determines the risk as the combination of probability of occurrence of the dangerous event, or the existence of the threat of such an event, the severity of the injury, or the deterioration of health as a result of this event or the threat of such an event.

Meanwhile, it should be emphasized that in today's conditions of the social development the theory of special risks in labor relations begins to develop. Unfortunately, the norms of the national legislation, as well as the norms of international and European law do not contain a clear definition of the concept of special risks, so to address this problem we turn to the EU law.

As far as the European Union is concerned, it introduces occupational safety and health directives (BHS) on the basis of the Article 153 of the Agreement on Functioning of the European Union. European OSH Directives establish minimum standards for the workers' protection. The Member States may exceed these standards when introducing the directives but they cannot reduce existing standards. This is the Council Directive 1989/391 / EEC of 12 June 1989 on the introduction of the measures to encourage improvements in safety and health of the employees in the workplace (commonly referred to as the "Framework Directive"), stating that there is no justified possibility to reduce existing levels of protection in the specific Member States.

The EU legislation has established the homogeneous system of basic principles for the occupational safety management, being mandatory in all EU member states. Previously, each state had its own system of labor protection regulations. The common principles were introduced by the

Directive 1989/391 / EEC. Subsequently, they were identified by the nineteen separate directives or subsidiary directives based on the Article 16 (1) of the Framework Directive. And last but not least, there are other special EU directives that are not based on the Framework Directive but have a direct and indirect impact on the OSH.

The Directive 1989/391 / EEC) is often referred to as the "Framework Directive" and the "Basic Law" on occupational safety and health in the EU.

It has established the risk assessment tool in the European labor legislation as the revolutionary principle for legal systems and labor protection management systems in many countries. Instead of just sticking to the rules and limits, the employers can decide on improvement measures that best fit the company's risk profile. The Framework Directive can thus be considered an important step for the implementation of preventive measures at the workplace and the introduction of professional methods for assessing safety and health at work.

To prevent accidents at work, the employers should carry out risk and safety assessments, as well as take protective measures and, if necessary, apply protective equipment. It is desirable that the risk assessment is carried out at least annually, or every time there is the change in the production, for example, through the introduction of new work equipment or procedures or the use of a new chemical substance or preparation.

The risk assessment, as above mentioned, is the legal obligation in Europe, but it is also a good practice that contributes to increasing the competitiveness and efficiency of the companies. Risk assessment is the dynamic process that allows companies and organizations to implement active risk management policies. Consequently, risk assessment is the basis for the implementation of appropriate preventive measures and in accordance with the Directive; it should be the starting point for any safety and health management system. The system of labor protection management should be integrated into the management system of the company. It aims to develop and implement the company's occupational safety and health policy and manage its work safety risks. Risk assessment is an integral part of risk management for occupational safety and health.

Important concepts in risk management are the notion of danger and risk.

*Danger* is a source, situation and/or action that can potentially damage because of the injury and/or deterioration of human health. Thus, danger can be present at any workplace and can result in injury to the employees, either an industrial accident or occupational disease. Examples of physical danger include work on the stairs, handling chemicals or walking on wet floors. Examples of psychosocial dangers include work content, work insecurity, isolation, intimidation, or harassment, as the health of the employees is influenced by their perceptions and organization of work, as well as other related factors.

*Risk* is the combination of the probability of the dangerous event or the impact and severity of an injury or illness to be caused by an event or exposure.

From the psychosocial point of view, the risk is defined as the probability that psychosocial factors have dangerous effect on the health of the employees through their perception, as well as the severity of the illness that may be caused by the factor of influence.

Another important concept for risk management is the acceptability of risks. According to BS OHSAS 18001, acceptable risk is a risk that has been reduced to a level that an organization can allow based on its legal obligations and its occupational safety and health policy.

The EU has a legal obligation against the employees to make "an assessment of the risks to safety and health at work, including the groups of the employees who are at risk" (Framework Directive 89/391/EEC). Therefore, the whole process must be documented. The documentation should provide an overview of the identified hazards, relevant risks, and implement the following security controls. Namely, it should include the following items: estimated work/activity; employees at risk; a list of professional risks and dangers, the probability of causing harm; severity of harm; the level of risk and their acceptability or control. See, for example, the "Risk Assessment Table" from OSHA.

The European legislative framework on occupational safety and health is more targeted and therefore requires high standards of occupational safety management in the company in order to achieve the goals and obligations set out in various provisions. The guiding principle of the target orientation is laid down in the Article 6 of the Directive 89/391 EEC, obliging the employer to constantly guarantee higher level of health and safety protection of the employees and seek to continually improve working conditions. In this context, the employers should be aware of the latest developments and current advances in science and technology, for use at the workplace. They must also develop provisions on occupational safety and health in order to avoid accidents at work.

The Framework Directive defines a set of measures that the employer must take to ensure his legal responsibility for the safety and health of the employee. The most important of them are:

- To carry out risk assessments for health and safety at the employer's workplaces and to formulate the accounting records. This includes the obligation to implement preventive measures based on the results of risk assessment, in accordance with the prevention principles specified in the Art. 6 of the Framework Directive, and the methodology of GPB risk assessment;
- to inform the employees about the safety and health risks, as well as adequate protective and preventive measures (Article 10);

- to provide the necessary safety and health measures and ensure that each employee undergoes training in accordance with the rules set out in the Article 12, stating that training should be carried out in recruitment, in the event of transfer or change of work, installing new work equipment or changing equipment in the event of the introduction of any new technology. Also, such measures can be repeated in case of need;
- to take emergency response measures (including evacuation procedures, fire extinguishing and medical services, article 8);
- to consult employees and their representatives and allow them to participate in the decision-making process on occupational safety and health, as provided for in the EU directives;
- to ensure the protection of the employees' health in accordance with the national legislation (article 14).

However, the employer may create an appropriate department in his work or use other experts to comply with the rules: article 7 of the Directive 89/391 EEC allows the employers to delegate their responsibilities in the field of hygiene and safety to their employees or external service providers under certain restrictions. They may appoint one or more employees to perform work related to the protection of the employees and the prevention of occupational risks (Article 7, No. 1) and they may enter into contracts with competent external service providers if such measures cannot be performed by their own personnel (Article 7 No. 3).

In any case, the employer must ensure that the designated employees or service providers have the necessary capabilities, resources, expertise and information to successfully organize and implement identified prevention measures. If the employer does not comply with these provisions, you can accuse him/her of organizational negligence. These charges are dealt with in accordance with the national legislation in criminal or civil proceedings.

At the EU level, there are no fixed rules on how to carry out risk assessments. However, there are two principles that should always be taken into account when carrying out risk assessments:

- structuring the assessment of specific risks in order to address all relevant dangers and risks (for example, disregarding such tasks as cleaning that may occur outside normal working hours or supporting stages of work, such as waste compaction);
- when there is a particular risk at the workplace, start the assessment from the first principles, asking if risk can be eliminated.

The European risk assessment manual proposes an approach based on several different phases. This is not the only way to assess risk, there are many methodologies to achieve the same goal. There is no single "correct" method of risk assessment, and different approaches can work in different circumstances.

For most enterprises, especially small and medium-sized enterprises, the easiest is the five-step approach (including risk management elements), such as presented below.

Step 1. Identification of dangers and risks

Step 2. Assessment and definition of risk priorities

Step 3. Determination of preventive measures

Step 4. Taking measures

Step 5. Monitoring and review

However, it's important to know that there are other methods that work well, especially for more complex risks and circumstances. The approach to the evaluation to be used depends on:

- nature of the workplace (for example, fixed production or mobile);
- type of the process (for example, the re-operations, process development / change, work on order);
- performance of the task (for example, recurring, accidental or high risk);
- technical complexity.

In some cases, it may be advisable to carry out one operation that covers all risks at the workplace. In other cases, different approaches may be suitable for different parts of the workplace.

Proper risk assessment is the guarantee of the safety and health of the employees in the workplace. However, risk assessment can be a rather challenging task, especially for micro and small enterprises (MSMs) that may lack resources, as well as knowledge and skills on occupational safety and health for effective use.

Therefore, the European Union, namely the European Agency for Safety and Health (EU-OSHA), launched the Internet Risk Assessment Service in the EU - **OiRA - Online interactive Risk Assessment**. It is a web platform that allows you to create tools for assessing sectoral risk in any easy and standardized way. The relevant service is supported by the European Agency for Safety and Health at Work (EU-OSHA) and is based on the Dutch RI & E risk assessment tool.

### **Conclusions.**

The importance of improving the regulatory framework in order to improve the effectiveness of the systems for assessing working conditions and improving the health of the employees, identifying and assessing occupational risks and managing them, stimulating the employer to replace jobs with harmful working conditions, adopting new norms and rules and amending current norms and rules in the field of labor protection, their harmonization with international and European norms, should become one of the main directions of restructuring of labor legislation in Ukraine.

In Ukrainian legislation, the notion "professional risk" applies only in the aspect of compulsory state social insurance. As you know, for the

purposes of this insurance, the overall, integral indicator of occupational risk, taken into account the level of occupational injuries, occupational disease and the cost of providing insurance for the types of economic activity of the insurer, matters.

Based on the terminology of the relevant normative legal acts, Ukrainian legislation is subject to the assessment, in relation to the economic activity of the particular employer, to particular production environment and process of labor, and not to particular risks that endanger the safety and health of the employee. The assessment takes into account the compulsory social insurance, without appropriately specifying the real risks and dangers in relation to the working environment of the particular employer. This approach was probably due to the fact that, to date, the labor protection system in Ukraine was mainly aimed at identifying harmful or hazardous production factors to provide employees with guarantees and compensations, and in the norms of the legal institute of labor protection was expressed more to compensatory orientation. Hence the tradition to consider special risks mainly from the position of compulsory social insurance.

On the contrary, in the EU countries there is narrow understanding of the particular risk from the point of view of ensuring security in specific production conditions. Provision of safety and health protection of the employees in the process of production activity due to the specific direction of legal regulation in the EU countries and is associated with the assessment of occupational risks and the prevention of dangers (prevailing preventive trend). This focus is on protecting the health of the employees during work, playing the significant role in preventing the occurrence of special risks directly by the employer. This logic of understanding the particular risk allows us to develop and implement methods for assessing the risks and dangers of different order (including psychophysiological), and to prevent risks, taking into account the individual characteristics of a specific person at the workplace.

Therefore, it is necessary to develop and adopt a bill describing the measurement of labor legislation in terms of regulating the rights and obligations of the subjects of labor relations in the field of assessment and management of occupational risks, the introduction of procedures for the identification and assessment of occupational risks and the management of occupational risks. The content of the bill specifies the procedures (the procedure for assessing the level of special risk, the features of danger identification, the procedure and conditions for the implementation of internal control (self-control) compliance with labor legislation and other regulatory legal acts that contain norms of labor law, and the results of its application, etc.) to be regulated to a greater extent in a centralized manner at the general state level.

Also, it is necessary to significantly update the legal regulation in terms of regulating the procedures and peculiarities of identifying the "dangers",

the concepts of which are enshrined in the EU legislation. It is necessary to define the legal consequences of non-implementation of the procedure for assessing the level of specific risks, determine the frequency of such assessment, and the possibility of developing the on-line platform for such assessment.

At the same time, we hope that the relevant changes will solve one more urgent problem in regulating the protection of professional health, namely the question of accounting in the process of assessing the special risks and dangers of psychological and social nature.

Currently, at the national level, the need to protect against psychological risks and violence at work is not mentioned either in the normative documents or in government programs or in recommendations addressed to the social partners. The national legal structure of labor protection is not adapted for its application in order to protect the employee from the risks and dangers of psychical, physiological and social nature. The psychological risks at the workplace in national legislation are not considered as the factors that are subject to special assessment of working conditions. It would seem that the stress factor of the labor process, for which changes in the sensory loading of the central nervous system and the senses of an employee are studied, may also cover the external aggressive verbal or nonverbal impact on the employee from the others. However, this factor is measured only with respect to those categories of the employees whose labor function includes dispatching production processes, driving vehicles, servicing the production processes of the conveyor type or associated with the long-term operation of optical devices.

The legislation of Ukraine does not provide every employee with the right to fair working conditions, without providing real opportunities to protect the employee from psychological violence at the workplace, and without guaranteeing him preventive measures for assessing special risks. Meanwhile, the inclusion of psychological and physiological risks to the system of professional risks and their assessment has already become world and European practice. Thus, the European Social Charter, article 26, part 2, obliges to create conditions for preventing harassment in the workplace of any kind, as well as to protect employees from psychological risks and psychological violence.

In the near future, we would like to emphasize that the European Directive 89/391/EEC does not distinguish between physical and mental health in the prevention of occupational risks. Such interpretation is the basis for the modernization of national labor and labor laws in different countries in terms of the inclusion of the factors of protection against psychological risks and moral persecution in the field of labor protection.

Summing up, it should be noted that monetary compensation cannot be considered the satisfactory way of preventing special risk. Consequently, if the main objective of the new concept of occupational safety is to prevent

occupational morbidity and to ensure the well-being and health of workers the employees, then the legal rules that contrasted sharply with the stated objectives should be changed accordingly. Otherwise, the reform may not achieve those goals that already exist in the European law.

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## **The Prospects for Improving Information Legislation on the Use of the Internet Network Within a Context of Eurointegration**

The peculiarities of the current stage of civilization are associated with the application of information technologies and communications in many spheres of public life: Internet access became available, social networks are expanding and artificial intelligence technologies are developing. The need for the formation of an information society and a complete entry into the world of information space is recognized at the state level and is a priority of the state information policy for the majority of developed countries of the world. It should be acknowledged, that with the appearance and establishment of the Internet as a particular network, there appeared a new group of rights related to their use on the Internet, so-called information rights. Despite their legal consolidation at the UN level, the dispute over the appropriateness of their selection is unclear and is still unanswered. Accordingly, a new category of information rights still requires both scientific substantiation and legal regulation of relevant information legal relationships. Therefore, increased interest may be observed among the specialists in the field of information law, information society, information networks, artificial intelligence, information rights and, accordingly, the main directions of the formation of the information society in Ukraine.

It should be noted, that of great interest are the best practices of international experts in this field, among them are: Barry M. Leiner, Vinton G. Cerf, David D. Clark, Robert E. Kahn, Leonard Kleinrock, Daniel C. Lynch, Jon Postel, Larry G. Roberts, Stephen Wolf, as information challenges and cybersecurity cannot be regulated only at the national or European level; it requires global links and international standards and regulations. However, the legal regulation of the Internet use are not given proper attention, as the development of the information society not only offers enormous opportunities, but at the same time creates very serious challenges and threats in the context of European integration.

*Thus, the subject of the study is the analysis of the prospects for improving the information legislation related to the use of the Internet within the context of Ukraine's European aspirations.*

In particular, according to experts, “the following problems in the area of the creation, dissemination and use of information require solution: the formation of legal conditions for ensuring pluralism, transparency and impartiality of the media; the normalization of activities for the dissemination of information on the Internet; improvement of protection of intellectual property in the conditions of Internet technologies distribution; improvement of legal requirements for the observance of professional ethical standards by

journalists; consistency of terminology in information legislation, etc.” [1]. Particular attention will be paid to the development and regulation of the network society, information culture and the information society within the context of the rapid development of artificial intelligence.

Within the context of European integration, the issue of the compliance of those reforms in Ukraine to the requirements set forth in the Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their member states, on the other hand, is very pressing [2]. Thus, Art. 7 of the Association Agreements states that the parties should deepen their dialogue and cooperation and promote gradual convergence in the field of foreign and security policy, including the Common Security and Defense Policy (SPDP), and, in particular, to consider conflict prevention and crisis management, regional stability, disarmament, non-proliferation, arms control and arms exports, as well as improving the mutually beneficial dialogue in the space sector.

Such cooperation will be based on shared values and shared interests and will focus on enhancing political convergence and effectiveness and promoting joint political planning. To this effect, the Parties will use bilateral, international and regional forums [2].

The necessity of the establishment of the information-oriented society and the full entry into the world information space is recognized at the state level and is a priority of the state information policy, but the answers to the above-mentioned challenges have not yet been formed. Therefore, increased interest may be observed among the specialists in the field of information society within the context of the use of the Internet, social networks, and, correspondingly, the formation of the concept of a network society, aspects of responsibility for violations in this field.

Thus, for example, some authors claim, that the access to the Internet is one of the basic rights of the person in the 21<sup>st</sup> century, while others are of the opinion, that such an access to the Internet provokes various processes that breach the security and stability in the society. Thus, for example, Vinton G. Cerf in a publication in New York Newspaper Times states, that ‘it is no surprise, then, that the protests have raised questions about whether Internet access is or should be a civil or human right. The issue is particularly acute in countries whose governments clamped down on Internet access in an attempt to quell the protesters. In June, citing the uprisings in the Middle East and North Africa, a report by the United Nations’ special rapporteur went so far as to declare that the Internet had “become an indispensable tool for realizing a range of human rights.” Over the past few years, courts and parliaments in countries like France and Estonia have pronounced Internet access a human right [3].

On July 6, 2012, at the 20<sup>th</sup> session of the UN Human Rights Committee, a Resolution on the Promotion, Protection, and Enjoyment of Human Rights on the Internet was adopted. The Human Rights Committee clearly stated in

the text of the document that all rights belonging to people “offline” should be protected in an online mode. In particular, this concerns the right to freedom of expression. According to the position of the Committee, the right to freely express their ideas and views must be protected without interference in any way. Thus, any media and any technical means can be used, and this is a guarantee of Article 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The Committee called on the member states to maximize the promotion and improvement of Internet access and the introduction of special procedures for monitoring the observance of human rights on the Internet [4].

In fact, currently “the Internet has revolutionized the computer and communications world like nothing before. The invention of the telegraph, telephone, radio, and computer set the stage for this unprecedented integration of capabilities. The Internet is at once a worldwide broadcasting capability, a mechanism for information dissemination, and a medium for collaboration and interaction between individuals and their computers without regard for geographic location. The Internet represents one of the most successful examples of the benefits of sustained investment and commitment to research and development of information infrastructure. Beginning with the early research in packet switching, the government, industry and academia have been partners in evolving and deploying this exciting new technology. Today, terms like “bleiner@computer.org” and “http://www.acm.org” trip lightly off the tongue of the random person on the street [5].

The main feature of a democratic society and a rule of law is not only the declaration of various rights and freedoms of man and citizen, but, above all, their free and effective use. Modern development of social relations in Ukraine is carried out in the conditions of proclamation of the course for integration into the European Union, which promotes systematic reform of all branches of law. Human rights are at the core of all transformations being not something secondary or minor in the implementation of these transformations. A special place in the system of these reforms is the right to know, because its actual implementation and provision in the state contributes to a fundamental revision of relations between public authorities and a particular person. The issue, which is particularly acute, is the implementation and protection of these rights prompted by the emergence of the Internet and the observance of rights on the internet.

It should be admitted that a new group of rights related to their use on the Internet has currently emerged. In the scientific community, there are relevant discussions about the appropriateness of their selection, which requires conducting scientific discussions and the formulation of the relevant categorical apparatus and the proper legal regulation of these rights in the light of EU standards.

Vinton G. Cerf arguments, however well meaning, misses a larger point: technology is an enabler of rights, not a right itself. There is a high bar for something to be considered a human right. Loosely put, it must be among the things we as humans need in order to lead healthy, meaningful lives, like freedom from torture or freedom of conscience. It is a mistake to place any particular technology in this exalted category, since over time we will end up valuing the wrong things. For example, at one time if you didn't have a horse it was hard to make a living. But the important right in that case was the right to make a living, not the right to a horse. Today, if I were granted a right to have a horse, I'm not sure where I would put it [3].

At the same time he states clearly, that "The best way to characterize human rights is to identify the outcomes that we are trying to ensure. These include critical freedoms like freedom of speech and freedom of access to information – and those are not necessarily bound to any particular technology at any particular time. Indeed, even the United Nations report, which was widely hailed as declaring Internet access a human right, acknowledged that the Internet was valuable as a means to an end, not as an end in itself [3]. At the same time, we favor the position that the Internet was valuable as a means to an end, not as an end in itself.

There are certain barriers in Ukraine regarding widespread use of the Internet: low coverage, low media literacy, financial standing of consumers, mentality of certain groups of the population, etc. At the same time it is possible to state that every year the use of the Internet will become more encompassing both in Ukraine and in the world. Today, 25.59 million of Ukrainians use the Internet, accounting for 58% of the country's population. Such information was released by the "We are social" international agency, which specializes on media research, in the "Digital in 2018" report, as informed by the "Economichna Pravda."

With the development of information technologies, the modern world, Ukraine inclusive, entered the era of information threats, cyberattacks and, correspondingly, information wars. Separate information wars can be much more effective than ordinary land-based with the use of people, territory, and weapons, as they cause damage to indeterminate territories through the use of information capabilities. In addition, the issue of counteraction is complicated by the fact, that the legal regulation of the international information exchanges and information systems functioning in Ukraine is virtually absent, the most striking example of which is the Internet and the lack of a concept of mass media on the Internet, which makes it impossible to verify the information that spreads there and creates prerequisites for the use of Internet media for destructive purposes [6].

Today it is clear that the development of Ukrainian legislation should increasingly take into account the need to develop cybernetic strategies that must play a key role in protecting computer systems. One must understand the fact that now the defeat of computer systems with viral technology can be

expected not only from countries with strong military capabilities, but also from smaller countries, which aim to actively develop cybernetic systems.

However, the basic fact that these threats exist, does not raise the question of the expediency or inappropriate use of the Internet. So, according to researchers, “Internet today is a widespread information infrastructure, the initial prototype of which is often called the National (or Global or Galactic) Information Infrastructure. Its history is complex and involves many aspects – technological, organizational, and communal. And its influence reaches not only to the technical fields of computer communications but throughout society as we move toward increasing use of online tools for accomplishing electronic commerce, information acquisition and community operations [5]. Therefore, in view of the above, it is necessary to ensure proper legal regulation of Internet protection and counteraction to information threats in accordance with EU international legal standards.

An important trend in world development is the growing role of humanitarian security, as it is an integral part of national and international security, and encompasses intellectual, educational, educational, mental, physical, moral, reproductive, spiritual, genetic, property, migration, cultural and ethnic security [7, p. 124]. All these threats today have become not only the subject of scientific discussions, but also an element of our information space. However, the fact of the existence of these threats does not raise the issue of expediency or inappropriate use of the Internet.

Another no less important issue of the existence of threats on the Internet is the question of the use of child pornography, which needs to be resolved at the level of world community and international legal acts. The issue of solving this issue at the level of the international community lies in the fact that there are no adopted age standards for understanding the child and other components of the phenomenon such as pornography, the limits of understanding in different types of legal systems and cultures, and others. Therefore, it is so important to adopt a legislation on blocking and filtering the illegal content on the Internet related to the protection of the rights of children, personal data, the fight against terrorism [7], which are in line with the basic standards of the Council of Europe and the practice of the European Court of Human Rights.

A separate aspect of the problem is the rapid development of artificial intelligence, as one of the characteristics of the “fourth industrial revolution”, which in the long run may pose a certain threat to humanity. It was described in an interesting way in the work by Yuval Noah Harari, “Sapiens: Brief History of Humanity”, stating that “artificial intelligence begins to surpass human, and although in the future there will definitely be new professions, there is no firm belief that a person will cope with them better than a computer.” “The new generation will face the consequences of this technological evolution. Most of the knowledge that children now receive at

school is likely to be useless when they are 40-50. If they want to continue to work, they will have to re-learn the world all the time, keep opening new opportunities, and respond to changes faster and faster” [10].

Experts say that technological innovations are quickly penetrating all spheres of life, and time is becoming the most expensive economic resource. As a result, employers are increasingly demanding to prepare candidates for employment. In response, the educational market offers more and more short-term courses and programs, including online ones. So, what can we do with traditional university studies, designed for several years? Competition and technology development are accelerating at such a pace that it becomes virtually impossible to determine in advance the set of knowledge necessary for years to come. According to the World Bank (2016), 65% of today’s elementary school students will work on tasks that do not exist at all. Thus, investing in highly specialized education becomes a kind of buying a cat in a bag. Knowledge is outdated faster than getting into the textbook. Google will always know more and all of its information is accessible to everyone at any time. Then who, what and how should teach? There arises a question if the university education is currently necessary at all. It seems that its traditional forms are becoming obsolete [11].

At the same time, the issue of the use of information networks and technologies in the educational sphere deserves special attention, because today researchers leave the issue of using new achievements of the information society in the higher education system out of consideration. It’s true that currently hundreds of training platforms and online courses are freely available. The world-famous Coursera platform, which cooperates with universities from around the world, delivers courses at educational institutions through the use of online technologies. In Ukraine, online platforms such as Prometheus, EdEra (Education Era) are actively developing, seeking to make quality and affordable education in Ukraine. These are public projects of Massive open online courses, which were created in cooperation with the educators of the best universities of Ukraine. Users who successfully complete all intermediate and final assignments will be able to receive a certificate of the course completion signed by the teacher. The British Council also created a series of free online courses (MOOC) to improve their English, improve their knowledge of a wide range of subjects and communicate with students from around the world. Of importance is the implementation of the “Civic Education and Electronic Democracy in Educational Institutions” projects, etc.

Consequently, the future of the Ukrainian education should take into account the opportunities provided by the information society and information technologies and their use in educational practice. It should be noted, artificial intelligence brings benefits to the society and is widely used in the EU, and the educational sphere is no exception. For example, “Finland was the first in the European Union to publish official strategies for the

development of artificial intelligence technologies. Six months after the publication, the government acknowledged that at least 1 million of the citizens would have to master the skills of working with machine learning. One million is about a quarter of the adult population in Finland” [12].

Experts admit that the rapid development of the network society has caused the emergence of new challenges associated with the Internet. Network society is a new evolutionary type of society, which, in its turn, is at the same time a social structure that characterizes the information age of social development and corresponding communications. Network society is a society above informational, because, apart from all the signs of information, it is distinguished by the clustering of a group of users according to certain criteria, and obtaining on their basis certain not only informational but also economic, political, cultural and other advantages. Within the framework of this society, network communication is gaining popularity, including the marked increase in the number of social Internet networks. These networks serve as a tool by which a large number of users of the global network receive additional communication opportunities.

The basis for the formation of a network society was the development of social networks in the cyberspace, which, with the help of the proposed algorithms, determine common interests, search and actually form a closed and interesting world for a particular person: from his interests in books, ending with privileges in communicating with those or other persons for professional and other features. Within these networks a person receives a new real life with real privileges and advantages over others – not members of a specific network. The tendency of people to more open communication in the virtual space is used by programmers, which allows using various scripts, phishing and other programs to create a psychological and intellectual portrait of a particular person in a matter of seconds. The attractiveness of such networks is also explained by the fact that predetermined errors in the search engines of networks constitute a new discovery for people who, for the most part, perceive it as their own choice and actually begin to think and choose the algorithm developed within the network.

The mind games and the actual impact on it in such networks has an indirect nature, since the events themselves are not perceived and are not initially the result of strictly determined causes, but they produce a tangible effect: a person who has problems with communication in real life, basically gets a new life through the social network and various contact search programs in the virtual world. The insufficiency at this stage of the statistical material, as well as a large array of probabilistic solutions, makes it possible to put forward scientific hypotheses. Over time our provisions will become more argumentative, first of all, from the scientific perspective, due to their variety in practice [13, p. 81].

The key to the structure of social networks is that they need to analyze not the connections between the network nodes, but the properties of the

relationship between the participants in the network. The use of commonplace methods of information modeling, in particular the method of graphs, does not allow to analyze heterogeneous and in part multiclass samples of nodes associated with different types of connections. A characteristic feature of the social network is not only the source of information, but also knowledge of methods that can explore these unknowns. In real social networks, the uncertainty of information is immanent, which explains the need for the application of the synergy provisions to the study of network societies.

The network society contains a lot of threats to the state, therefore, knowledge of the methodology of structure, basic concepts and axiomatic probabilities of detecting destructive links will be a guarantee of the implementation of state policy information in the XXI-st century. According to the author, the legal regulation of the development of a single information space in the conditions of the development of a network society should promote the harmonious development of information resources, information services and means of information production in the country in the process of its movement to the information society and the elimination of information threats [13, p. 82].

The term “fourth industrial revolution” emerged due to the well-known Swiss economist Klaus Martin Schwab after his publication in the *Foreign Affairs* journal (also called modern “Capitalist Manifesto”). He offers to call the fourth industrial revolution as digital, because its distinctive feature is the eradication of differences between the physical, digital and biological spheres [9]. Such changes brought about a number of new challenges that require immediate response in compliance with the Council of Europe's core standards and the practice of the European Court of Human Rights. Of particular urgency is the issue of improving the software activities of the main state institutions, organizations and enterprises. To overcome such negative developments we should – as it is stated in the Resolution of the 7<sup>th</sup> Ukrainian Internet Governance Forum of October 14, 2016 – implement programs on increasing media literacy, professional standards of online journalism, continuing reforms on transparency of ownership, avoiding concentration on the media market and the independence of media editorial policy from the influence of political and financial oligarchic circles [10]. The above-stated simultaneously suggests the need for adoption of normative legal acts, which would provide for a mechanism for protecting citizens' information rights from unlawful actions of third parties with regard to information and limiting its impact on individuals, the Internet network inclusive.

It is clear at present that neither states, nor other world professional institutions can independently fight in full with the challenges that have arisen in connection with the expansion of the Internet. These include the following: challenges for cybercrime, copyright protection in the network, the spread of child pornography, hacking in the economic and political spheres,

evidencing the need for consolidation of states and civil society in seeking solutions to these challenges and developing international standards in this sphere.

Another aspect while using the Internet is the need to create an appropriate level of information culture and information policy of Ukraine in foreign markets. The development of information and legal culture as paradigmatic roadmap of the state information policy of Ukraine “presents the concept foundation of information and legal culture, which can be presented through an integrated approach, which she considered not only as an original mix of values, attitudes, norms, habits, traditions, behaviors, rituals, but as an information environment in general, inherent in his style of relationships and behavior. Information and legal culture in the present situation can be interpreted as a coherent system of organizational and functional, informational, technological and informal interpersonal relationships formed at a certain level of development of the information society and information knowledge, at some stage of the successful implementation of the state information policy.

The main purpose of information and legal culture is to create a sense of identity of all actors of the global information society, a new information image of the global community that crosses political preferences, national and other borders. Information and legal culture is a kind of new “we” of modern civilization, which, due to the increased impact of transnational corporations on national economies, loses sovereignty partly through the activities of numerous financial international institutions, agents of influence, and fulfills a new epoch-making role - the formation of a new stratum of society.

The new information and legal culture should become an element of the general informational culture of a certain individual, an information society, a state. It should lay the foundation for the formation of a mechanism for legal regulation of state information policy, serve as a moral benchmark for the formation of information legislation, and act as a measure of expediency of information activities of a person in the information environment.

The current attitude to information analytics in our country needs to be reconsidered. There is an urgent need to form such analytical schools that could not only interfere with the rapid implementation of day-to-day analysis of events, but also go to the strategic level and form the long-term prospects for the development of our country through the gradual implementation of a well-considered and effective state information policy.

Therefore, the author believes that there is a need to rebuild the system of informational education, directing it, first of all, in a practical way, increasing the level of intervention of applied methods to formalized theories, which in part cannot be applied in practice. Symbiosis of practical methods and theoretical work is intended to overcome artificially created information deficiency, constantly present in the field of information policy. After all, the

time of application of only theoretical work has long passed, and only those who managed to successfully combine practice with the theoretical assets in information activities now discover the information advantage in the public policy.

However, recent developments in information technology cannot be applied in all spheres of public life. So, for example, the society is actively discussing the innovations in China with regard to the formation of a “Draft plan for the creation of a system of social credit trust”, which lies in the fact that as a result of the analysis, each citizen of China will be assigned a rating of trust, and “in 2020, the Chinese government will check the reliability of all the citizens of the country. The ranking will affect the chances of getting a loan, getting a job, sending children to school, and even getting on a date. The government of the country wants to monitor every step of the people of the People’s Republic of China, and most importantly – to evaluate it: what you buy or sell in online shops, where you were at a specific time, who you have as your friends and how you communicate with your friends, how much time you spend on video games and on viewing different content, what bills and taxes you pay [14].

In many countries of the world, there is a consensus that the development of artificial intelligence is threatening both civil society and the individual, in particular. Thus, the President of France, Emmanuel Macron, said “If we want to protect our approach to privacy, our collective desire for personal freedom against technological progress, human integrity and human DNA, if we want to have our own social choice, the choice of civilization, we must become an active part of the artificial revolution intelligence”, adding that he would “determine the debate at the global level.”

A similar signal came from Brussels when the European Commission introduced a strategy for artificial intelligence. The European Commission’s strategy has three main objectives. The first one is the intensification of the technological and production capabilities of the EU with the use of artificial intelligence in various spheres of the economy. The secondly is to provide “proper ethical and legal framework” based on the values of the EU. The third is to prepare for socioeconomic changes. The document states that artificial intelligence must respect the values and fundamental rights of the EU, as well as ethical principles, namely, responsibility and transparency [15].

For example, the European Union is testing a system of artificial intelligence, called iBorderCtrl, which will detect a lie among people crossing the borders of Hungary, Latvia and Greece [16].

The powerful development of artificial intelligence technology, stable neural networks and cloud computing infrastructures, fuzzy systems technologies, entropy control, Swarm Intelligence, evolutionary calculations, etc. led to the adoption by the European Parliament of Resolution of February 16, 2017 with proposals to the European Commission regarding the norms of

civil law in the field of robotics that regulate their production, use, autonomy and impact on society in 2016 (2015/2013INL) [17].

There is a discussion among Western scholars, if a machine can think, decide and act on its own volition, if it can be harmed or held responsible for its actions, should we stop treating it like property and start treating it more like a person with rights?

What if a robot achieves true self-awareness? Should it have equal rights with us and the same protection under the law, or at least something similar? These are some of the issues being discussed by the European Parliament's Committee on Legal Affairs. Last year it released a draft report and motion calling for a set of civil law rules on robotics regulating their manufacture, use, autonomy and impact upon society. Of the legal solutions proposed, perhaps most interesting was the suggestion of creating a legal status of "electronic persons" for the most sophisticated robots [18].

Recently, the European Parliament passed the Resolution "Civil Law Standards on Robotics." The paper, which consists of over hundreds of points, covers a wide variety of aspects and problems of robotics and artificial intelligence. In particular, it offers to consolidate the legal framework for the use of artificial intelligence and the introduction of a pan-European system for the registration of "smart" machines. According to the parliamentary plan, individual robot categories should be assigned an individual registration number, which will be entered in a special register, where it will be possible to find detailed information about the work, including data on the manufacturer, owner and terms of compensation in case of damage. A specialized agency on robotics should deal with the support of the artificial intelligence system and its control; it could also take on other aspects of regulation in this field.

In addition, it was justly noted in the European Parliament that one of the fastest-growing spheres is the robotization of the human body, which leads to an increase of our dependence on gadgets. Leading European countries are ready to legally recognize the software as the author of the work and to place artificial intelligence on one level with the human one. But the Ukrainian legislation does not yet regulate the legal basis for the use of works created without the participation of a person and the author recognizes only the work done by a natural person. However, Ukrainian scholars are convinced that the future of artificial intelligence and the digital environment will soon change the intellectual property right [19].

Oleh Zayarny told about the legal limits of the use of artificial intelligence in health care. In Ukraine, according to Oleh Zayarny, there are problems with the use of artificial intelligence in health care. For example, IBM has already developed a Watson computer that has been tested to identify cancerous tumors, offer recommendations to fight them and determine the stage of the disease. The computer analyzed 16 billion pages of

patients' case histories, after which it was used to provide recommendations for the detection of cancer at the early stages, where it exceeded by several percent the effectiveness of diagnosing the diseases by doctors, whose case histories of patients were analyzed. As these technologies began to be implemented into the medical practice, the countries worldwide and the WHO faced a question: who will bear responsibility in the event of harm to the patient, a medical institution or a doctor, and what is the effect of the patient's fault on these processes?

The American officials have already started to address the above-mentioned questions. At present, 2 bills have been submitted to the US Senate, which propose to separately determine the responsibility of the appropriate medical institution to warn the patient about the use of artificial intelligence technology, to determine the essential conditions for the provision of medical services with the use of appropriate technologies, as well as to establish a requirement for any health care institution, the state body to obtain consent for the processing of personal data contained in the case history, medical images, clinical trials with the purpose of providing the medical aid or improvement of artificial intelligence technologies [20]. In this regard, O. Zayarny noted that due to the adaptation of the Ukrainian legal framework to the EU legislation, the issue of applying artificial intelligence technologies should be resolved. Moreover, it should be done prior to the appearance of these technologies in private or public clinics in Ukraine. It is necessary that the Ukrainian legislation further establish specific sole prohibitions on the use of artificial intelligence technologies and the responsibility of both the manufacturer and the medical institution and the patient along with the obligatory medical insurance of life and health of the last of the subjects of medical legal relations. [20]

So, as we see the need for proper legal regulation of the use of artificial intelligence is not just a distant prospect, but a necessity dictated by: urgent needs and new social challenges that put artificial intelligence to society as well as international standards and international legal obligations of Ukraine in the context of integration into the EU.

A separate issue of this study is the use of Internet technologies in electoral processes. This issue is of particular relevance at the time of writing this article, which is January 2019, within the context of the election of the President of Ukraine, which is to be held in March 2019 and, later, the Parliament. "Provocative fakes" are occasionally thrown into the information environment (false photos or videos, news that are presented as reality), exacerbating certain conflicts and disputes and relations between states, while there are no countermeasure and control mechanisms.

According to K. G. Brzchuk, the main task of such fakes is "the misinformation of the society, herewith not only of the state against which the fake is directed, but also of other states. As a result, people, perceiving these fakes, form a false idea about a particular event or phenomenon. It became

apparent that earlier the Internet has had a predominantly information component until recently, while now campaign and propaganda sector, which has a pronounced aggressiveness, is gathering momentum. Traditional mass media are increasingly co-working with Internet resources as sources of information and means of influencing mass consciousness. Information in the Internet network is becoming more and more popular, is rapidly spreading and gaining public significance [21].

President of “Borysfen Intel” Victor Hvozd at the 28th Economic Forum in Krynica Zdrój, Poland, 5 September, 2018 said «transformation of a unipolar model of a world order, led by the United States, which arose after the collapse of the USSR, into a new multipolar system with a few centers of power of different levels. The result of such changes was the emergence of new players in the world arena with their interests and lines of confrontation between them, which has made the world more rigid and unpredictable.

In turn, this has led to an escalation of confrontation in cyberspace, which is becoming global and can be compared to world wars with the use of weapons of mass destruction. Evidence of this is the spread of massive attacks on computer systems of leading and other countries with critically dangerous consequences in the main spheres of their life (including state management and military command, economy, finance, energy and transport).

Besides, the cyber-espionage, the use of cyberspace for interference with electoral and political processes, as well as massive information wars on the Internet are gaining momentum” [22].

Thus, in his opinion, taking into consideration the strategic goals and interests of these subjects, we can identify the main lines of confrontation in cyberspace, which reflect contradictions between them in political, economic, security and other spheres. Based on this, first of all such confrontation takes place between:

the United States and China, due to the United States’ desire to maintain its ultimate world domination;

the West and Russia, which are in fact in a state of “Cold War” as a result of actions by the USA, NATO and the EU to curb Moscow's neo-imperial policy;

the United States and their allies on the one hand and the pariah states and extremist and terrorist organizations on the other, within the framework of the USA's counteracting the proliferation of weapons of mass destruction and fight against terrorism” [22].

Therefore, most analysts agree that the issue of cybersecurity and the fight against cybercrime concerns the USA, China, EU and Russia. Thus, it seems logical that, for example, among the risks for the world this year (2019) according to Eurasia, the third place goes to “cyberwar” “without gloves.” This year, the United States will be more rigorous to implement its policy in the cyberfield, which can intensify the confrontation in this sphere” [23].

Thus, in the conditions of development of the information society and the rapid development of artificial intelligence within the context of integration into the EU and the world information space, within the context of the actualization of the world community against cybercrime, the Ukrainian society needs to form its information values, which are formed as a result of the development of the information society, information and communication technologies, the introduction of a non-paradigm of state information policy based on the formation of an appropriate system consisting of state and non-state actors of this policy, which counteracts information threats, regulates the status of artificial intelligence and ensures the formation of their own cultural information and meets the international standard in the information sphere.

We compile with the item that anyone dealing with information technology today cannot wait. They need to know right now about the legal conditions and consequences of their activities on the Internet. It is a problem for them to foresee how the issues that arise now or will arise in the process of the Internet functioning will be solved at the regulatory level in the context of harmonization of legislation with the EU norms.

Summarizing the above, the legal regulation of the development of a single information space of Ukraine should promote the harmonious development of information resources, information services and means of information production in the country in the process of its movement to the information society. Today, one of the main conditions for the development of the state is connected with overcoming the isolation of power. An ordinary citizen not only controls the government through access to information, but also takes part in the development and adoption of important decisions for the country. Communication between the citizen and the authorities should be effective and dynamic being an indicator of the democratic nature of the state. This requires the creation of appropriate online platforms on the Internet, which link state and civil society representatives to discuss issues related to the use of the Internet, the protection of the rights to freedom of speech on the Internet, intellectual property rights, etc. Such platforms can be especially useful, especially taken into account the fact that we already have relevant experience the world practice.

All of the aforementioned points simultaneously indicate the need for the adoption of normative legal acts, which would provide for a mechanism for protecting citizens' information rights the from third-party wrongful acts regarding information and limiting its impact on a person. Therefore, according to the author, it is necessary to improve the legislation of Ukraine on the legal regulation of the Internet, which is fully in line with the priority directions of the cooperation defined in the Association Agreement between Ukraine and the EU.

The proper legal and regulatory framework for network status and protection of Ukraine's information space is essential. Today, one can clearly

say that neither the state nor other world professional institutions can independently fight in full with the challenges that have arisen in connection with the expansion of the Internet without the consolidation of all interested stakeholders.

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## European Standards for the Protection of Human Security (Comparative Criminal-Legal Analysis)

The Convention of association between Ukraine and the European Union (hereinafter - the EU), is the most detailed elaborated agreement of its type, which the EU has ever concluded. It is the point of view of the Head of the European Council, Herman Van Rompuy. One of the tasks of the implementation of this Convention is to ensure that Ukraine respects common values and, in particular, in the legal field. Therefore, there are grounds for conclusion that one of the priority tasks, along with the rapprochement of Ukraine and the EU in the political and economic spheres, is the task of ensuring human security. One of the ways to ensure human security is to optimize the legislation of Ukraine in general and criminal law, in particular. Political criteria such as the stability of institutions which guarantee democracy, the rule of law, human rights and fundamental freedoms are an integral part of cooperation in the area of freedom, security and justice. Human security is a condition in which the danger and circumstances that lead to physical, mental and material damage are controlled for the sake of preserving the health and well-being of individuals and society as a whole. Security is a dynamic state that is created by human interaction with its physical, social, cultural, technological, political, economic and organizational environment. Security is the main and principal objective of the legal regulation mechanism. Practically, all the norms of all branches of the legislation of any state are aimed at ensuring a person the life when danger will not threaten his personal rights, interests, values, as well as material goods. In accordance with the Constitution of Ukraine, human security is recognized as one of the highest social values, and the establishment of guarantees of the person's realization of his rights and freedoms, both natural and acquired, is the main duty of the state. Everyone has the right, in any way not prohibited by law, to protect his or her rights against violations and unlawful encroachments. Human security, decent and safe conditions for his life are built on establishment and safeguarding of human rights and freedoms.

The concept of "human security" is used in the narrow sense also. The Constitution of Ukraine enshrines the human right to safety of life and health, safety in the process of consumption of products and the use of all types of works and services, safe working conditions, etc.

Taking into consideration the integration processes that are currently extremely active in Europe, the processes of harmonizing the legal systems of European states, which concern not only the states that joined the EU, but also those countries that just aspire to this, the process of European

globalization, we can not but turn to European norms and standards in the field of human security guarantees. Human rights and freedoms have real value only when there are real guarantees of their protection and implementation. Foreign scientists are paying attention to this issue.

In order for the rights and freedoms of the person to be real and respected in life, it is necessary not only to proclaim them, but also to provide real and effective guarantees, that is, means of protecting the right from violations, or, if the right has already been violated, to establish means of its restoration and compensation for the harm caused. Today, some authors directly point out that the source of national law, and hence criminal law, is the practice of the European Court of Human Rights, which the courts of Ukraine must apply when considering cases.

In the EU, and in separate countries, the system of guarantees of human rights and freedoms, their safe life includes three main components:

- firstly, institutional guarantees related to the functioning of bodies whose activities are aimed at the guard and protection of violated rights;
- secondly, procedural guarantees that are implemented in the fulfilment of justice, it primarily concerns the criminal process ;
- thirdly, material guarantees in the form of norms of the substantive law, which are aimed at compensation for losses and other damage caused by a violation of law.

As you know, the most socially dangerous manifestations of encroachment on human security by violating its rights and freedoms and causing socially dangerous consequences - material and moral damage, are indicated in criminal law. The very criminal legislation is designed to protect human security from the most socially dangerous encroachment.

These guarantees are general, that is, they are valid, as a rule, to all rights and freedoms, including those which in the international normative acts have not acquired the status of "basic" or "fundamental". Along with the general legal norms, special guarantees are provided for individual rights and may be of the most diverse nature (for example, the prohibition of the death penalty as a guarantee of the right to life, the prohibition of cloning of people as a guarantee of the right to integrity of a person, etc.). In a broad sense, this question was researched by E. Schmid.

Comparison of the criminal legislation of the EU member states regarding the protection of human rights makes it possible to see both the originality of the legislation of each country and to conclude its relevance to its basic standards for the protection of human rights.

The first group of EU member states include the states that were formerly part of the USSR and thus developed, like Ukraine, under the influence of the socialist legal tradition - Lithuania, Latvia, Estonia.

The second group includes the EU member states that were not part of the USSR, the so-called post-socialist countries, but which, due to historical

and political circumstances, were subjected to the influence of socialist law - Poland, Romania, the Czech Republic, Hungary, Bulgaria, Slovakia, Slovenia .

The third group includes the states that essentially formed the EU and their right has developed beyond the influence of the socialist system of law - the Federal Republic of Germany, Italy, France, the United Kingdom, the Netherlands, Belgium, Greece, Portugal, Austria, Sweden, Denmark, Ireland, Finland , Cyprus, Luxembourg, Malta. During the comparative analysis, we used only the sources that were officially published and translated into Russian by specialists in the field of criminal law, in order to avoid doubts about the authenticity of translations and to allow verification of the reliability of information. Some authors in their research are already actively using this approach. But there are still works in which comparative analysis of criminal legislation is carried out unsystematically, based on obsolete and non-relevant approaches to the allocation of separate legal systems. This, of course, does not contribute to the achievement of the goal of any native study, namely the introduction of proposals for optimizing the criminal legislation of Ukraine.

In this case, human security is considered by us in the narrow sense, and the criminal-legal characteristic of encroachments on the safety of life and health of a person is given. Encroachments on the safety of life and health of a person are divided into two groups: 1. Personal security and 2. Public (common, collective) security, which means: environmental safety, public safety, safety of production, safety of products and services, safety of mankind .

We tried to reveal the specifics of the legislation of individual EU member states, paying particular attention to those crimes against human security, the composition of which are not present in native law.

The need for a comparative study of laws and the effectiveness of their application at the present stage of society's development is caused by the process of globalization, which today affects not only economic and political processes, but also the process of lawmaking. This requires the lawyers of different countries to join efforts in developing the theoretical foundations of lawmaking, which ultimately should formulate the complex of knowledge about the effect of laws based on world legal traditions and experience of individual states. Such foreign scholars as H. Osofsky and J. McBride pointed out to this .

As V.V. Oksamytnyi indicates, this process is facilitated by a number of factors, among which the following are the main ones:

- awareness of the need to take into account the experience of different states in this field;
- development of systems of universal, regional and local international organizations with their own legislation;
- processes of rapprochement of legal systems of different countries within modern integration processes in the world;

- the need for harmonization unification of national legislation in this regard;
- the evidence of the problem of "model legislative acts" and the laws of international organizations.

Ukraine is a part of virtually all international human rights treaties of general character. The participation of our state in the Council of Europe and its aspiration to become a member of the EU, the ratification of the European Convention for the Protection of Human Rights and Fundamental Freedoms, which is part of the Lisbon Treaty (the Constitution for Europe), puts our country in an obligation to adhere to European norms in the field of human security, since practically in the constitutions of all EU countries and international normative acts a person, his life, freedom, and health are proclaimed the highest social values. But to proclaim, does not mean to protect, because, as Shuklina N.G points out, the process of constantly increasing the needs of the person moves fast enough. Keeping that in mind, taking into account all social, political, economic, environmental and other changes in the world, it is necessary to work continuously towards the development of new international legal acts protecting human rights and freedoms, which, based on existing international documents, would introduce new guarantees and principles. One of the guarantees of ensuring human rights is the establishment of criminal responsibility for violating both the personal security of a person and collective security: economic, public, safety of production, provision of services and accomplishing of works, as well as the safety of the use of transport.

Studying the norms of criminal legislation of foreign countries that are already participants in the EU will make it possible to come to conclusions concerning how native criminal law passed the European standards in the field of human security.

The Criminal Code of the Republic of Lithuania contains a separate Chapter XIX "Crimes related to danger to human health and life". This chapter consists of four articles. In Art. 142 of the Criminal Code of the Republic of Lithuania "Illegal Abortion" provides for the responsibility of an abortion physician who was entitled to this and who did so at the request of the patient, but provided that the abortion was contraindicated or that the operation was not conducted in a medical institution. This crime is punishable by public works or deprivation of the right to perform certain work or to be engaged in a particular activity, or restraint of liberty, or imprisonment for a term up to two years.

Part 2 of this article provides for the responsibility of a health specialist who, at the request of the patient, conducted this operation at a medical institution. The punishment for this act is public works or deprivation of the right to perform certain work or to be engaged in a particular activity, or restraint of liberty, or imprisonment for a term up to three years.

Part 3 of this article establishes the criminal liability of a person who was not entitled to carry out an abortion operation, but aborted the pregnancy at the request of the very woman. The punishment for this crime is arrest or imprisonment for up to four years.

In Art. 143 of the Criminal Code of the Republic of Lithuania "Forced to illegal abortion" provides for criminal liability of a person who by force of physical or mental violence forced a woman to abort illegally. This crime is punishable by public works or restraint of liberty, by arrest or by imprisonment for a term up to two years.

Comparison of the relevant norms of the Lithuanian criminal law with the norm contained in Art. 134 of the Criminal Code of Ukraine "Illegal abortion" allows to establish both common features and differences. The Criminal Code of Republic of Lithuania criminalizes a wider range of people and contains a crime that does not exist in the Criminal Code of Ukraine, namely, "Forced to illegal abortion". The Criminal Code of the Republic of Lithuania does not provide for criminal liability for the illegal abortion if the act has caused such consequences as a long-term health disorder, infertility or death of the victim. Obviously, the Lithuanian legislator believes that such consequences show not so much that the person is in a dangerous position, but about the real harm to the life or health of a woman. If we compare the sanctions, one should conclude that despite the fact that in the Criminal Code of the Republic of Lithuania, liability is established for a less socially dangerous act, it is punishable more severely. In the Criminal Code of Ukraine only in Part 2 of Art. 134 provides for a sentence of imprisonment.

The Criminal Law of the Republic of Latvia also provides for liability for the illegal abortion (Article 135), but it contains more varieties of this crime than the criminal legislation of Ukraine and the Criminal Code of the Republic of Lithuania. In Part 1 of Art. 135 provides for the responsibility for the abortion by a person who has the right to do so, but makes this abortion outside a hospital or other health care establishment or health facility, but without legal grounds. This offense is punishable by arrest or a fine with a deprivation of the right to be engaged in medical practice for a term up to five years or without it.

Part 2 of this article provides for criminal liability for abortion by a special subject - a person who does not have this right, or in unsanitary conditions. It is obvious that in this case the harm to the health of a woman becomes more real and therefore for the commission of this act provides for a more severe punishment - imprisonment for up to three years or arrest, or a fine with the deprivation of the right to be engaged in medical practice for a term up to 5 years or without it.

Part 3 of this article provides for a qualified criminal offense - illegal abortion, committed repeatedly. This act is punishable by imprisonment for up to five years with the deprivation of the right of medical practice for a term up to five years.

Illegal abortion despite the will of the pregnant woman or the one that caused the death of a pregnant woman or other grave consequences (Part 4, Article 135) imposes a sentence of imprisonment for a term of five to fifteen years with the deprivation of the right of medical practice for a term up to five years or without it.

It is obvious that the legislator of Republic of Latvia, regardless of the severity of the crime and its consequences, provides an optional additional punishment for the same term - up to five years.

If we compare the legislation of Republic of Latvia and the Criminal Code of Ukraine, one should conclude that in Latvia an abortion that caused death or other grave consequences is considered a more socially dangerous act. Neither in the Criminal Code of Ukraine nor in the Criminal Code of the Republic of Lithuania there is no liability for abortion in spite of the will of the pregnant woman.

Both in the Criminal Code of Republic of Lithuania and the Criminal Law of Republic of Latvia provides for criminal liability for coercion to abortion. But according to the Criminal Law of Republic of Latvia, criminal liability occurs in the evidence of the consequence - an abortion (Article 136 of the Criminal Law of Republic of Latvia). This offense is punishable by imprisonment for up to two years, either by arrest, or by compulsory labor, or by a fine. As it was already indicated, both in Lithuania and in Latvia criminal liability is for coercion a woman to abortion, while criminal law in our country does not provide for liability for actions of this kind.

It should be noted that in the Criminal Law of Republic of Latvia, offenses affecting personal safety of a person are not allocated in a separate chapter, but are contained in Chapter 13 of the Special Part of the Law "Criminal acts against the health of a person".

In regard to such a crime as a threat of murder, it is contained in the disposition of Art. 132 of the Criminal Law of Republic of Latvia, but according to this article criminal liability comes to pass not only for the threat of murder, but also for the threat of causing severe bodily harm. As in the Criminal Code of Ukraine (Article 129), liability arises, provided that there were real grounds to fear the implementation of this threat. The punishment for this crime is provided in the form of imprisonment for up to one year or arrest, or compulsory labor, or a fine. The qualifying signs of this crime are not provided by legislation. Almost in the same way the disposition of Art. 145 of the Criminal Code of the Republic of Lithuania was formulated, but, unlike the laws of Latvia and Ukraine, it has its own peculiarities.

In Part 1 of Art. 145 of the Criminal Code of Republic of Lithuania provides for liability for the threat of murder or serious harm to health if there were real grounds to fear the implementation of this threat. Punishment for this offense is public works, fines, or restraint of liberty, or arrest, or imprisonment for up to two years.

But in the disposition of Part 2 of this article, there is a crime that is absent both in the Criminal Code of Ukraine and in the Criminal Law of Republic of Latvia: "Anyone who has terrorized a person by threatening an explosion, arson, or committing another act that endangers life, health or property, or systematically intimidated a person, while using mental violence - punishable by imprisonment for up to four years."

And although the punishment for this crime is quite strict, in Part 3 of Art. 145 of the Criminal Code of Republic of Lithuania contains a regulation according to which the person is held liable only in the case of a victim's complaint or statement of his legal representative, or the prosecutor's request, for the acts provided for in paragraphs 1 and 2 of this article.

To the crimes that pose a threat to the personal safety of a person, the legislator of Ukraine attributes and acts, the composition of which is provided in the dispositions of Art.135 and Art. 136, similar compositions of crimes are provided for in the Criminal Law of Lithuania and Latvia.

In Art. 144 of the Criminal Code of the Republic of Lithuania "Leaving without help at the threat of human life danger" established the responsibility of the person who had the duty to take care of the victim, had the opportunity to provide first aid in case of a threat to the life of a person, but did not provide such assistance or created such a threat. This article, unlike native legislation, does not contain the types of crimes with aggravating circumstances, consists of one part and punishment for such a crime is a fine or restriction of freedom, or arrest or imprisonment for a term up to two years.

If the Criminal Code of Ukraine provides for criminal liability both for leaving in danger and for not providing assistance, the criminal law of the Republic of Lithuania establishes liability for leaving in danger, whereas in Art. 141 of the Criminal Law of Republic of Latvia "Failure to provide assistance" provides for the liability for not providing assistance to a person in a dangerous situation for life. This assistance should be necessary and urgent, in addition, the person should be able to provide such assistance without grave danger to himself or herself and others and if the failure to provide assistance caused a person's death or other grave consequences. The subject of this crime may be any person and punishment for the crime, the composition of which is provided in Part 1 of Art. 141 of the Criminal Law of the Republic of Latvia is compulsory labor or a fine.

Part 2 of this article provides for the crime with a special subject. Part 1 provides for liability for the alleged failure to provide assistance to a person in a danger to life and health and is deprived of the opportunity to apply measures for self-preservation due to juvenile, old age, illness or helplessness if the perpetrator was able to provide the victim with assistance and was obliged to take care of the victim or herself put him in a life-threatening situation.

Essentially, both the Criminal Code of Republic of Lithuania and the Criminal Law of Republic of Latvia provide for criminal liability for similar acts that endanger the life and health of a person. In the sanctions of Part 2 of Art. 141 of the Criminal Law of the Republic of Latvia provides for such penalties as deprivation of liberty for a term up to two years or arrest, or compulsory labor, or a fine. But the disposition of Art. 141 of the Criminal Law of Republic of Latvia is more descriptive, and in Art. 144 of the Criminal Code of Republic of Lithuania the features of the crime are set out more laconically. The degree of social danger of these crimes in the codes of both countries is practically the same. It should be noted that the legislation of these countries does not criminalize the failure to report that the person is in a dangerous condition, and, practically, does not allocate certain categories of victims, as it is done by the legislator in our country.

In regard to the personal security of such category of victims as children, it should be noted that in the Criminal Code of Republic of Lithuania in the Special Section provides a special chapter XXII "Crimes and criminal misconduct against the child and family". Among the crimes that endanger the safety of the child's life and health, we should consider two compositions of crimes. This act, the responsibility for which is stipulated in Art. 158 and 163 of the Criminal Code of Republic of Lithuania. These offenses correspond to Art. 137 of the Criminal Code of Ukraine "Inadequate fulfillment of duties on protection of life and health of children". In accordance with the regulation stipulated in Art. 158 of the Criminal Code of Republic of Lithuania, "Leaving, abandonment of a child", the father, mother or guardian, or other legal representative of the child who left without necessary care a juvenile child unable to take care of himself in order to get rid of him, is punishable by public works or restraint of liberty, by arrest or by imprisonment for a term up to two years.

In the disposition of Art. 163 of the Criminal Code of Republic of Lithuania provides for the crime "Abuse of parental, guardian or rights and duties of a trustee, or rights and duties of other legal representatives of a juvenile child". The subjects of this crime are parents, mothers, caretakers, guardians and other legal representatives of minors. The objective side is expressed in the use of physical or psychological violence against minors, in the cruel way of dealing with them, in leaving them for a long time without supervision. The sanctions of this article contain such penalties as fine or restriction of freedom, or arrest, or imprisonment for a term up to five years.

As far as the Criminal Law of Republic of Latvia is concerned, the special part of the criminal law also provides for a separate chapter XVII "Criminal actions against the family and juvenile children". Among crimes that impinge on the safety of the life and health of a minor, one should indicate the acts for which liability is provided for in Art. 174, "Cruelty and violence against a minor child". In the disposition of the article, there are indications of this form of crime - the brutal or violent treatment of minor children, who is

materially or otherwise dependent on the perpetrator, which caused him physical or mental suffering. This offense is punishable by imprisonment for a term up to three years, either by arrest or by compulsory labor.

Chapter XII of the Criminal Law of Republic of Latvia considers crimes that pose a danger to life and health of a person and which are associated with human immunodeficiency virus infections (Article 133) and sexually transmitted infections (Art. 134). Infection with a human immunodeficiency virus is punishable by imprisonment for a term up to eight years.

Art. 134 "Infection with venereal disease" contains two parts. A deliberate infection of a person with a sexually transmitted disease is punishable by imprisonment for a term up to two years, either by arrest or a fine (Part 1, Article 134), and intentional infection with a sexually transmitted disease of a minor child leads to a more severe punishment - imprisonment for a term up to four years. As we see, the dispositions of the relevant articles in the Criminal Law of Republic of Latvia are formulated extremely laconically. In the Criminal Code of Ukraine, the dispositions of articles containing the contents of the relevant crimes are formulated more detailed. Criminal liability for infecting or consciously placing a person at risk of infection with an incurable infectious disease in the Criminal Law of the Republic of Latvia is not provided at all.

As for other crimes that pose a danger to the life and health of a person, it should be noted that the Criminal Law of Republic of Latvia provides for responsibility for "Illegal treatment" (Article 137). Criminal liability comes to pass on condition of violation of the victim's health. Sanctions of Part 1 of Art. 137 provides for punishment in the form of deprivation of liberty for a term up to two years or arrest, or a fine with the deprivation of the right to medical practice for a term up to three years or without it.

Part 2 of Art. 137 contains the crime of illegal medical treatment, which resulted in the carelessness of the guilty death of the victim or causing him severe bodily harm. The degree of social danger of this crime is much higher and therefore in the sanctions of Part 2 of Art. 137 provides for a more severe punishment - imprisonment for up to ten years or arrest with the deprivation of the right to medical practice for a term up to five years or without it.

The Criminal Law of Republic of Latvia contains two articles that consider the criminal liability of medical workers (according to the Criminal Code of Ukraine, liability concerning pharmaceutical workers) who with their actions encroach on personal security. Art. 138 "Improper realization of their professional duties by medical workers" consists of two parts.

In Part 1 of Art. 138 provides for liability of the medical workers for unfulfillment or negligence of their professional duties, which resulted in the carelessness of the guilty and caused grave or moderate bodily harm of the victim. This action is punishable by imprisonment for a term up to two years or a fine with the deprivation of the right to carry out medical practice for a term up to three years or without it.

In Part 2 of Art. 138 there is considered the responsibility for the same act, but which caused the infection of immunodeficiency virus of a person or his death. This crime is punishable by imprisonment for a term up to five years with the deprivation of the right to medical practice for a term up to five years.

Another crime that impinges on the personal safety of a person can be considered an act whose composition is stipulated in the disposition of Art. 139 of the Criminal Law of Republic of Latvia "Illegal Removal of Human tissues and organs". This article, in contrast to Art. 143 of the Criminal Code of Ukraine, consists of one part. The disposition of this article is formulated as follows: illegal extraction of tissues and organs of a living and dead person for the purpose of their use in medicine, committed by a medical worker.

This offense is punishable by imprisonment for a term up to five years, with the deprivation of the right to medical practice for a term up to five years.

In regard to the wording contained in the disposition of this article, there are some doubts about their redaction, since the removal of tissues and organs from a dead person, obviously, can not endanger the life and health of a man.

If we compare the criminal legislation of Ukraine and Republic of Lithuania and Republic of Latvia, it should be noted that personal safety is protected more thoroughly under criminal law of our country. This is also manifested in the fact that the Criminal Code of Ukraine provides for responsibility for a greater number of crimes that pose a danger to the life and health of the individual, as well as the fact that in the disposition of the relevant articles of the Criminal Code of Ukraine the features of the compositions of the corresponding crimes are described more precisely and in detail.

In the Criminal Code of Republic of Bulgaria articles containing in the disposition of the composition of crimes posing a danger to human life and health in a separate chapter are not highlighted. These articles are among crimes against a person in the second chapter of the Special Part of the Criminal Code. For example, an act that involves the illegal abortion is, actually, equivalent to a murder, since Art. 126, which provides for liability for this crime, is contained in Chapter II, "Crimes against a person" in section I "Murder".

In Part 1 of Art. 126 of the Criminal Code of Republic of Bulgaria it is determined that the person who, with the consent of a pregnant woman, has killed her fetus outside the medical establishment designated by the Ministry of Health, or during the conducting of the operation violated the rules established by this Ministry, shall be punished by imprisonment for up to five years.

One of the peculiarities of the Criminal Code of Republic of Bulgaria is that the articles do not have titles, and parts are called paragraphs, and the

location of art. 126 gives reason to believe that the Bulgarian legislator considers abortion as one of the varieties of such a crime as a murder.

In the disposition of Part 2 of Art. 126 of the Criminal Code of the Republic of Bulgaria contains a qualified form of abortion. According to this part of the article a person who, without having a higher medical education, has killed a fetus in two or more women, is liable to the law. This act is punishable more severely - by deprivation of liberty for a term up to eight years.

Comparison of the text of the disposition of the first and second parts of Art. 126 of the Criminal Code of Republic of Bulgaria gives reason to believe that the subject is a person who has higher medical education and the role of a crime-forming feature belongs to the place where the crime was committed and that the abortion was illegal, that is, this operation was conducted contrary to the rules established by the Ministry of Health of Republic of Bulgaria. Part 2, in our opinion, establishes the liability of a special subject - a person who does not have a higher medical education.

In Part 3 of Art. 126 of the Criminal Code of Republic of Bulgaria provides for the liability of persons who committed the acts provided for in the first and second parts of this article, repeatedly. The punishment for this crime is imprisonment for a term of two to eight years. In our opinion, regarding the punishment provided for in part one of Art. 126 of the Criminal Code of Republic of Bulgaria, then, of course, the commission of this act repeatedly, is more socially dangerous and the increase of the term of imprisonment to the upper limit - eight years is reasonable. It is astonishing that the repeated sentence of an abortion, a person who does not have a higher medical education, does not differ from the upper limit of punishment if the act is committed repeatedly. Although, if we consider the lower limit of imprisonment, the repeated abortion by a special subject is a more dangerous crime, since the lower limit for repeated commission of this crime is two years, and in general the lower limit of imprisonment is three months (Article 39 (1) of the General part of the Criminal Code of Republic of Bulgaria).

A pregnant woman does not bear liability for the crime for accepting abortion, as well as in cases where she was an accomplice or instigator. Instead, a qualified type of abortion is if it was done without the consent of a pregnant woman. This act is punishable by imprisonment for a term of three to eight years.

In Part 6 of Art. 126 of the Criminal Code of Republic of Bulgaria provides for a particularly qualified form of this crime - if the death of the fetus was committed without the consent of the pregnant woman and caused the death of the victim (a woman), then the punishment for this crime will be imprisonment for a term of five to twenty years.

Peculiarity of art. 126 of the Criminal Code of the Republic of Bulgaria is that, although the speech in this article is about termination of pregnancy - abortion, these terms in the text of the disposition of the six parts of this

article are never used. Instead, the terminology "distruction of fetus" or "causing fetal death" is used. Obviously, this gives reason to consider this act as one of the types of murder, although some authors, for example, M.I. Havronyuk, analyzing the types of intentional and careless types of assassinations for the Criminal Code of Republic of Bulgaria, does not think so.

For crimes posing a danger to life or health of a person, the Bulgarian legislator refers to the acts contained in the third chapter of the second chapter "Crimes against the person". This section is entitled "Leaving in danger". Criminal liability depends on how the person is left in danger, and therefore the object of crimes contained in the chapter of the third chapter of the second Criminal Code of the Republic of Bulgaria is directly the security of a person. Unlike previously analyzed by the Criminal Code of Republic of Lithuania and the Criminal Law of Republic of Latvia, offenses that violate human security are grouped in a separate section.

In Art. 136 (1) of the Criminal Code of Republic of Bulgaria provides for the responsibility of a person who has violated the rules of labor established for the preservation of his safety, and thus endangered the lives and health of workers. The punishment for this crime is imprisonment for up to five years or corrective labor, as well as public reprimand.

Part 2 of this article provides for punishment for the same acts, but the commission of negligence - imprisonment for up to one year or corrective labor.

Art. 137 of the Criminal Code of Republic of Bulgaria provides for the punishment of a person who will leave the victim unable to take measures for self-preservation due to juvenile delinquency, old age, illness or in general if the victim is in a helpless state when the life of such victim is at risk and the person realizing this does not give assistance to the victim. Punishment for such an act is in the form of imprisonment for a term up to three years.

In Art. 138 of the Criminal Code of Republic of Bulgaria liability is established for acts of that kind. The difference between the formulating of the features of the compositions of crimes provided in these articles, is similar to how the formulation of crimes in the dispositions of Art. 135 and 136 of the Criminal Code of Ukraine. In Art. 138 of the Criminal Code of Republic of Bulgaria provides for the responsibility of a special subject - a person who, having the opportunity to provide assistance, will not reliably provide assistance to a person whom he should have been cared for and who is in a dangerous state for life by virtue of the circumstances, provided for in the preceding article.

The punishment for this crime is imprisonment for up to one year or corrective labor. As seen from the sanction, the degree of social danger of failure to provide assistance by the obliged person Bulgarian legislator considers less than the degree of public danger of leaving in danger. This makes it possible to conclude that in Art. 137 of the Criminal Code of Republic

of Bulgaria, the responsibility of the person who was involved, left the helpless person in a state that threatens her life.

Moreover, this is confirmed by the fact that in Art. 139 of the Criminal Code of Republic of Bulgaria establishes liability for another type of crime, which consists of not providing assistance to a helpless person - who will not provide assistance to another person who is in a dangerous situation for life, if such assistance can be provided without danger to himself or to others, is punishable by correctional works or a fine. The degree of social danger of this act comparing to the first two, is insignificant. In our opinion, the subject of this crime is general.

Unlike the Art. Art. 136 and 135 of the Criminal Code of Ukraine, the degree of social danger of failure to provide assistance does not depend on the age of the victim or the relationship between the victim and the subject (Part 2 of Article 135 of the Criminal Code of Ukraine). The Criminal Code of Republic of Bulgaria does not provide for liability for such an act as failure to inform the relevant authorities that a person is in a dangerous state of life, as stipulated in art. 136 of the Criminal Code of Ukraine, and also does not provide for liability in case when as a result of failure to provide assistance, the grave consequences or death of the victim occurred.

In Art. 140 of the Criminal Code of Republic of Bulgaria provides for the liability of a special subject - a driver of a vehicle that did not provide the necessary assistance after the accident where he took part in, and that assistance could have been provided without danger to himself or others. The punishment for this crime is imprisonment for up to one year or corrective labor.

Crimes that pose a danger to human life and health are formulated as a delicts of causing danger, that is, they do not specify the consequences and liability comes only for the very act because in the Special Part of the Criminal Code of Republic of Bulgaria, provided for acts against collective security, which provides for the possibility the onset of specific social and life-threatening consequences of human health. This is explained by the fact that for crimes, the composition of which stipulated in the disposition of the considered articles provides for not severe penalties (maximum punishment in the form of imprisonment up to three years, if you consider that the maximum punishment in the form of imprisonment according to the Criminal Code of Republic of Bulgaria is twenty years).

And the completion of the the section is "Forsake in danger" Art. 141, which consists of three paragraphs (parts) and in which the criminal liability of a special subject is established - the person of the medical staff.

In Art. 141 (1) there is established the responsibility of the person who carries out medical practice and who, being called for to the sick or to a pregnant woman, did not provide them with assistance without good reason. This is punishable by corrective labors or a fine.

Paragraph two of this article provides for the responsibility of the same subject for a more socially dangerous act. If the guilty person was aware that the sick person or the pregnant woman is in a dangerous state for life, then the punishment for this act will be imprisonment for up to one year or corrective labor.

The least socially dangerous is the failure to provide assistance to a sick person without good reason by the person who is obliged to provide such assistance. This crime is punished with corrective labor or a fine. It causes amazement that the crimes committed by medical staff do not provide for such punishment as deprivation of the right to be engaged in a particular profession or activity.

As we see, practically all acts concerning abandoned in danger are crimes with formal composition. In our opinion, this can be explained by the peculiarities of the criminal legislation of Republic of Bulgaria, which ground in the fact that if such acts caused specific consequences, for example, death or bodily harm (Article 123, Article 134 of the Criminal Code of Republic of Bulgaria), then they are already considered to be crimes against life or crimes against health, but not crimes that cause danger to human life and health.

Although crimes that pose danger to human health should include the actions provided for in Art. 135, but the article in the disposition of which contains the composition of this crime is located in the section "Crimes against health", if in ch. 1, 2, 3 of this article provides for the responsibility of a person who knowing that a person with a sexually transmitted disease infected another person (part 1), a person, a person who has not reached the age of 16 years or several persons (part 2), infected a person with a venereal illness involuntarily (part 3), then in part four of Art. 135 provides for responsibility for putting another person in danger for health - who, by sexual intercourse, puts another person at risk of infection by a sexually transmitted disease, is punishable by imprisonment or a fine.

The Criminal Code of Republic of Bulgaria provides for a separate chapter four "Crime Against Marriage, Family and Youth".

Crimes that pose a danger to life and health of a person should include the acts with the liability provided for in Art. 182(1). One parent, a guardian who left without parental care a person about whom they were obliged to take care of and thereby created a threat to her physical, mental or moral development, shall be punishable by imprisonment for a term of up to one year or by corrective labor, as well as by public works. The crimes that pose a health hazard and even a child's life should include spoil to the drinking of alcoholic beverages by persons under the age of 16 (Article 193 (1)), the holding of another child who has not attained 14 years of age for the purpose of violence, threats or deceptions with the intention of using a child with a mercenary or immoral purpose (185 (2)). And although the dispositions of these articles it is not indicated that life and health of the child are at stake, it

is obvious that these actions can pose a serious threat to the health of the child.

In this section there will be analyzed criminal laws on the protection of personal and social safety of life and health of individual states (countries), which were, in fact, the founders of the EU. In the early 1950s, the most active internationalists Jacques Moine, French businessman and Robert Schuman, the French foreign minister, laid the foundations for the future of the EU through their cooperation. Although this Union arose in the beginning as a coal industry association, its founders saw this association as an initial step towards full economic and political integration, which is now fully implemented. April 18, 1951 The Paris Treaty was signed between Belgium, Holland, France, West Germany, Italy and Luxembourg.

Today, there are 27 EU Member States, but there are still a number of countries that are aiming at joining the EU. Such a country is Ukraine, which, in order to take its place among the EU member states, must ratify a number of international treaties and conventions that can be summed up as European treaties and have a similar structure, which, among other characteristic features, includes a common legal base and form, as well as rapprochement of legislation. According to these regulations, countries which aim at joining the EU should ensure the publicity of their current and future legislation with EU law, in particular customs, banking, intellectual property law, human health, safety regulations, and plant and animals protection legislation, technical norms and standards, legislation that provides transport safety. European treaties consider the provision of technical assistance in order to harmonize national internal law with the legislation of the EU member states. This also applies in full to criminal legislation, the norm of which should be considered as a guarantee of observance and guaranteeing human rights and freedoms, as well as ensuring the safety of life and freedom of the person, both personal and collective.

Of course, since 1951, the criminal legislation of the mentioned above six countries has changed. For example, the French Criminal Code came into force in 1994. By the way, it should be noted that the "multi-source " of criminal law is characteristic of French criminal law and criminal law of Federal Republic of Germany. Reform of German criminal legislation of 1871 began in the era of the Weimar Republic (1919-1933) and, it can be stated, was extremely blustering, fruitful, was characterized by the adoption of a large number of normative acts. And although today in Germany the Criminal Code of 1998 operates, amended in 2003, reform of the criminal justice system continues. Nowadays, along with the codified normative act - the Criminal Code of Federal Republic of Germany a great number of legislative acts of a criminal law nature operate in this country.

Within the same section, it is virtually impossible to analyze the criminal law of even the six EU countries that were its founders. Therefore, we restrict

ourselves to a comparative analysis of the Criminal Code of Germany and France.

The peculiarity of German legislation, as already noted, is that the compositions of criminal acts are considered not only in the Criminal Code of Federal Republic of Germany, but also in other federal laws that contain regulations relating to other branches of law, but also include criminal legal norms. Obviously, this is one of the factors that explains the predictions in the Basic Law of Federal Republic of Germany of five types of proceedings: proceedings in courts of general jurisdiction on civil and criminal cases, in administrative courts, in labor courts, in financial courts and in social courts .

In the Criminal Code of Germany, crimes against life are placed in section 16 of the Special Part of the Criminal Code "Punishable actions against life". If we take into consideration the scale of universal values adopted today, it certainly appears that during the reform of the criminal legislation of this country, the crimes against life will take a more decent place in the Special Part of the Criminal Code of Federal Republic of Germany.

For crimes which pose a danger to human life, it is necessary to attribute acts the responsibility for which is provided for in § 218 of Chapter 16 of the Special Part of the Criminal Code of Germany "Termination of pregnancy". By the way, it should be noted that the criminal law of Federal Republic of Germany devotes almost the largest number of articles among the Criminal Codes of other countries, which regulate criminal liability for abortion - 7 articles. Interruption of pregnancy is punishable by imprisonment for a term up to three years or a fine.

Part 2 of this paragraph provides for liability for qualified varieties of abortion. The qualifying circumstances of the crime, which the legislator calls "particularly serious cases", are acts committed against the will of a pregnant woman and an act in which a person, acting in gross negligence, poses a danger of causing death or causing serious harm to the health of a pregnant woman. Such an act is punishable by imprisonment for a term of six months to five years.

Rather unexpected is the norm contained in Part 3 § 218 of the Criminal Code of Federal Republic of Germany, according to which the interruption of pregnancy committed by a pregnant woman is punishable by imprisonment for a term up to one year or a fine. If an attempt on this crime is criminal, then the pregnant woman does not bear responsibility for the attempt on interruption of pregnancy (Part 4 § 218 of the Criminal Code of Federal Republic of Germany).

Thus, § 218 sets the general grounds for punishment for abortion. But the legislator considers it necessary to establish exceptions to the general prohibition and in a certain way limits the criminal liability for termination of pregnancy. A.Jalinsky and A. Roericht write that, actually, §218a legalizes

abortion, but does it in such a way that legally the given actions were illegal, but not punishable.

In our opinion, there should be used a different approach to explanation of this situation. Blankness of norms for termination of pregnancy (in most countries the term "abortion" is not used in the text of the criminal law, which arises some difficulties in interpreting the contents of the "legal abortion" and "illegal abortion"). The German legislator, with his pedantic peculiarity in § 218a, defines the lawfully carried out termination of pregnancy, that is, legal abortion, in order to avoid ambiguous approaches to understanding the features of this crime.

§ 218a "Non-punishment of termination of pregnancy" formulates indications of termination of pregnancy surgery, which, firstly, meet the requirements of § 219 of the Criminal Code of Germany "Consultation of pregnant women in a conflict situation and a situation which poses disaster", and secondly, the disposition of the paragraph is optional and the reference in It is carried out to the Federal Law on Conflict Situation Related to Pregnancy, thirdly, this article consists of two parts and their text is so extraordinary and unexpected for the native one, and we think not only for the native criminal law, which we believe will not prevent to bring it completely, because there is reason to consider this text as a kind of manifesto on protection of future life, unborn child, criminal legal campaign, agitation against abortion:

§ 219 (1) Consultation serves for the protection of unborn life. The counseling task should be aimed at encouraging a woman to preserve her pregnancy and revealing her prospects of life with her child; the counseling should help her make an appropriate decision that should be thought over, meaningful and responsible. At the same time, the woman should realize that the unborn child during the entire period of pregnancy has the right to life along with her, and therefore, in accordance with the rule of law, termination of pregnancy may be allowed only in exceptional situations where the carrying of a child becomes such a heavy and excessive burden for a woman, that it goes beyond the permissible limits. The advice and help during counseling should help to resolve the conflict situation that occurs concerning pregnancy and help to find a way out of the difficult situation. In more detail, such situations are regulated by the Federal Law on Conflict Situation Related to Pregnancy.

§ 218 (2) Consultation in accordance with the specified Federal Law should be carried out by the relevant competent authorities. After consultation, a pregnant woman should be given a certificate regarding the final decision on this conflict situation. It should contain the date of the consultation, its contents, the family name of the pregnant woman. A doctor who carries out termination of pregnancy can not be a counselor.

Thus, in accordance with regulation of § 218a, it is legal:

- 1) termination of pregnancy if the woman was present at the consultation referred to in § 219 has an appropriate certificate received at least three days before the operation on which the pregnant woman insists;
- 2) if the pregnancy is interrupted by a doctor;
- 3) since the conception has passed no more than twelve weeks.

Part 2 of § 218a contains the norm according to which termination of pregnancy is not considered unlawful if it was done by a physician with the consent of a pregnant woman, in case if, taking into account the living conditions of the pregnant woman at the present time and in the future, the termination of pregnancy is consistent with medical indications in order to prevent the danger to life and the danger of causing serious harm (physical or mental) to the health of a pregnant woman, and if this danger can not be diverted in any other way. That is, obviously, in this case there is a situation, which in the criminal law of our country is called extreme necessity.

A pregnancy termination is allowed, which is carried out by the doctor with the consent of the pregnant woman, if the pregnancy was the result of committing criminal acts and not more than twelve weeks passed since the conception. The legislator clearly specifies the term of pregnancy - twelve weeks, considering that according to medical indicators the child is still unborn but is already viable, although, in fact, the killing of a child is allowed only in a state of extreme necessity in exceptional cases. In general, the German legislator believes that the termination of pregnancy is in fact the killing of an unborn child irrespective of the term of pregnancy. Paragraph 218 states that pregnant women are responsible for termination of pregnancy, but § 218a (4) contains regulation that a pregnant woman is not punished if the abortion is performed by a physician after appropriate counseling and if no more than twenty two weeks have passed since conception. The court (Judge) can refrain from imposing the punishment provided for in § 218 if the pregnant woman was under special pressure at the time of the abortion.

Special types of termination of pregnancy for which the punishment is established, are crimes whose composition is stipulated in § 218c "Interruption of pregnancy without a medical conclusion or if this medical conclusion was wrong." The second act is the responsibility of the doctor who deliberately gives the false medical conclusion. A physician has no right to give such medical conclusions if he has been banned by the competent authority because of the criminal offenses related to termination of pregnancy; in § 218 (c) "Violation of a medical duty in case of termination of pregnancy " in § 219 (a) "Advertising of termination of pregnancy "; in § 219c "Putting into circulation means for termination of pregnancy ". As already indicated, the CC of Federal Republic of Germany regarding this group of crimes is perhaps the most progressive in protecting the life of an unborn child. These norms, even in individual cases, go beyond the generally accepted "dry" and clear formulation, and represent as if "alive," a truly valid normative act that performs a security function. These norms are not

separated from life, and in this case, this experience deserves attention, although, of course, the construction of normative materials is very different not only from the Criminal Code of our country, but also from the criminal codes of other countries.

The text of § 219 was adopted after the judgement of the Constitutional Court of Federal Republic of Germany and it became a compromise, the meaning of which can be estimated in the context of social life in Germany. One can assume that there is an agreed (but controversial) concept of the protection of unborn life, which defines and criminal-law judgements. In regard to the social background for such a rigorous regulation of abortion, we believe that this is due to significant losses and human casualties in the wars that were led by Germany. Although, it should be noted that in the former USSR and now in Ukraine too, fertility is a problem, and the abortion even legal is not a problem. In more detail, this question was investigated by A. Jalinsky and A. Roericht in the criminal law of Federal Republic of Germany, who, in particular, relevantly point out that from the criminal law point of view, the social good protected by these norms is primarily life, but the problem of the protection of such social value is bound with the interests of both society as a whole and the woman as a carrier of protected value. In juridical literature, legal and public consciousness, these norms are assessed as extremely socially important. The church, parties, the feminist movement, various political forces, the mass

media actively participated in the struggle for prohibition or permission for abortion, and this struggle continues.

We pay more attention to these crimes, because the normative materials concerning the safety of life and health of both pregnant woman and the unborn child for the CC of Germany is a kind of unique, needs further, more detailed study, reflection, because both of our countries have equally been affected in terms of reducing fertility and the experience of the FRG should be beneficial for our country as well.

Other crimes against the personal and collective security of life and health according to the Criminal Code of Federal Republic of Germany are more traditional. Although some aspects also arise amazement. This applies to such a traditional crime for all EU countries as genocide, then until 2002 § 220a "Genocide" was contained in section 16 of the Special Part of the Criminal Code of Germany "Stricken Offenses against Life". Nowadays § 220a "Genocide" is excluded from the Criminal Code by virtue of Art. 2 (No. 2 and No. 10) of the Federal Law on the Introduction into Operation of the Code of International Criminal Law (eg VstgB) of June 26, 2002 (BgBl.2002.IS.2254). The composition of this criminal act is now introduced in § 6 of the Code of International Criminal Law of June 26, 2002. On the basis of this norm and § 1 of the Code of International Criminal Law, genocide is prosecuted regardless of the place of commission of the act and without any dependence on the injury of internal state interests also in the territory of

Federal Republic of Germany, if the prosecution in the country where the offense is committed is not expected or there is a competing international jurisdiction.

A crime against personal security is also abandonment in danger § 221 (1). The punishment for this crime is imprisonment from three months to five years, and the responsibility for this act is a special entity - a person who is obliged to provide assistance or who has placed the victim in a helpless state that threatens a person with death or severe damage to health.

The peculiarity of the Criminal Code of the Federal Republic of Germany is rather non-specific definition of the consequences. In many compositions of offenses indicated as "serious damage to health", which needs further explanation. It can be both serious bodily harm and other consequences.

A person is punished by deprivation of liberty for a term of at least one year if, as a result of the commission of the deed, he puts a person whom he takes care of, in danger of death, causing serious harm to health (as well as causing significant damage to physical or spiritual development) (§ 225 (3 )) The title of the very § 225 is "Torture of Entrusted Persons".

As some authors, for example, A. Jalinsky, note, it is interesting, and that removes a number of practical complex issues that are known to each investigator, there is the legal construction "Participation in the fight", provided by § 231 of the Criminal Code of FRG. This author, in particular, writes that this is a deliberate "formal" crime in the form of a delict of abstract danger, while referring to the works of German specialists. M.I. Havronyuk repeats this thought, referring to another monograph by A. Zhalinsky, which states that according to the position of the Supreme Court of Germany, the norm of participation in the fight is aimed at protecting the life and health of all persons who were endangered by the fight, as well as on the monograph G.V. Serebryannikova, who believes that the intent of the subject is directed only to participate in a fight or an attack. In our opinion, this approach to understanding this crime is rather inaccurate. If we analyze the given composition, instead of simply quoting sources, it gives an opportunity to conclude that participation in a fight is a crime with material composition. Indeed, in § 231 it is indicated for a specific consequence - "if a fight or an attack caused death to a person or seriously injures". We believe that, obviously, this is not a delict of causing danger and thus not a formal offense.

Crimes that pose danger to the life and health of a person refer to the "Abduction of a person" (§ 234), "Forcible extradition of people abroad" (§ 234a), "Abduction of minors" § 235. The qualifying circumstance of the "Exploitation of minors" act is, for example, the causing of danger to the life of the victim or the risk of causing serious harm to his health. This act is punishable by imprisonment for a term of one to ten years, § 236 "Trafficking in children", if this act arises danger of causing serious harm to the child's health. The punishment for this crime is imprisonment for a term from six months to ten years, § 238 "Unjustified persecution", one of the ways of its

committing is a threat to the life, physical integrity, health or freedom of the person himself or his relatives, § 239 in "Capture of hostages", as well as § 241a "Arousing suspicion that leads to political persecution". If these acts are committed by means of denunciations which leads to political persecution and, as a result of the application to the person of acts of violence and arbitrariness contrary to the principles of a law-governed state, endangers the life and health of a person, endangers the loss of freedom or significant deterioration of professional and economic position of person.

The crimes that infringe upon the ecological safety of a person, practically, all contain in their compositions a feature indicating the cause of danger to human health. For example, pollution of land is punishable by imprisonment for a term up to five years or a fine if the act is committed in a way that could harm the health of another person (§ 324a "Pollution of land"), for air pollution, if it changes the composition of the air in such a way that these changes can harm the health of another person, provided the same punishment (§ 325). Interesting and rather non-traditional is the norm provided in § 325a "Creating noise or quake and release of non-ionized radiation". This article, in our opinion, is relevant, since it is established that the increased noise level during the operation of buildings, units and machines causes real harm to human health. But this does not apply to the noise caused by various kinds of transport. This act is punishable by imprisonment for a term up to three years or a fine. The subject of virtually all crimes against the environment is special, this is a direct indication in the disposition of the articles - a person who violates administrative and legal obligations. And although the crime "Unauthorized actions with hazardous objects", which are understood as hazardous waste (§ 326), is traditional, it is non-traditional to detail the consequences that can be caused by treatment, accumulation, storage and other actions with hazardous waste, for example, criminal liability comes if such wastes may contain or transmit pathogens of generally dangerous diseases that can be transmitted to humans or animals, can cause cancer in a person, harm the fetus or cause hereditary changes. This offense is punishable by imprisonment for a term up to five years or a fine. Illegal activities with radioactive substances and other hazardous substances and resources, if they can cause death or serious harm to another person's health, as a result of ionizing radiation, shall be punishable by imprisonment for a term up to five years or a fine (§ 328). An especially serious case of an act against the environment is damage to water reservoirs, if it is detrimental to the public supply of water. This is just one example. This act is punishable by imprisonment for a term from six months to ten years (§ 330). In particularly serious cases of crimes against the environment, legislator of FRG also refers environmental crimes, if they cause human threat to death, serious damage to health or if they threaten the health of a significant number of people. Punishment for such cases of danger is more severe - imprisonment for a

term of one to ten years. Arising serious danger because of the release of poisons is punishable in the same way.

Thus, crimes against environmental safety are formulated traditionally, as in most countries. It should be noted that in Germany there are a number of Federal laws that are aimed at protecting the ecological safety of human, flora, fauna, etc. Such laws should first of all include the Federal Law on the protection of the environment from harmful effects, which are carried out through air pollution, acoustic pollution, quakes and similar processes (recent amendments to this law made on the basis of Article 1 of the Federal Law of 23 October 2007, as well as the Federal Law on the Protection against Hazardous Substances in the editing of the official publication of July 2, 2008, The Federal Law on the Peaceful Uses of Nuclear Energy and Protection against the Dangers Related to Its Use (recent amendments to this Law have been made on the basis of Article 4 of the Federal Law of February 28, 2008), Federal Law on Promotion of the Circulation Process and Provision of Environmental Waste Utilization of September 27, 1994. Thus, it should be stated that in FRG, environmental legislation covers a wide range of regulation processes on environmental protection. Taking into consideration the fact that in this paper we are only analyzing the codified legislation, we note that all the norms contained in Section 29 of the Criminal Code of FRG "Ecological criminal actions" have banquet dispositions, and in this analysis, along with the analysis of the environmental legislation of Germany, is a separate subject for research.

In the CC of FRG transport crimes are not specifically highlighted. But in Chapter 28, "Generally Dangerous Criminal Actions," several paragraphs are comprised compactly, which provides for liability for: a dangerous attack on the activity of rail transport, navy or air transport (§ 315) and violation of safety rules for these modes of transport (§ 315a); dangerous traffic interference (§§ 315c and 315d) violation of traffic safety regulations (§§ 315c and 315d) and driving under the influence of alcoholic beverages (§ 316); a robbery attack on a driver of a vehicle (§ 316a) and an attack on air and river transport (§ 316c). All these crimes should be considered crimes against collective security, because in the dispositions of all articles a sign of causing danger to the health or life of another person is considered.

It should be noted that the vehicles in these sections of the CC of FRG are considered to be protected, are any means of transportation that are encountered in the traffic movement, which are intended for the transportation of people or goods, regardless of the force that drives them. Thus, in this context, transport means are vehicles, electric cars, motorcycles, bicycles, trams, trailers of any type, motorized and non-motorized wheelchairs.

Particularly interesting and one that is extremely relevant and therefore deserves attention, is the text of paragraph 2 § 315c "Violation of traffic safety rules", which provides for such a breach as "not displaying the slightest

prevenance." The person who does not show the slightest prevenance is the one who, from selfish motives, violates his duties in regard to other participants of the road traffic or indifferently does not let any doubt about his behavior on the road, and therefore, without burdening himself with thoughts on this topic, drives "carelessly". By the way, such socially dangerous behavior is punishable by imprisonment for a term up to five years or by a fine.

Other crimes contained in Chapter 28 and posing a threat to collective security are the "Severe arson" (§ 306a), "Causing the danger of arson" (§ 306 f), "Creating the danger of an explosion while using of nuclear energy" (§ 307), "Carring out of Hazardous Explosion by means of using Explosives" (§ 308), "Missapplication of ionizing rays" (§ 309), "Manufacture of a nuclear installation with defects" (§ 312), "Causing of a flood situation" (§ 313), and also "Danger of public poisoning" (§ 314 ). This crime arises danger to the life and health of people by poisoning drinking water in sources, wells, water pipes and places of drinking water storage, as well as by poisoning objects that are intended for public sale and use, by mixing in them substances harmful to health , selling them or putting them into circulation in another way. This act is punishable by imprisonment for a term of one to ten years. All components of crimes that pose a threat to public safety contain as a mandatory feature in the disposition of articles an indication that these actions are dangerous for people's life and health. In addition to the crimes that cause collective danger should be attributed to the act considered in §311 "Releasing ionizing radiation". The subject of this crime is a person who violates administrative and legal obligations and thus causes processes that are capable of causing damage to the physical integrity or the life of another person. This crime is a conventional and its composition is included in the CC of FRG article 2 of the Federal Law of April 24, 1990 to the Convention of October 26, 1978 on the physical protection of nuclear material, in the editing of Art. 6 The Thirty-first Law on Amendments to the Criminal Law of June 27, 1994 with changes made on the basis of Art. 4 (Paragraph 4) of the Sixth Law on the Reform of Criminal Law of January 26, 1998.

As Khavronyuk M.I. points out, special sections or chapters on crimes against production safety are not included in any of the criminal codes of Western European states. Although, for example, some compositions of the crimes that can be attributed to crimes that impinge on the safety of production exist, in our opinion. For example, in § 319 "Causing danger during construction" of the CC of FRG established criminal liability of a person who violates generally accepted technical rights in the planning of construction objects, management of construction, building or demolition of the construction object, and thereby poses a threat to physical integrity or life another person. A person who is guilty of committing such an act is punishable by imprisonment for a term up to five years or a fine.

Part 2 of §319 establishes the responsibility of a person for similar acts, but is not related to construction, but with the installation of technical equipment. The punishment is the same as in part 1 §319. Also, it should be emphasized that German criminal law is not fully codified, but contains a good number of criminal legal norms in the legislative acts of almost all branches of law (the so-called "appendant"). For example, the rules on the liability of doctors for professional offenses are contained in the pharmaceutical criminal law of FRG, and for acts connected with transplantation - in the Federal law on transfer, removal and transplantation of organs of November 5, 1997.

The above mentioned material contains the analysis of the criminal legislation of the six countries selected on the following features: first, they all belong to the EU, and secondly, two of them - Lithuania and Latvia were part of the USSR, and their legislation for a certain period of time developed according to characteristic traditions of the criminal law of Ukraine; thirdly, Poland and Bulgaria are considered to be "post-socialist countries" who experienced the influence of the socialist system of law; fourthly, France and Federal Republic of Germany, with a traditional legal system that is significantly different from the legal system of our country. It is these two last countries that contain in their criminal law those norms and standards of European law which Ukraine should accept, as a candidate for accession to the EU and which were accepted by the countries that have already become members of the EU - Poland, Bulgaria, Lithuania, Latvia.

The latter four countries have followed the way of perceiving such European standards as criminal liability of legal entities, the division of socially dangerous acts for crimes and misconduct, etc. In our opinion, in regard to the legal doctrine of Ukraine, such an approach and such reform of criminal legislation are premature. Each of the legal systems of the six countries referred to in this section has its own national peculiarities and they are manifested in the criminal law of the FRG and France most of all, they do not need to unify their own legislation and adjust it to European standards, as now our legislators attempt to do, often forgetting about the national traditions of criminal law of our country.

Of course, there are items that are common for the criminal legislation of Lithuania, Latvia, Poland, Bulgaria, Germany, France and this should be considered as a positive feature - an orientation to protect the common interests of people, the orientation of the norms of criminal legislation to protect the safety of life and health of people, as well as a good number of norms aimed at protecting collective security. A positive feature of the legislation of these countries, and this, in our opinion, should be accepted by our lawmakers, there are interests of separate family and juvenile wards as separate legal objects. There is no approach of that kind in the CC of Ukraine.

A positive feature of the legislation of such countries as France and Germany should be considered criminal liability for such delicts of danger as

driving a vehicle in the state of alcohol or drug intoxication. It should be positively perceived the legislation of the FRG concerning the protection of unborn life, the establishment of criminal liability for abortion. If in the Criminal Code of Ukraine only one article is dedicated to that, then in the CC of FRG and France - a good number of articles. The experience of the French legislator in establishing responsibility for illegal activities with human organs and embryos should also be welcomed. Undoubtedly, the legislation of these countries is difficult to compare with our legislation and the legislation of other post-socialist countries, at least because in Germany and France, in addition to the criminal codes, there are also other normative codified and uncodified acts that criminalize, misdemeanors, offenses and crimes. This significantly distinguishes the legislation of Western European countries from the Eastern European countries and individual of Central Europe. In these countries also there was a reform of the legislation, but it was not accompanied by such a "breaking" of traditions, as in Ukraine, Lithuania, Latvia, Bulgaria, Poland.

It should be noted that in the criminal codes of foreign countries in the first place in the Special Part in the hierarchy of values the still preference is given to human values and in the first place is given to the articles containing norms on criminal liability for crimes against peace and humanity. In the CC of Ukraine, the structure of the Special Part is rather different, but if we take into account not a formal approach, but the idea of protecting collective security, then crimes against universal human values - genocide, the proliferation of weapons of mass destruction, and ecocids are represented by a greater number of compositions, that protection of general human values for the Criminal Code of Ukraine takes place at a higher level.

In general, in regard to conventional crimes, the following should be noted: these are all international treaty-bound socially dangerous encroachments in the international legal sphere, the punishment of which must be established in international legislation. The range of such objects of crime is quite wide – beginning from the peace and security of mankind and up to narrower spheres - human freedom, the environment, human security, public security, etc. One of the objects of conventional crimes is collective security, which is based on the principle of indivisibility of peace, which means that any conflict should be considered not as a "territorially limited act, but as an act that threatens the general security". Moreover, even the smallest clashes in one region or another "under the negative development of events may be one of the major detonators in the whole world's instability".

Collective security is a guarantee of peaceful coexistence of states, which is based on the general recognition of the principles of international law, is one of the forms of joint activity and states for the maintenance of long lasting peace. The system of collective security is an agreement between States on principles and actions aimed at ensuring of international peace and security. At the same time, such an agreement should rely on the norms of modern

international law and reflect the objective reality of the modern world. Under this system, the states are obliged not only to refuse to apply force against each other in their international relations, but also to act jointly against the attempt of any aggression. Consequently, the point of the system of collective security is to provide the individual security of each state that is part of this system, which, actually, is achieved under the conditions of peace in the whole world.

If we consider crimes against collective security in this sense, it should be noted that among the of the criminal legislation of all countries which was considered in this section, the crimes against peace, humanity, international law and order in the Criminal Code of Ukraine are formulated in the best way, at the modern level and they are completely relevant to requirements of international regulations, which were ratified by Ukraine and as a result these compositions of crimes appeared. The only, but not serious drawback of the current Criminal Code of Ukraine is that the location of the section defined incorrectly "Crimes against peace, humanity and international law and order". Of course, not only crimes whose composition are prescribed in the disposition of the articles of this section are conventional, but taking into consideration the purpose of this study, it should be pointed out that countries such as France, Germany do not adhere so strictly to the formulations of crimes against collective security (genocide, the application of weapons of mass destruction etc.) as it is done by Ukraine, as well as other countries that have become EU members in recent years. In this aspect, the idea of model legislation - acts (regulations) of a recommendatory nature and adopted by international organizations - is relevant. In our opinion, the four Geneva Conventions and the Rome Statute clearly refer to model laws that deal with the implementation of collective security. As E.V. Shestakov points out, the convergence of national legislation based on models is effective in cases where the differences between the systems of state law are so significant that their elimination is only possible gradually, in several stages. Another case where the use of model acts is quite productive is a situation in which in many countries there is still no legal regulation of certain relationships and the use of a model act enables us to immediately formulate relevant acts in the national legal systems on a single sample. Model Law has an important role within the Council of Europe and the EU, where there are Romano-Germanic and Anglo-Saxon legislative systems. For example, the Convention on the Prevention of the Crimes of Genocide and Punishment for it of December 9, 1948 was ratified by the Ukr.SSR on July 22, 1954, but in the 1960 Criminal Code of Ukraine there was even no such section that would contain crimes against international legal order. Nowadays, in regard to international crimes, Ukraine has consistently reproduced in its legislation the international norms and standards contained in the international model acts of responsibility for the crimes, which collectively constitute international criminal law - as a system of principles and norms governing the

cooperation of states and international organizations in the struggle against delinquency, and first of all, with international crimes and crimes of international nature.

Thus, there is every reason to conclude that the comparison of criminal legislation of Ukraine and other EU countries confirms that Ukraine completely perceives European norms and standards in the field of safety of life and health of a person, both collective, and personal, and on some issues (for example, international crimes, crimes of an international nature), its legislation is more perfect than the criminal legislation of such countries as France, FRG.

But at the same time, issues concerning the ratification of the Rome Statute remain open and unresolved, which will enable the improvement of the norms of our criminal law. In addition to that, accession to the EU requires the solution of the issue of liability of legal entities, the division of socially dangerous actions into crimes and offenses. In this case, in our opinion, Ukraine must firmly defend the national traditions of criminal law.

As for individual crimes against the personal safety of life and health of a person, as we have already pointed out, in the criminal law of the EU member states their protection is at rather higher level, and certain regulations can be perceived by the legislator of our country.

## **Peculiarities of Determining Propriety of a Party in Public Legal Disputes on Appealing Decisions of Medical and Social Expert Commissions and Military Physician Boards by the Ministry of Defence of Ukraine**

In the process of developing a legal democratic state on the way to European integration, the Ukrainian society and the state as a subject of law face the next tasks related to the implementation in national legislation, the state policy of standards and principles of international law, embodied, in particular, in the provisions of international agreements between Ukraine and the European community. One of the significant agreements that contributed to the revision of the conceptional approaches to law-making and enforcement activities in Ukraine is “The Agreement on Association between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their Member States, on the other hand”, ratified Verkhovna Rada of Ukraine and the European Parliament on September 16, 2014. Under this Agreement, Ukraine undertook a number of commitments, in particular to increase the level of social protection of the population (Article 420 of the Agreement). In order to achieve this goal, among others an effective system of organizational and legal guarantees (means and measures) for ensuring social rights of citizens should be functioning in the state, which in turn should be based on the close cooperation of Ukraine with the European community in the field of justice, freedom and security with to ensure the rule of law and respect for human rights and fundamental freedoms of states (Article 1 of the Agreement). In accordance with the Regulations of article 14 of the Agreement within the framework of such cooperation, the state should attach particular importance to the establishment of the rule of law and the strengthening of institutions of all levels in the field of administration generally and law enforcement and judicial authorities in particular. Cooperation should be aimed, in particular, at strengthening the judiciary, improving its effectiveness, ensuring its independence and impartiality and fight against corruption, and should be based on the principle of respect for human rights and fundamental freedoms.

Ukraine and its people have been and still remain active participants in peacekeeping missions in the world, contributing to peace and law and order in countries with armed conflicts. Unfortunately, participation in such missions for many Ukrainian servicemen and officers of the law has a negative impact on their health and life. In particular, it is getting wounds (shell shocks, traumas or maiming injuries), disability and death. In addition, an increase in the number of such injured persons is caused by the military conflict that is taking place in Ukraine in Donetsk and Lugansk regions.

Citizens who participated in military developments in other countries (e.g. the Republic of Afghanistan) during the Soviet period also belong to the same category. The largest category (especially in recent years) of injured persons is made up of persons who, during or after dismissal from the military service and law enforcement service, get disability groups.

Obviously, each of these people, having given a part of their health, having lost the opportunity of full life for weal of the Ukrainian people, now needs state support. Part 5 of Article 17 of the Constitution of Ukraine stipulates that the state ensures social protection of Ukrainian citizens serving in the Armed Forces of Ukraine and other military formations, as well as members of their families. The fulfillment of the State's function of social protection of servicemen is aimed at establishing a system of legal and social guarantees that ensure the implementation of constitutional rights and freedoms, satisfaction of material and spiritual needs of servicemen in accordance with the special type of their official activities, status in society, maintenance of social stability in the military environment, as well as the implementation of the right to support them in the case of full, partial or temporary disability, loss of breadwinner, unemployment because of circumstances beyond their control, in old age is now guaranteed by a special legal regime, formed from special regulations and institutions.

At the same time, the experience of recent years shows the imbalance of interests and opportunities of citizens and the state in the ensuring of this social right. The violation of the balance is primarily caused by the financial component, because the implementation of this right on a nationwide scale requires significant financial costs of the state, which in recent years are disastrously lacking. The acuteness of the problem adds lack of an effective control mechanism of activities of institutions responsible for conducting medical and social assessments in determination the state of health and conformation of disability groups for dismissed servicemen and officers of the law, which contributes to the spread of numerous facts of “corruption” medical decisions.

Under such conditions, the Ministry of Defence of Ukraine, as the only state body authorized to make decisions on one-time payment in the case of death (loss of life), disability or loss of ability to work without disability conformation of servicemen, subjects to military service and reservists who are called for training (or testing) and special meetings or for service in the military reserve (hereinafter - one-time payment) appropriate persons, in order to ensure the target budget funds usage for specified social purposes tries to counteract abuse of unreasonable and unjustified providing relevant medical decisions by appealing to court.

In practice, the current situation is so that the Ministry of Defence of Ukraine became a “normative hostage” of legal uncertainty. On the one hand, this body is obliged to act within the limits of the law by making one-time payment in case of death (loss of life), wounds (shell shocks, traumas or

maiming injuries), or disability of servicemen, subjects to military service and reservists who are called for training (or testing) and special meetings or for service in the military reserve, on the other hand, having doubts concerning the legality of the drawn conclusions of the MSEC and the MPhB (the Military Physician Board), which give the citizens the right to receive the mentioned payments, this power entity is confronted with difficulties of complaining “dubious” decisions of medical subjects in court. Appropriate attempts by the Ministry to appeal in court the decisions of the medical subject on the confirmation of a disability group or percentage of disability with an indication of the cause effect of disability or disablement, as a rule, end with a refusal to satisfy claims on the recognition as unlawful and rescission of such judgements (e.g. the legal decision made by Kherson Regional Administrative Court on October 27, 2017 in the case No 821/284/17).

On the basis of the foregoing, we consider it urgent to investigate this social and legal situation *in order to* identify regularities, factors that negatively affect the development of the investigated relations, as well as the identification of perspective areas and methods for solving existing legal conflicts.

To achieve this goal within the framework of this paper we propose to solve several main *tasks*, namely: 1) to find out the procedural and legal nature of decisions made by the MSEC and the Central MPhB (the Regional MPhB) and the status of these subjects in controversial legal relations; 2) to establish the presence (absence) of the powers of the Ministry of Defence for complaining decisions made by the MSEC and the Central MPhB (the Regional MPhB); 3) to determine if the Ministry of Defence is a proper plaintiff in disputes under investigation. The solution of these tasks is of practical significance and will help to determine the *in rem* jurisdiction for bringing disputes in this area to the courts of administrative jurisdiction. In addition, the revealed peculiarities will help to verify the existing practice of Ukrainian courts in resolving such category of disputes in accordance with the principles of the ECHR.

The main methodological tools for solving the listed tasks were: the method of empirical analysis of judicial practice, the method of legal analysis of Ukrainian legislation, methods of contrast and comparison, methods of systematization, classification, etc.

### **1. Jurisdictional nature of Medical and social expert commissions, Military medical commissions and their decisions.**

#### **1.1. Jurisdictional nature of Medical and social expert commissions and their decisions.**

Part 1 of Article 2 of the Code of Administrative Proceedings of Ukraine provides that the task of administrative legal proceedings is just, impartial and on-time resolution of disputes in the field of public legal relations by the court in order to protect effectively the rights, freedoms and interests of

individuals, the rights and interests of legal entities from violations by power entities (The Code of Administrative Proceedings, 2005).

In accordance with the definition in item 1, part 1, Article 4 of the CAP of Ukraine, *an administrative case* is explained as a public legal dispute transferred to the administrative court. In its turn, a public dispute is a dispute in which: 1) *at least one party carries out governmental and administrative functions*, including functions of delegated authorities, and the dispute arose in connection with the execution or non-execution of the mentioned functions by such party; or 2) *at least one party provides administrative services on the basis of legislation that authorizes or obliges to provide such services exclusively by power entities*, and the dispute arose in connection with the provision or non-provision by such party of the mentioned services; or 3) *at least one party is the subject of the election process or the referendum process and the dispute arose in connection with the violation of its rights in such a proceeding by power entities or other individual* (item 2).

As is known under the rules of part 1 of Art. 19 of the CAP of Ukraine, the jurisdiction of administrative courts extends to cases in public disputes, in particular: “1) in disputes of physical or legal entities with power entities concerning appealing their legal decisions (legal and regulatory acts or individual acts), actions or inactivity, except for cases when another court proceedings are established by law for consideration of such disputes”; “3) in disputes between power entities concerning the implementation of their competence in the field of administration, including delegated authorities”; “5) at the request of a power entity in cases, when the right to apply to a court for the resolution of a public dispute is provided to such power entity by law”; “9) in disputes concerning the appeal of decisions of certification, competition, *Medical and Social Expert Commissions and other similar bodies*, whose decisions are obligatory for public authorities, local government authorities, other persons, etc”.

The above-mentioned directs to resolve the issue of the existence of public disputes between the parties and the jurisdiction of the case to the courts of administrative jurisdiction.

It should be noted, that the investigated controversial legal relations are regulated by a wide range of normative acts, the main of which are: the Constitution of Ukraine, The Code of Administrative Proceedings of Ukraine, the Fundamentals of the Legislation of Ukraine on Public Health of November 19, 1992 No 2801-XII (hereinafter Law No 2801- XII), the Law of Ukraine “On the Rehabilitation of the Disabled in Ukraine” of October 6, 2005 No 2961-IV (which, in accordance with the Constitution of Ukraine, defines the basic principles for the creation of legal, social and economic, organizational conditions for the removal or indemnification of the consequences caused by the persistent health problems, functioning of the system of support for people with physical, psychological, social disabilities,

social welfare, assistance in achieving social and material independence), the Law of Ukraine “About bases of social security of persons with disability in Ukraine” of March 21, 1991, No 875-XII (determines bases of social security of persons with disability in Ukraine and guarantees them opportunities for participation in economic, political and social spheres of life of society, creation of the necessary conditions allowing persons with disability effectively to exercise rights and freedoms of man and citizen and to lead full-fledged life according to individual opportunities to capabilities, and interests), the Regulations on a Medical and Social Assessment and the Regulation on the procedure, conditions and criteria for disability confirmation, approved by the Resolution of the Cabinet of Ministers of Ukraine “Issues on a Medical and Social Assessment” of December 03, 2009 No 1317, the Regulation on a military physician expertise in the Armed Forces of Ukraine, approved by the Decree of the Ministry of Defence of Ukraine of August 14, 2008 No 402 (hereinafter the Regulation No 402).

Thus, the Framework Law No 2801-XII defines the legal, organizational, economic and social principles of health care in Ukraine, regulates social relations in this area in order to ensure harmonious development of physical and spiritual strength, high ability to work and long active life of citizens, removal of factors, which have a detrimental effect on their health, prevention and reduction of morbidity, disability and mortality, and the improvement of heredity in controversial legal relationships. In addition, this legal act within the limits of a medical assessment distinguishes: 1) *a medical and social disablement assessment (Article 69)*; 2) *a medical and social assessment of persistent organism dysfunction (Article 69)*; 3) *a military physician expertise (Article 70)*; 4) *a forensic medical expertise (Article 71)*; 5) *a forensic psychiatric expertise (Article 71)*; 6) *a postmortem examination (Article 72)*; 7) *an alternative expertise (Article 73)*.

*1.2. Peculiarities of organization and implementation of a medical and social assessment.*

In accordance with part 2 of Art. 69 of Law No 2801-XII, the procedure for conducting a medical and social disablement assessment of citizens is determined by the central executive body, which ensures the formation of state policy in the field of health care (e.g. the Ministry of Health of Ukraine); part 6 of the Article stipulates, that the procedure for organizing and conducting a medical and social assessment is established by the Cabinet of Ministers of Ukraine.

In Article 1 of the Law of Ukraine “On the Rehabilitation of the Disabled in Ukraine” of October 6, 2005 No 2961-IV, a medical and social assessment is a determination based on a complete examination of all the systems of an organism of a particular person, the degree of health loss, the degree of physical dysfunction, caused by persistent health problems, disability group, cause and time of its occurrence, as well as recommendations on possible types of work and working conditions for a person according to his/her health

status, needs for nursing care, appropriate types of health resort treatment and social protection for the most complete restoration of all functions of a person's life.

Article 3 of the Law of Ukraine of March 21, 1991 No. 875-XII About bases of social security of persons with disability in Ukraine” stipulates that disability as measure of loss of health is determined by expert inspection in *bodies of a medical and social assessment* of the central executive body providing forming of state policy in health sector.

According to para. 35 and 40 sub-item 8, item 4 of the Regulations on the Ministry of Health of Ukraine, approved by the Decree of the Cabinet of Ministers of Ukraine of March 25, 2015 No 267, the Ministry of Health of Ukraine, in accordance with the tasks entrusted to it, conducts a medical and social assessment in order to determine degree of physical dysfunction and *controls legal compliance on a medical and social assessment*.

In item 4 of the Regulations on a medical and social assessment, approved by the Decree of the Cabinet of Ministers of Ukraine of December 03, 2009 No 1317 (hereinafter the Regulations No 1317) is determined that a medical and social assessment is carried out by *Medical and Social Expert Commissions*, which form centers in the established order (bureau) belonging to health care institutions under the Ministry of Health of the Autonomous Republic of Crimea, regional health administration, Kyiv and Sevastopol municipal government.

*Commissions are at the Ministry of Health of Ukraine disposal* and are formed under the following territorial principle: Crimean Republican; regional; central municipal in Kyiv and Sevastopol; municipal, interdistrict, regional commissions (paragraph 3 of item 4 of the above-mentioned Regulation).

Paragraph 4 of item 10 of this Regulation specifies that the commission consists of representatives of the Ministry of Health of Ukraine, the Ministry of Social Policy of Ukraine, the Ministry of Defence of Ukraine, healthcare institutions of the Ministry of Internal Affairs of Ukraine, the Fund of social insurance against industrial accidents and occupational diseases of Ukraine, Social insurance fund on temporary disability, and military medical service of the Security Service of Ukraine and the military medical division of the Foreign Intelligence Service of Ukraine in the case of consideration of medical cases in respect of workers injured in the workplace or retired servicemen from the SSU or Foreign Intelligence Service of Ukraine. Representatives of the Pension Fund of Ukraine, the State Employment Service and, if necessary, the employees of the scientific and pedagogical and social sphere participate in a medical and social assessment.

It should be noted, that responsibility for the quality of the medical examination, opportuneness and reasonableness of the referral of citizens to a medical and social assessment is entrusted to the head of the health care institution. In turn, the chairman of the commission or the head of the health

care institution in case of revealing facts of abuse of official position, official forgery or official negligence during the sending patients by medical consultive boards to the commissions for disability confirmation should inform the law enforcement authorities within three days (item 18 of the Regulation No 1317).

In accordance with item 19 of the Regulation No 1317, the Commission holds a meeting with a full complement and *takes a joint decision*. Information about results of the expert examination and taken decisions should be enregistered in *the examination report and the minutes of the commission meeting, signed by the chairman of the commission and its members and certified by seal*. In the presence of objections of representatives of the funds of social insurance, the commission sends the person applying for disability confirmation to an additional medical examination, which is conducted without taking into account the conclusion of the previous medical consulting commissions. The final decision is taken by the commission on the results of an additional medical examination, the extent of which is determined by the commission, taking into account the nature and severity of the disease.

The decision of the Central MSEC of the Ministry of Health of Ukraine, Crimean Republican; regional; central municipal commissions (also in the case of an examination in complicated cases) is adopted by a majority of the members of the commissions. In the case of equal division of votes, the vote of the chair of the commission is decisive. A member of the commission, who does not agree with the decision, expresses his opinion in writing, which will be attached to the examination report. At the request of such a member of the commission, the examination report will be sent to the Ministry of Health of Ukraine.

The Commission for disability confirmation is governed by the Instruction on Disability Groups Confirmation, approved by the Ministry of Health of Ukraine of September 05, 2011 No 561 (On Approval of the Instruction, 2011).

In the case of recognition a person with a disability or in relation to this person the disablement is determined, the commission gives a certificate and *an individual program of rehabilitation* and within three days sends *an extract from the commission's examination report* to the body in which the person with a disability is registered as the recipient of a pension or government social assistance (monthly perpetual maintenance), which is granted instead of a pension, and with *an individual rehabilitation program* – the body that carries out obligatory government social insurance, extract from commission's examination report on the results of determining the disablement degree in percentage and the need to provide additional assistance.

It should be mentioned that a medical and social assessment is carried out in order to determine disability for sick people who have reached legal

age, injured in the workplace and occupational diseases, disabled with an appointment card of the appropriate health care institution after diagnostic, treatment and rehabilitation measures if there are documents that confirm persistent organism dysfunction caused by diseases, traumas effect or congenital malformations, which cause physical dysfunction of a person (item 3 of the Regulation on the procedure, conditions and criteria for disability confirmation).

According to the item 7 of the Regulation on the procedure, conditions and criteria for disability confirmation, the commission conducts an examination of a temporarily disabled person who applied for a medical and social assessment within five working days from the date of receipt of the referral of the medical consultive board and make a decision on presence or absence of disablement.

The causal connection between disablement of ex-servicemen because of being at the front or performing other duties of military service is established on the basis of documents issued by *military medical institutions*, as well as other documents confirming the fact of getting wounds (disease) (item 12 of the Regulation on the procedure, conditions and criteria for disability confirmation).

In accordance with the item 26 of the Regulation on the procedure, conditions and criteria for disability confirmation, a person recognized as disabled, depending on the degree of organs and systems of the body dysfunction and physical dysfunction the I<sup>st</sup>, II<sup>nd</sup> or III<sup>rd</sup> disability group is confirmed. The I<sup>st</sup> group of disability is divided into subgroups A and B depending on the degree of health loss and the need for constant nursing care, assistance or watch.

According to part 3 of Article 8 of the Law No 2961-IV the decisions of Medical and Social Expert Commission should be obligatory carried out by executive authorities, local self-government authorities, enterprises, institutions, organizations, rehabilitation institutions apart from type and form of ownership. This legal regulation is duplicated also in item 6 of the Regulation No 1317, namely: the commission's conclusions, rehabilitation measures, defined in the individual program of rehabilitation of a disabled person, should be obligatory carried out by executive authorities, local self-government authorities, rehabilitation enterprises, institutions and organizations, in which a person with a disability works or resides in, apart from departmental affiliation, type and form of ownership.

On the grounds of the item 25 of the Regulation No 1317 it follows that the decision of the commission may be appealed to the court in accordance with the procedure established by law.

Having analyzed the Regulation No 1317, we can conclude that since the legal fact of the disability group conformation of an individual or the fact of loss of ability to work made by the MSEC is drawn by an examination report, a protocol of the MSEC meeting, etc., which essentially is a decision

(resolution), determines certain rights and duties for an individual and can be appealed, then it obviously follows that the subject who made it, within the meaning of the Regulations of the CAP of Ukraine, is a power entity.

*Thus, a systematic analysis of the specified norms of legislation regulating the activities of medical and social commissions, in conjunction with item 9, part 1, Article 19 of the CAP of Ukraine allows for the conclusion that the decisions of Medical and Social Expert Commissions are aimed at ensuring the implementation of the state policy in the field of rehabilitation of disabled, the creation of legal, economic, political, social and social-psychological conditions for meeting their needs in recovery of health, material security, feasible labour and social activity, and therefore they are of a public nature and subject to appeal according to administrative legal proceedings.*

*1.3. Legal basis of the organization and implementation of a military physician expertise.*

In accordance with part 1 of Art. 70 of the Law No 2801-XII it is envisaged that *a military physician expertise* determines fitness for military service of conscripts, servicemen and persons in military service, establishes the causal link of diseases, injuries and traumas with military service and determine necessity and conditions and conditions of usage of medical and social rehabilitation and assistance to servicemen. The procedure for organizing and conducting a military physician expertise is established by the Cabinet of Ministers of Ukraine (part 3 of Article 70 of the Law No 2801-XII). By the Resolution of the CMU “On the Procedure for Organizing and Conducting a Military Physician Expertise” of September 07, 1993 No 708 in accordance with Art. 70 Fundamentals of the Legislation of Ukraine on Health Care, the following provisions to the Ministry of Defence are issued: a) to develop the Regulation on a military physician expertise and a medical examination in the Armed Forces; b) by agreement with the Ministry of Health of Ukraine, other interested ministries and departments to approve the said Provision by the 1st of December, 1993. In pursuance of this instruction, the Ministry of Defence of Ukraine issued an order of the 4<sup>th</sup> of January 1994 No 2 “On Approval of the Regulations on a Military Physician Expertise and a Medical Examination in the Armed Forces of Ukraine”, registered with the Ministry of Justice of Ukraine on July 29, 1994 No 177/386 (invalid).

According to the current Regulation on a Military Physician Expertise in the Armed Forces of Ukraine, approved by the Order of the Ministry of Defence of Ukraine of August 14, 2008 No 402, for conducting a military physician expertise, full-time and part-time (permanent and temporary) Military Physician Boards (hereinafter – MPhBs) are established.

The decisions of full-time and part-time (permanent and temporary) MPhBs (The Flight Medical Board (hereinafter - the FMB)) are adopted in the form of *regulations*. The regulations of MPhBs (FMBs) are issued by *the*

*certificate of disease, the certificate of the Military Physician Board, the minutes of the Military Physician Board meeting with the determination of the causal connection of diseases, injuries, shell shocks, traumas or maiming injuries of the of ex-serviceman. The Regulations of full-time and part-time MPhBs are obligatory for implementation.*

It is worth mentioning that the decisions of the *Central Military Physician Board* can be appealed in court (2.3.5 of the Regulation No 402), and decisions of the *Regional Military Physician Boards* may be appealed according to the administrative procedure (in the Central MPhB) and *in court* (2.4.10 of the Regulation No 402).

As a result of the analysis of the Regulation No 402, it follows that since determination of causal connection of diseases, injuries, shell shocks, traumas or maiming injuries of ex-servicemen by the Central MPhB (the MPhB) is issued in the minutes of the Military Physician Board meeting, which is essentially a decision (resolution), determines certain rights and duties for an individual and can be appealed, then the subject who made it (the Central MPhB) within the meaning of the Regulations of the CAP of Ukraine is a power entity.

*System analysis of the given norms of the Regulation No402 and item 9 of the part 1 Article 17 of the CAP of Ukraine gives grounds to conclude that the controversial legal relations with the participation of the MPhB (the Central MPhB) are of a public nature, the decisions of the MPhB (including the Central MPhB) are subject to appeal according to the administrative legal proceedings.*

## **2. The Authority of the Ministry of Defence of Ukraine to appeal against the decisions of the MSEC and the Central MPhB (the Regional MPhB) in administrative courts.**

It should be noted that the CAP of Ukraine regulates the procedure for consideration not all public legal disputes. The Regulations of Article 17 of this Code do not extend their validity to legal situations requiring other forms of protection against mentioned violations of rights or interests.

According to part 4 of Article 5 of the CAP of Ukraine, power entities have the right to apply to the administrative court only in cases designated by the Constitution and Laws of Ukraine.

Such a restrictive principle of the possibility of a power entity to go to the administrative court with lawsuit is duplicated in item 5, part 1, Article 19 of the CAP of Ukraine. This norm provides that the jurisdiction of administrative courts extends to cases in public legal disputes at the request of a power entity in cases when such right to appeal was granted to him exclusively by law.

In accordance with part 2 of Article 19 of the Constitution of Ukraine public authorities and local government authorities, their public individuals

are obliged to act only on the basis and within the limits of authority and in the manner provided by the Constitution and Laws of Ukraine.

The normative notion “a power entity” is contained in item 7 of Article 4 of the CAP of Ukraine and is defined as “public authorities, local government authorities, their public individuals, officials or other subject in the exercise of power administrative functions on the basis of legislation, including carrying out delegated authorities, or the provision of administrative services”.

That is, the necessary and only peculiarity of a power entity is the exercise of *power administrative functions*, herewith these functions should be exercised by a power entity in the legal relations in which the dispute arose. In case if a subject (including public authorities and local government authorities, their officials) in the controversial legal relationships does not perform specified power administrative functions (with respect to another entity that is a party in the dispute), such entity is not “in the performance of administrative functions”, but does not have the necessary power entity peculiarities established by norms of the CAP of Ukraine.

Consequently, the possibility of a power entity (the Ministry of Defence of Ukraine) to apply to the court of administrative jurisdiction should be related to the fulfillment of its administrative functions, in this case, in the field of administration of a military physician expertise and a medical and sanitary assessment, within the limits of authority and under the condition that the right to such appeal is expressly provided by law.

In determining accordance of the Ministry of Defence of Ukraine to the first part of mentioned conventionalities, it should be noted that the main principles of activity organization, the list of tasks, functions and powers of the Ministry of Defence of Ukraine in the field of administration of a military physician expertise and a medical and sanitary assessment are regulated in the Laws of Ukraine “On Central Bodies of Executive Power” of March 17, 2011 No 3166-VI, “On the Armed Forces of Ukraine” December 6, 1991 No 1934-XII (hereinafter the Law No 1934-XII), “Fundamentals of the Legislation of Ukraine on Public Health of November 19, 1992 No 2801-XII”, Decree of the Cabinet of Ministers of Ukraine “On Approval of the Regulation on the Ministry of Defence of Ukraine” November 26, 2014 No 671 (hereinafter - Regulation No 671), as well as “On Approval of the Procedure for the Assignment of One-Time Payment in Case of Death (Loss of Life), Disability or Partial Disablement without Disability Confirmation of Servicemen, Subjects to Military Service, and Reservists Called for Training (or Testing) and Special Meetings or for Service in the Military Reserve”, the Resolution of the Cabinet of Ministers of Ukraine of 25 December 2013 No 975, approved by the Regulation of the Cabinet of Ministers of Ukraine from December 25, 2013 No 975 (hereinafter “Procedure” No 975), On Approval of the Regulation on the Commission of the Ministry of Defence of Ukraine for Consideration of Issues Related to the Assignment and One-Time Payment and One-Time Payment and Compensatory Amounts, approved by the Order of the Ministry

of Defence of Ukraine October 26, 2016 No 564 (hereinafter the Regulation No 564).

According to Article 3 of the Law No 1934-XII the Ministry of Defence of Ukraine is the central body of executive power and military administration under the jurisdiction of the Armed Forces of Ukraine.

In accordance with item 1 of the Regulation on the Ministry of Defence of Ukraine, approved by the Cabinet of Ministers of Ukraine of November 26, 2014 No 671, the Ministry of Defence of Ukraine is a central executive body whose activities are directed and coordinated by the Cabinet of Ministers of Ukraine. The Ministry of Defence of Ukraine is the main body in the system of central bodies of executive power, which ensures the formation and implementation of state policy in the national security and military sphere, in the sphere of Defence and military construction in peacetime and during a special period. The Ministry of Defence of Ukraine is the body of military administration under the jurisdiction of the Armed Forces of Ukraine.

The Ministry of Defence of Ukraine is a legal entity of public law, has a State Seal with its name, its own forms, accounts in the State Treasury Service of Ukraine (item 15 of the Regulation No 671).

Thus, the legal and regulatory support of the activities of the Ministry of Defence of Ukraine, its legal status as a central authority, as well as having all necessary powers (in particular, envisaged by item 4 of the Regulation No 671), allows to state that this body is a subject of public law, created for the purpose of fulfilling public interests of the state in the national security and military sphere, in the sphere of Defence and military construction in peacetime and during a special period, accordingly it has the governmental and administrative functions and is a power entity in terms of the CAP of Ukraine.

At the same time, analyzing the functions of the Ministry of Defence of Ukraine in the field of administration of a military physician expertise and medical and sanitary assesment, we must note two important norms of the Regulation No 671: first, item 88, which states that this power entity “defines within the envisaged powers by the law, priority line and forecasts of development and improvement of the health care system of servicemen of the Armed Forces of Ukraine, designs developmental programs of the system of medical support of the Armed Forces of Ukraine in peacetime and a special period, organizes their implementation and *exercises state control and supervision in the field of health care in the Ministry of Defence and the Armed Forces of Ukraine*”, and secondly, item 91, which stipulates that this power entity “*approves the procedure of a military physician examination, organises and controles its conducting*, gives proposals to the Cabinet of Ministers of Ukraine on organizing and conducting a military physician expertise in the Armed Forces of Ukraine”. Under the above mentioned, these functions of the Ministry of Defence of Ukraine are not related to the control

over the activities of the MSEC and medical and social assessments conducting.

In accordance with item 1 of section II of the Regulation No 564 (which defines the main functions, tasks, powers of the Commission of the Ministry of Defence of Ukraine on consideration of issues related to one payment and compensatory amounts as well as the organization of its work ( hereinafter - the Commission of the Ministry of Defence)) the main tasks of the Commission are *to study documents* and make decisions on one-time payment (refusal to assign) provided by Article 16 of the Law of Ukraine “On Social and Legal Protection of Military Men and Members of Their Families”, Article 21-4 of the Law of Ukraine “On General Military Duty and Military Service” and compensatory amounts for servicemen, who became disabled, members of families of servicemen, who died while carrying out military service duties as part of the national contingent or national personnel, as well as in other individual cases envisaged by resolutions of the General Assembly of the United Nations and the Decree of the Cabinet of Ministers of Ukraine May 05, 1994 No 290 “On Approval of the Regulation on the Procedure for Reimbursement to Servicemen, Rank and File and Senior Officers Who Became Disabled, Members of Servicemen Families, Rank and File and Senior Officers Who Died while Carrying Out Military Service Duties or Service in Internal Affairs Bodies within the National Contingent or National Staff, as well as in other Specific Cases”. In order to ensure the fulfillment of the tasks assigned to it, the Defence Ministry Commission, in particular, is required to accept documents submitted to the Ministry of Defence of Ukraine for the purpose of assignment of one payment... (para. 2 of *item 2 of section II*), etc.

In accordance with item 11 of Procedure No 975 a serviceman, a subject to military service and reservist, who is paid a one-time payment in case of occurrence of disability or disablement without disability group conformation, submit to the authorized body the following documents: *the certificate of medical and social expert commission* on establishment of a disability group or percentage of disability with an indication of the cause effect of disability or disablement. The following copies need to be attached to the application: *the decision of the appropriate Military Physician Board* regarding the establishment of cause effect of injury (shell shock, trauma or maiming injury), disease.

However, the activity of the Defence Ministry Commission is to study mentioned documents and not to exercise its governmental and administrative functions in the field of administration (control) of the Military Physician Board and a medical and sanitary assessment.

In addition to that, in accordance with subitem 9 of item 5 of the Regulation of the Ministry of Defence of Ukraine for the purpose of organizing its activities, it ensures interest intermediation of the Ministry of Defence of Ukraine in judicial and other bodies. However, this power with the

participation of the Ministry of Defence of Ukraine in controversial relations is not connected with the implementation of its governmental and administrative functions in these relations.

*According to everything mentioned above, it can be stated that firstly, in accordance with the current legislation, the Ministry of Defence of Ukraine does not have the authority to file lawsuits in court in administrative jurisdiction during the exercise of its powers, and, consequently, the appealed decisions of the MSEC may not be subject matter of the administrative court for the appeal of the Ministry of Defence of Ukraine; secondly, current legislation does not contain provisions in which the authority of the Ministry of Defence of Ukraine in the field of management of medical and sanitary assessment is established, which gives grounds to assert that the Ministry of Defence of Ukraine is not a power entity in the sense of item 7, part 1, Article 3 of The Code of Administrative Proceedings of Ukraine in controversial legal relations and filing lawsuits with a claim on the recognition and rescission of the decision of the MSEC acts not as a body of state power in the exercise of its administrative functions and, accordingly, not as a power entity.*

Regarding the powers of the Ministry of Defence of Ukraine to appeal against the decisions of the Central Military Physician Board (the Regional MPhB), the following is to be noted.

According to Article 3 of the Law No 1934-XII, the Ministry of Defence of Ukraine is the central body of executive power and military administration, and the Armed Forces of Ukraine are under its jurisdiction.

In their turn, the Armed Forces of Ukraine consist of *bodies of military administration*, unions, military units, military educational establishments, institutions and organizations.

According to the Order of the Ministry of Defence of Ukraine of August 14, 2008 No 402 “On Approval of the Regulation on a Military Physician Expertise in the Armed Forces of Ukraine”, Military Physician Boards (hereinafter – MPhBs), full-time and part-time (permanent and temporary) are established to conduct a military physician expertise.

Full-time MPhBs are military medical institutions. They have an official stamp, a corner stamp and are held by a separate staff. Full-time MPhBs include the Central Military Physician Board; Regional the MPhB; the MPhB of an evacuation point; the MPhB of a mobile hospital center.

According to sub-item 2.6.1 of the Regulation No 402, part-time permanent MPhBs (FMBs) include hospital MPhBs, garrison MPhBs, FMBs; MPhBs of high-mobility assault forces; MPhBs of military commissariats; MPhBs of a territorial center of staffing (hereinafter – the MPhB of TCS); MPhBs of a civilian medical institution with the rights of the hospital MPhB.

The list of military medical institutions, military units, health-care centers, where part-time permanent MPhBs (FMBs) are organized, along with a list of heads and deputy chairmen of these MPhBs (FMBs) for the next

calendar year, shall be approved by the chairman of the Central MPhB on the submission of the Chiefs of full-time Regional MPhBs. On the basis of the approved list, the *Chief* of the *Regional Military Medical Clinical Center*, by his order, appoints part-time permanent MPhBs, their staff and determines the order of their work.

*Full-time and part-time* (permanent and temporary) MPhBs (FMBs) for *military physician* and *medical-flight expertise* are subordinate to higher regular MPhBs (sub-item 2.6.4 of the Regulation No 402).

Item 2.3. of the Regulation No 402 stipulates that the *Central Military Physician Board* is the body of military administration that manages Regional MPhBs in the Armed Forces of Ukraine and is the governing body for a military physician expertise in the Armed Forces of Ukraine.

The head of the Central MPhB is directly subordinate to the Director of the Military Medical Department (hereinafter – the MMD) of the Ministry of Defence of Ukraine. All full-time MPhBs of the Armed Forces of Ukraine are directly subordinate to the Chief of the Central MPhB.

According to sub-item 2.3.3. of the Regulation No 402, the Central MPhB is responsible for the *organization of a military physician expertise in the Armed Forces of Ukraine*.

According to sub-item 2.3.4. of the Regulation No402, the Central MPhB is entitled to:

inspect the servicemen and other persons specified in item 1.2 of part I of this Regulation;

check the work of the subordinate MPhBs on the issues of a military physician expertise;

demand the documents in the part describing the circumstances of receiving the disease, wound, trauma, maiming injury, necessary for the adoption of a resolution on their causal relationship;

involve chief medical specialists of the Ministry of Defence of Ukraine, medical specialists of the National Military Medical Clinical Center and other military medical institutions, specialists of other specialties, heads of medical service and representatives of the command (administration) of military units, where the service of the military serviceman under the examination takes place in order to resolve issues on military physician and flight medical expertise;

*review, revise, cancel, approve, not approve, monitor*, in accordance with this Regulation, *the decisions of any MPhB* (the Flight Medical Board (hereinafter – the FMB)) of the Armed Forces of Ukraine, etc.

According to sub-item 2.4.2. of the Regulation No 402, the head of the Regional MPhB is directly subordinate to the head of the Central MPhB. All *part-time Regional MPhBs*, where servicemen are examined, treated and undergo medical survey, are subordinate to the Regional MPhB on a military physician expertise issues.

According to the decision of the Central MPhB, the Regional MPhB becomes responsible for the consideration, control, and approval of the decisions of part-time permanent MPhBs organized in the military units located in the region, regardless of subordination (sub-item 2.4.3 of the Regulation No 402). So, according to sub-item 2.4.4 of this Regulation, the Regional MPhB is entrusted with the organization of a military physician expertise, the administration of subordinate MPhBs, control over their work and providing them with methodological and practical assistance in the area of responsibility.

The Order of the Ministry of Defence of Ukraine “The Issues of the Ministry of Defence of Ukraine” of April 09, 2016 No 190 approved the Structure of the apparatus of the Ministry of Defence of Ukraine, which includes the Military Medical Department. In accordance with the Distribution of the main tasks and functions of the structural units of the Ministry of Defence of Ukraine, defined by the Regulation on the Ministry of Defence of Ukraine, approved by the Cabinet of Ministers of Ukraine of November 26, 2014, No 671, the scope of such tasks is assigned to the MMD, firstly as an executor of the determination of the order, priority directions and programs for the development of the medical support of the Armed Forces of Ukraine in peacetime and during a special period (paragraph 87); secondly, as a co-executor of implementation in accordance with the legislation of legal and social protection of servicemen, reservists of the Armed Forces of Ukraine, subjects to military service, called for meetings, members of their families and employees of the Armed Forces of Ukraine, elaboration of the program of social development of the Armed Forces of Ukraine (item 81).

At the same time, in accordance with the joint Directive of the Ministry of Defence of Ukraine and the General Staff of the Armed Forces of Ukraine, a single body of medical support administration – *the Chief Military Medical Directorate*. The main objective of creating a new structure is to establish an effective system of medical support in accordance with the needs of the Armed Forces of Ukraine and NATO standards. The Central Military Medical Directorate of the Armed Forces of Ukraine was dissolved, and the Military Medical Department of the Ministry of Defence of Ukraine is in the process of dissolution. The Main Military Medical Department is a military administration body that is designed to provide medical support to the Armed Forces of Ukraine, to administrate the medical service of the Armed Forces of Ukraine, and to participate in ensuring the implementation of state policy in the field of health care of servicemen, members of their families, war veterans and other categories of citizens defined by the legislation of Ukraine (Government Portal).

*The Chief Military Medical Directorate is established for the organization of medical support of the Armed Forces of Ukraine and the administration of the medical service, as well as for the implementation of the*

state policy in the field of health care of servicemen, their families and other categories of citizens defined by the legislation of Ukraine.

*The main tasks entrusted to the Chief Military Medical Directorate are (The Ministry of Defence, 2017; Medical Service, 2018):*

- ensuring the implementation of the state policy on health protection of staff of the Armed Forces of Ukraine, medical support for servicemen, members of their families, subjects to military service and reservists called for training (or testing) and special meetings, military veterans, war veterans, and other categories of citizens, who under the legislation of Ukraine have the right to use health care institutions in the system of the Ministry of Defence of Ukraine;

- specification within the limits of the powers envisaged by the law of priority directions and forecasts for the development and improvement of the health care system of servicemen of the Armed Forces of Ukraine, creation of programs for the development of the system of medical support of the Armed Forces of Ukraine in peacetime and during a special period, organization of their fulfillment and the implementation of state control and supervision in the field of health care in the Ministry of Defence and the Armed Forces of Ukraine;

- organization of observance of the standards of medical care (medical standards) in health care institutions of the Ministry of Defence of Ukraine, clinical protocols and other industry standards in the field of health care;

- organization of medical support of the Armed Forces of Ukraine in peacetime and during a special period, development and implementation of a complex of preventive, medical, sanatorium-resort and rehabilitation measures aimed at preserving the health of servicemen of the Armed Forces of Ukraine;

- organization of administration, planning and use of forces and means of medical service of the Armed Forces of Ukraine;

- development of the procedure for a medical examination of military personnel, its organization and control, *submission of proposals for the organization and conduct of a military physician expertise in the Armed Forces of Ukraine*, in accordance with the established procedure, for consideration by the administration of the Ministry of Defence of Ukraine;

- implementation of the administration of health care institutions in the system of the Ministry of Defence of Ukraine, development of provisions on such institutions and ensuring their high combat and mobilization readiness, as well as readiness to perform assigned tasks;

- organization of health resort treatment for servicemen and military veterans, members of their families, war veterans, employees of the Armed Forces of Ukraine, and other categories of citizens who have been granted the right to use health care institutions in the system of the Ministry of Defence of Ukraine;

- organization of providing of sanitary and epidemiological well-being of servicemen in the Armed Forces of Ukraine and carrying out state sanitary and epidemiological supervision on subordinated territories, objects, in military units and divisions;

- organization of the provision of development of the prophylactic direction in the system of medical support of servicemen of the Armed Forces of Ukraine, formation of a healthy way of life;

- ensuring the accumulation of medical equipment and property, organizing the supply of such equipment and property to the Armed Forces of Ukraine, as well as to other military formations created, in accordance with the laws of Ukraine, during a special period;

- coordination and control of the interaction of medical services of military administration bodies of the Armed Forces of Ukraine and health care institutions in the system of the Ministry of Defence of Ukraine for the issues of medical support of the Armed Forces of Ukraine;

- organization of scientific and educational activities of the Ukrainian Military Medical Academy, Departments of Emergency and Military Medicine of the designated higher medical educational institutions of the Ministry of Health of Ukraine and military medical training in the Armed Forces of Ukraine;

- organization of assignment (confirmation) of qualification categories of staff of medical and pharmaceutical specialties;

- organizing and conducting scientific and innovative work, implementing the results of their work and NATO standards while performing tasks on medical support of the Armed Forces of Ukraine;

- organization of the provision of the Armed Forces of Ukraine with military property of medical purpose.

*The Chief Directorate is subordinate to the Minister of Defence of Ukraine and is supported by means of numerical strength of the Armed Forces of Ukraine.* Regarding the planning, application, administration, and resources of the medical service of the Armed Forces of Ukraine, their preparation the Chief Directorate is subordinate to the Chief of the General Staff – the Commander-in-Chief of the Armed Forces of Ukraine.

According to the Order of the Ministry of Defence of Ukraine of March 23, 2017 No 168, which approved the “The List of Health Care Institutions in the System of the Ministry of Defence of Ukraine”, such institutions include, in particular: “1. hospitals: Military Medical Center (of all denominations, including clinical one); military hospital, hospital branch (of all denominations); a separate medical battalion, a medical sanitary battalion; military infirmary (of all denominations); a separate hospital company (medical company); medical platoon; medical point (with a bed fund)”; ... “7. Medical and Social Expert Commissions: the Military Physician Board (of all denominations); Aviation Medicine Laboratory”.

In accordance with the Regulation on the Ministry of Defence of Ukraine, approved by the Resolution of the Cabinet of Ministers of Ukraine of November 26, 2014 No 671, and with the purpose of qualitative organization of the structural units of the apparatus of the Ministry of Defence of Ukraine, the creation of organizational principles for the effective implementation of certain tasks of the Ministry of Defence of Ukraine, Order of April 09, 2016 No 191 approved the “Standard Regulation on the Structural Unit of the Apparatus of the Ministry of Defence of Ukraine”. In accordance with item 1 of this Regulation, the structural unit of the apparatus of the Ministry of Defence of Ukraine is intended to support the activities of the Minister of Defence of Ukraine, as well as the fulfillment of tasks and functions entrusted to the Ministry of Defence of Ukraine (item 2 of the Regulation No 191). The Regulation on the structural unit and its structure is approved by the Minister of Defence of Ukraine. The structural unit has a seal of the established sample with its name, as well as other seals and stamps necessary for the operation of the subdivision (item 13 of the Regulation No 191).

Consequently, a systematic analysis of the above-mentioned legal acts makes it possible to conclude that full-time MPhBs are a part of the Armed Forces of Ukraine and, accordingly, are subordinate to the Ministry of Defence of Ukraine, act on the basis of the Laws of Ukraine and regulations, including those adopted by the Ministry of Defence of Ukraine. Therefore, subordinate relations – organizational subordination and administration based on the principle of unity of command exist between the Ministry of Defence and full-time MPhBs, and accordingly the dispute between a legal entity and its subordinate unit is not subject to consideration in the procedure of administrative legal proceedings.

Concerning part-time MPhBs, these institutions, although are not a part of the Armed Forces of Ukraine, however, along with full-time MPhBs, they also operate on the basis of the Laws of Ukraine and regulations, including those adopted by the Ministry of Defence of Ukraine. Between the Ministry of Defence of Ukraine and part-time MPhBs there are relations of functional subordination and administration in the field of organization and implementation of a military physician expertise, considering that the governing body for a military physician expertise in the Armed Forces of Ukraine is the Central MPhB, which is a part of the Armed Forces of Ukraine and is subordinate to the Ministry of Defence of Ukraine.

*Thus, both full-time (those directly affiliated to the Armed Forces of Ukraine) and part-time MPhBs perform certain functions of the Ministry of Defence of Ukraine within the framework of the implementation of a single state policy determined for this department and are directly or indirectly governed by it. Accordingly, the resolution of disputes between the Ministry of Defence of Ukraine as a central executive body and its subordinate units may be carried out in an extrajudicial manner, including through the use of measures of state coercion.*

*Propriety of the Ministry of Defence of Ukraine as a plaintiff in controversial legal relations.*

Part 1 of Article 5 of the Code of Administrative Proceedings of Ukraine provides that each person has the right, in accordance with the procedure established by this Code, to apply to the administrative court if he considers that the decision, action or inaction of a power entity has violated his rights, freedoms or interests and request their protection by:

1) recognizing a regulatory legal act or its separate provisions unlawful and ineffective; 2) recognizing a regulatory legal act or its separate provisions unlawful and their abolition; 3) recognising the actions of a power entity unlawful and obligating to refrain from committing certain actions; 4) recognizing the inaction of a power entity illegal and obligating to perform certain actions; 5) establishing the presence or absence of competence (authority) of a power entity; 6) making one of the decisions specified in items 1 to 4 of this part by court and collecting of and the recovery from a defendant – a power entity to recover damages caused by his unlawful decisions, actions or inactivity.

Thus, administrative justice is aimed at protecting violated rights of persons in the field of public legal relations, so to restore the violated right in connection with the decision by a power entity, the person must prove how the violation of his rights has occurred.

The right to judicial protection, guaranteed by Article 55 of the Constitution of Ukraine and specified in other laws, provides for the possibility of applying to a court for the protection of an infringed right, but requires justification of the alleged violation.

The administrative court must verify the identity of a person applying for judicial protection, the relevant right or interest protected by law (whether such person is a proper plaintiff in a case – the right to sue in a material sense), as well as to establish whether the relevant right or interest has been violated (establish the fact of violation), and whether such right or interest belongs to public legal relations (sphere of judicial protection).

Consequently, the protection of an administrative court can be applied to the actual violations of the rights of a person in public legal relations with a defendant, and precisely in the exercise of administrative functions that are clearly defined by the current legislation. A violation must be real, involve (affect) usually individually expressed rights or interests of the person who alleges their violation.

At the same time, we note that in accordance with item 8, part 1 of Art. 4 of the Code of Administrative Proceedings of Ukraine, a plaintiff is a person in the protection of rights, freedoms and interests of whom a lawsuit is filed to the administrative court, as well as a power entity, against whose authority the lawsuit was filed in an administrative court, according to part 2 of Art. 46, plaintiffs in an administrative case may be citizens of Ukraine, foreigners or

stateless persons, enterprises, institutions, organizations (legal entities), power entities.

At the same time, in the investigated case, the plaintiff (the Ministry of Defence of Ukraine) actually challenges the decisions of the MPhB and the MSEC, which are not related to interests and do not violate its rights, but have a direct impact only on the person in respect of whom they are adopted, that is, they are acts of an individual action.

An individual act is an act (decision) of a power entity, issued (adopted) to perform administrative functions or in the provision of administrative services that relates to the rights or interests of an individual or persons specified in the act and whose action is exhausted in its execution or has a definite period of validity (item 19, part 1, Art. 4, of The Code of Administrative Proceedings of Ukraine).

The system analysis of the above norms gives grounds for the conclusion that the right to appeal the decision (individual act) of a power entity is granted to a person in respect of whom it was adopted or whose rights, freedoms and interests it is directly concerned with.

Thus, the Law of Ukraine “On the Fundamentals of Social Security of the Disabled in Ukraine”, Art. 6 states that protection of the rights, freedoms and legitimate interests of persons with disabilities is ensured in court or other procedure established by the law; *a citizen has the right to appeal against decisions of medical and social expertise bodies on his recognition or non-recognition as a person with a disability.*

Consequently, the Ministry of Defence of Ukraine is not a proper plaintiff in administrative cases in its suit against the Central MPhB (the Regional MPhB) on the recognition of their decisions (as individual acts) unlawful and cancellation, since the latter do not directly violate its rights and interests.

As a result of the study we came to the following **conclusions**:

1. The medical and social commission in controversial legal relations in terms of the provisions of the Code of Administrative Proceedings of Ukraine is the power entity, and its decisions are of a public nature and subject to appeal in the procedure of administrative legal proceedings.

2. The Central MPhB (the Regional MPhB) in controversial legal relations in terms of the provisions of the Code of Administrative Proceedings of Ukraine is the power entity, and its decisions (resolutions) are of a public nature and subject to appeal in the procedure of administrative legal proceedings.

3. The current legislation does not contain provisions in which the Ministry of Defence's authority in the field of administration of medical and sanitary expertise would be secured. Accordingly, the Ministry of Defence of Ukraine is not a power entity in the sense of item 7, part 1 of Article 3 of the Code of Administrative Proceedings on controversial legal relations, and therefore, applying to court with a claim on the recognition of illegal and

abolition of the decision of the MSEC, does not have the status of a state authority exercising power administration functions in the specified area.

4. The Ministry of Defence of Ukraine is the authorized body in the field of administration of a military physician expertise. At the same time, the controversial public legal relations in this area between the Ministry of Defence of Ukraine and the Central MPhB (the Regional MPhB) are of an extrajudicial nature and develop on the principle of unity of command as subordination and functional subordination, and therefore their solution should be carried out in extrajudicial administrative order, including by means of state coercion.

5. The Ministry of Defence of Ukraine is not a proper plaintiff in administrative cases in its suit against the Central MPhB (the Regional MPhB) and the MSEC on the recognition of their decisions (as individual acts) unlawful and cancellation, since the latter do not directly violate its rights and interests.

The conclusions formulated are the result of the systematic analysis of current legislation and judicial practice in Ukraine and can serve as benchmarks for practicing lawyers, judges in resolving disputes of this category of cases, and may also become a platform for scientists and lawmakers to carry out further research, develop normative acts in order to improve the unified mechanism of protection of social rights of citizens, including resolving public legal disputes in this sphere. At the same time, in the framework of the implementation of the Association Agreement, when developing further proposals, researchers and practitioners should take into account basic European principles for the implementation and observance of social standards and the administration of justice, while taking into account the broad practice of the European Court of Human Rights.

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## International Cooperation in Fight Against the Financing of Terrorism

Increasing the state and society's resilience to the terrorist threat is an important element of ensuring national security and the level of terrorist threat is quite high. Worldwide, financing of terrorism has been recognized as one of the most threatening problems that needs urgent solutions. The problem of international terrorism violates national security, peace and development of the countries, therefore, a large number of international organizations, including the United Nations, are actively struggling against the appearance of any organization, both with signs of terrorism and proclaimed. After the events in 2001 (9/11 attacks), international counterterrorism financing efforts have delivered measures under both a criminal justice model and a regulatory risks model. For example, the European Union defined the common aim of the Member States to harmonize their internal criminal laws making fight against terrorism more effective. The fight against terrorist financing is one of the priority directions of the state's activities in the person of its authorized bodies, taking into account the threat posed by terrorist organizations. There is a need to improve the criminal law prohibitions of any terrorist manifestations and the improvement of new crimes. One of the main problems encountered in the fight against terrorism is the need to understand how a terrorist organization is organized and how it manages its assets. The solution to this problem is extremely topical and consists in depriving terrorist organizations of funding. Understanding the huge need for the world community to develop the most effective counterterrorism measures Ukraine entered the anti-terrorist coalition, confirming its readiness for international cooperation in this area. Corruption and illegal economic activities (including fictitious entrepreneurship, tax evasion and fraud) are the major threats. The armed conflict on the territory of Ukraine being a hybrid by its nature added a new layer to the academic and practical debates regarding the detection, prevention and counteraction of terrorism. This article examines key issues of the international cooperation in the field of combating the financing of terrorism. It presents findings from a desk-review study of the international and Ukrainian regulations and legislative acts.

Financing terrorist activities helps terrorists create organizations that facilitate terrorist acts and conduct their activities. It is important to point out that activities aimed at financing terrorism can actually undermine the interests of people and their security. To bring people to criminal responsibility for committing such acts requires effort and a large amount of actions taken.

The theoretical and analytical framework for this article was grounded in works of Ukrainian scientists (Kyivets', 2003; Rymaruk, Lysenkov,

Kapustin, and Sinjanskij, 2003) who studied terrorism as a phenomenon, the counteraction to the financing of terrorism, international cooperation in the field of combating the financing of terrorism. The study was carried out with respect to institutional analysis, paying special focus to normative regulations and the institutional structure of liberal governments when the social objective is terrorism prevention (Dragu and Polborn, 2014).

### **International regulations on anti-terrorist financing system**

The first attempt to articulate a definition of terrorist acts for the purposes of international criminal law is represented by the Geneva Convention on the Prevention and Punishment of Terrorism which was adopted, on 16 November 1937. Since that time more sophisticated international regulations have been introduced to counter terrorism, including financing of terrorism.

Referring to the International Convention for the Suppression of Financing of Terrorism adopted by the United Nations General Assembly on December 9, 1999, the States being the Parties to the Convention have recognized the financing of terrorism as a crime.

At the global level, the anti-terrorist financing system operates under the auspices of the United Nations and its special forces on the basis of universal conventions and protocols on combating various forms of terrorism. These agreements consolidate real mechanisms aimed at effective practical interaction. This is a commitment to end the terrorist attacks, including disposing of and detaining persons guilty of or suspected of committing them, exchanging relevant information, and providing maximum legal support to each other.

In Europe, the evolution of regional measures to counter money laundering and the financing of terrorism have been observed. The first directive on prevention of the use of the financial system for the purpose of money laundering was adopted in 1991. This regulatory document represents the initial stage in combating money laundering at Community level. It was amended in 2001.

In 2005, to so called third counter-terrorism convention - the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and the Financing of Terrorism (sometimes called Warsaw Convention). It includes new elements and develops others, going to a large extent beyond the former directives. The convention is regarded as a part of a wider (and evolving) legislative (and non legislative) framework addressing money laundering and terrorist financing at EU and international level.

The general principle set up by this new directive was that the measures adopted solely at national or even Community level, without taking account of international coordination and cooperation, would have limited effects. Thus,

the preamble states that parties to the Convention should create and pledge an effective mechanism for international co-operation, play a special role in the counter-terrorism system. The mentioned legal document defines the main aspects of international cooperation in the form of implementation of the measures taken at the national level, such as: measures for confiscation; investigatory and interim measures; blocking, arresting and confiscating funds received to finance terrorist activities; management of blocked and arrested property; investigative powers and methods; remedies; postponement of internally suspicious operations, etc.

The chapter 4 of the Section 1 of the Convention of the Council of Europe on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism determines the general principles and measures for the implementation of international cooperation in the form in which the Parties to the Convention cooperate as far as possible with each other for the purpose of investigating and the trial of cases concerning the confiscation of means and equipment and proceeds. Doing so, each Party to the Convention shall take such legislative or other measures, which may be necessary to ensure its ability to perform, under the conditions provided for in this Chapter, requests for: a) the confiscation of said property objects that are incomes or means and tools, as well as the confiscation of proceeds in the form of a claim for payment of a monetary amount of equivalent value income; b) assistance in conducting an investigation and preventive measures for the purpose of committing any form of confiscation.

Separately, the Convention highlights the need for international engagement while seeking inquiries and interim measures when the request is made within the framework of domestic law. In fact, when a request for one of these measures determines the formalities or procedures required by the law of the requesting party, even if they are not familiar with the requested one. The requesting party must comply with this request insofar as the measures do not contradict the principles of law.

### **The Ukrainian national regulations and practices**

Turning to the norms of national legislation, it is necessary to understand what such financing of terrorist activity is and how international cooperation is fixed. The Criminal Code of Ukraine (hereinafter referred to as the Criminal Code of Ukraine) adopted in 2001, under the financing of terrorism, determines actions taken for the purpose of financial or material support of an individual terrorist or terrorist group (organization), organization, preparation or commission of a terrorist act, involvement in a terrorist act, public appeals to commit terrorist act, assistance in committing a terrorist act, creation of a terrorist group (organization) (Article 258-5).

The concept of "financing of terrorism" is contained in the Law of Ukraine "On Fighting against Terrorism" adopted in 2003, as the provision or

collection of any assets knowing that they will be used in whole or in part for the organization, preparation and commission of an individual terrorist or terrorist organization determined by the Criminal Code of Ukraine, the commission of a terrorist act, the creation of a terrorist group or a terrorist organization, the commission of a terrorist act, any other terrorist activity, as well as an attempt to make the following.

The Law on Fighting against Terrorism also contains provisions on international cooperation in the form of concluded international treaties with the foreign states, their law enforcement agencies, special services and organizations fighting terrorism. One of the principles of international cooperation is to ensure the safety of individuals, societies and states; persecution of those who plan or carried out terrorist activities both on the territory of Ukraine and abroad.

Forms of international cooperation stipulated by the Ukrainian law are: providing information; participating in joint actions with the foreign states on combating terrorism; extraditing (extradition) of the persons who participated in terrorist activities. Considering each of the possible measures of engagement, we can indicate that the information provided is possible in the form of a request for questions related to international terrorism. The only exception is the failure to provide a request in case of urgent termination of a terrorist act or receipt of information does not prevent the pre-trial investigation or trial.

Participation in joint anti-terrorism measures with foreign states is participation in joint anti-terrorist measures by promoting a foreign state or an intergovernmental unification in the peridislocation of troops, special anti-terrorist groups, transportation of weapons or by providing their forces and means.

Extradition of persons who participated in terrorist activities (foreigners or stateless persons who do not permanently reside in Ukraine) may be involved in the involvement of individuals in terrorist activities and the grounds for extradition of such persons to another state for prosecution.

Since 2014, Ukraine is strengthening the procedure of financial monitoring and enhancing efforts to fight corruption through the establishment of the National Anti-Corruption Bureau (NABU) of Ukraine and the National Corruption Prosecutors Office.

In January 2018, the Council of Europe's anti-money laundering body (MONEYVAL) published report on combatting money laundering and terrorism financing in Ukraine. It was acknowledged that there is strong political commitment in Ukraine to prevent and combat money laundering and terrorism financing, and the measures undertaken have already had a positive effect. The report states:

*Ukraine has a reasonably good understanding of its ML [money laundering] and terrorism financing (FT) risks although there are*

*areas (e.g. cross-border risks, risks posed by the non-profit sector and legal persons) where understanding could be enhanced. Ukraine has comprehensive national coordination and policy-making mechanisms to address identified risks, which include political commitment and have a positive effect. These mechanisms include proliferation financing (PF). Further efforts are needed to address the risks posed by fictitious entrepreneurship, the shadow economy and the use of cash, all of which are considered to pose a major ML risk.*

The new legal provisions are required to render more dissuasive sentences for the crimes, more resources are needed, and high-level cases are to be investigated and prosecuted more actively. MONEYVAL experts recommend introducing a provision into a Criminal Code which would clearly state that a person may be convicted of money laundering, even in the absence of conviction for predicate offence.

Understanding the financing of terrorism as a process should be indicated as a compulsory component of such a process as obtaining funds. It is necessary to pay attention to the origin of funds and the verification of suspicious individuals or entities involved in the financing of terrorist activities. For example, payments coming from a country that supports terrorist activity, or a payment from individuals or entities that support international terrorist activities. In fact, a terrorist organization is interested in new members, therefore, the attraction and training of new people is individually funded. A separate part of funding comes for the distribution of individual financial transactions.

If there are grounds for believing that a person is involved in the financing of terrorism, it is necessary not only to verify the information about the person, but also to monitor the payment transactions carried out by us. There are ways and means of financing terrorism, such as private donations, illegal use of non-profit organizations, kidnapping, proceeds from crime, state support for terrorism, legal business activities, extortion in local communities, diasporas and entrepreneurs, etc. In turn, the movement of funds to finance terrorist activities can be carried out in various forms, such as transfers through the banking system, transfers through money and money transfer systems, and the transportation of cash through accessible channels (cars, buses, trains, etc.). We can say that there is a huge system of possible ways and methods for implementing one of the most important stages in the financing of terrorist activities.

Particular attention, should be given to clients: non-profit or charitable organizations (other than charitable organizations operating under the auspices of international organizations); public figures or related persons, including those with broad powers in Ukraine; country residents supporting terrorist activities; heads or founders of a public or religious organization, a

charitable foundation, a foreign non-profit non-governmental organization, its branch or representative office operating in the territory of Ukraine; whose activities are related to the intensive turnover of cash; who carry out operations with money or other property exclusively through a representative acting on power of attorney; who make settlements for transactions using Internet technologies, electronic payment systems, money transfer systems or other alternative remote access systems that make it impossible to fully identify the sender / recipient of funds); which do not provide the subject of additional information provided by the relevant internal documents of the entity; in respect of which there are doubts as to the reliability of the documents submitted by them or previously provided identification data.

Separately, it should be noted that due to the development of the information environment, a vulnerable place in terms of financing terrorism is the use of payment systems for the rapid transfer of funds. It is difficult to track and find the person who actually receives these funds.

### **International actors in combating the financing of terrorism**

The UN supports close cooperation with regional organizations such as the EU, OSCE, NATO, assists in implementing national decision-making through regional intergovernmental institutions (the Asia-Pacific Economic Cooperation (APEC), the Association of Southeast Asian Nations (ASEAN), the Organization of American States (OAS)). The UN also works closely with profile organizations such as Interpol, Europol, the FATF, the Offshore Group of Banking Inspectors (OGBS).

Other organizations, other than Interpol, include the Shanghai Cooperation Organization, which is composed of people from China, Kazakhstan and Tajikistan, which on an ongoing basis strengthens international cooperation through the fight against and the suppression of terrorist acts. The Financial Action Task Force on Money Laundering is an effective organization and an international instrument to combat money laundering and terrorist financing, created at the G7 Summit.

In addition to the above-mentioned organizations, there are a number of organizations active in combating terrorism: the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL)); Eurasian Group on Combating Money Laundering and Financing of Terrorism (EAG); Asian / Pacific Group on Money Laundering (APG); Middle East & North Africa Financial Action Task Force (MENAFATF) Financial Action Task Force; Group for the Development of Money Laundering Measures in South America (Grupo de Accion Financiera de Sudamerica - GAFISUD); Inter Governmental Action Group against Money Laundering in West Africa (GIABA); The Eastern and Southern African Anti Money Laundering Group (ESAAMEG); Caribbean Financial Action Task Force (CFATF) Caribbean Financial Action Task Force (FATF).

The International Standards against Money Laundering and the Financing of Terrorism and the Proliferation of Weapons of Mass Destruction (FATF Recommendation) stipulate that countries must provide legal, laundering and financial support to money laundering, related predicate crimes and terrorist financing investigations, prosecutions and related investigations. Thus countries should have adequate legal bases to provide assistance and, where necessary, should have existing arrangements, arrangements or other mechanisms to improve cooperation. The countries should: not prohibit or impose unreasonable or excessively restrictive conditions for the provision of mutual legal assistance; ensure the existence of clear and effective procedures for the timely execution of requests for mutual legal assistance; to use a central authority or other established service mechanism for more effective direction and execution of requests; not to refuse to execute requests for mutual legal assistance only on the grounds that the crime is believed to include also fiscal issues; not refuse to execute requests for mutual legal assistance on the grounds that the law requires financial institutions to maintain secrecy or confidentiality.

The countries need to constructively and efficiently pursue extradition requests for money laundering and terrorist financing without undue delay. Countries should also take all possible measures to ensure that they do not provide individuals charged with financing terrorist acts, terrorist acts or terrorist organizations with safe harbors. In particular, the countries must: a) ensure that money laundering and terrorist financing are crimes that may be the basis for the extradition of a criminal; b) ensure that they take clear and effective measures regarding the timely execution of extradition requests, including prioritization as necessary; d) not establish unreasonable or excessively restrictive conditions for the execution of requests and ensure that they have an adequate legal basis for extradition.

The International Monetary Fund's (IMF) program on Anti-Money Laundering and Combating the Financing of Terrorism (AML/CFT) has been integrally involved in the global system for AML/CFT in coordination with other key players, particularly the Financial Action Task Force (FATF). AML/CFT assessments, whether by the Fund or other assessor bodies, contribute to the key Fund activities of surveillance, financial support and technical assistance in support of domestic and international financial stability.

We support the ideas of researchers/ who suggest that international cooperation in the fight against modern terrorism has to be based on the following principles: 1) the principle of condemning terrorism, regardless of the goals of terrorists, enshrined in practically all international conventions on the fight against terrorism; 2) refusal from any forms (financial, military-technical, etc.); assistance to terrorists; 3) cooperation at the world level in combating the financial and technological capabilities of modern terrorism; 4) protection of world cultures and religions from the extremist influence of

terrorism; 5) observance of the norms of international law. For effective implementation and assessment of activities to combat money laundering and the financing of terrorism the clear policy objectives are necessary to be articulated and put in place.

### **Concluding remarks**

The establishment of a mechanism for cooperation in combating the financing of terrorism is one of the most important in the system of active and purposeful struggle, including countering hybrid conflicts. Therefore, important international cooperation, which is defined in the form of providing information (inquiries), the extradition of the perpetrators and participation in joint measures with the foreign states in combating terrorism.

In accordance with the Convention on the fight against terrorism, Ukraine's international cooperation on combating terrorism should be pursued through: the continuation of the practice of acceding to the international treaties on combating terrorism, concluded within the framework of the United Nations, and other international organizations to which Ukraine belongs, in accordance with the legislation of Ukraine; cooperation with the EU in the field of combating terrorism in accordance with the norms of international law; coordination, improvement and expansion of cooperation between counter-terrorism actors and law enforcement agencies and special services of foreign states, antiterrorist structures of the UN, OSCE, NATO, EU, and other international organizations fighting terrorism, on the basis of international treaties; concluding international treaties on cooperation in the field of combating terrorism between the subjects of the fight against terrorism and the relevant bodies of foreign states; to establish a permanent exchange of experience with the relevant bodies of foreign states and international organizations involved in the fight against terrorism, internships and training abroad of domestic experts in the framework of international cooperation.

International cooperation can only be effective if there is a mutual trust and similarity of operational culture based on the same standards, laws, procedures and - most importantly - common values. The problem of Ukraine's integration into the international security system and cooperation with world and European security integration structures is linked to the process of establishing equal standards for different countries in the fight against global terrorism, which should include the assessment and monitoring of the activities of terrorist organizations and groups, subject to coordination of actions security systems of Ukraine and foreign countries, in particular NATO countries. For Ukraine in the context of securing its own security it is important to become an organic element of the international anti-terrorist structures.

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## Special Features of the Legal Liability in Ukraine (Current State of Existing Practice)

Currently Ukraine and its legal system are in the state of comprehensive reforms that cause the development of new approaches to the development of law and legislation that shall be oriented to the building of well-developed of social and constitutional state. Current trends of legal system reformation require new content and execution according to general European standards the main purpose of which is increase in safety of citizens. Development and implementation of means and the efficient tools oriented to the exercise of established rights of human and citizen. Moreover, the proposed current legislative innovations have rather politicized content; they do not have a well-balanced interrelation to the applicable laws and regulations of various levels being taken as a basis of legal system of state, resulting, consequently, in disorder, discontinuity, chaotic and inconsistent development of Ukrainian legislation of the general scientific paradigms giving them a wider vision of multiplicity and versatility in the study of the social development processes.

Legal policy of modern Ukraine is a part of state policy being the plan of actions adopted and implementable by the government. It shall be oriented to enforcement of rights and freedoms of human and citizen, consolidation of legality and public order, building of legal nation and high legal culture of society and individuals. 1, c. 76]. However, the activity of state towards definition and theoretical justification of needs in imposition and repeal of prohibitions to the activity of particular entities; allocation and adjustment of administrative liability for their violations shall be focused on satisfaction of will and interests of social groups and objectivization of public interests. Relation between state policy and law is rather natural in that respect. This relation: a) objectifies the laws, gives the meaning of practical factor in public life of society to it; б) requires from political decisions to be complied with legal provisions. So, the adoption of such enactments that satisfy the parochial political interests of political parties or certain politicians is impossible. In view of this we cannot admit the possibility of implementation of prospective (negative) liability for actions that were not and would never be performed by person. Let's explain the thought of authors in details.

Ukrainian legislation includes some statutory enactments providing the prospective (negative) liability. For example, the Act of Ukraine "On legal status of foreigners and stateless citizens" was passed in 2011, and the Act "On prevention of corruption" was passed in 2014, and the Administrative Court Procedure Code. Let's review the content of their particular dictates.

So, the Act of Ukraine "On legal status of foreigners and stateless persons" provides the *compulsory deportation* of foreigners and stateless

citizens. This implies the refoulement of foreigners or stateless persons from Ukraine provided that they did not implement the decision on refoulement within the established time limit without good cause or there are the justified reasons to believe that the foreigner or stateless person would avoid the implementation of such a decision except for the cases of detention of the foreigner or stateless person for illegal crossing of state border of Ukraine outside of posts of inspection of state border of Ukraine and their extradition to the border authorities of neighboring state. Firstly, this kind of liability has the different names in various laws and regulations. However, it defines the same kind of compulsion and procedure of application (the attention of scientists was focused on this issue repeatedly). For example, part 3 art. 24 of the Code of Ukraine on the Administrative Violations provides the possibility of application of *administrative refoulement* outside the territory of Ukraine to the foreigners and stateless persons for commission of administrative offences, violating the public order seriously; the Act of Ukraine “On Immigration” provides the refoulement (art. 13) provided that the person, in respect of which the decision on cancellation of permit for immigration was adopted, failed to leave Ukraine, and in such a case this person is subject to *refoulement* according to the procedure provided by the law of Ukraine; art. 3 of the Act of Ukraine "On refugees and persons who need the additional or temporary protection" establishes that the refugee or the person who needs the additional protection or to whom the temporary protection was provided, can not be *expelled* or compulsory deported to the country where there is a danger for their life of freedom according to their race, religion, nationality, citizenship (patriality), belonging to certain social group or commitment to political opinions, as well as for any other reasons recognized by international treaties or international organizations, the member of which Ukraine is, as the persons that cannot be deported to the countries of origin, or stateless person would avoid the implementation of a decision about the refoulement”. At the same time, the Administrative Court Procedure Code of Ukraine also provides (art. 289) that “in the event of availability of justified reasons to believe that the foreigner or stateless person, in respect of which the administrative claim on refoulement was filed, does not have a document that enables her to leave Ukraine, would avoid the implementation of a decision about his/her refoulement and prevent carrying out the procedure of refoulement or provided that there is a risk of his/her escape”, the administrative court shall be entitled to adopt certain preventive and stop measures. Further it is specified in clause 3 art. 289 that “bailment and recognizance release can not apply to the foreigners and stateless citizens to whom such measures applied before, as well as in respect of which there are sufficient data on their involvement in preparation and/or carrying out the terrorist activity”. Consequently, it was established that the guilt of person shall be proved on the basis of reasons of “whether there is a risk of his/her escape”, “in the event of availability of justified reasons to believe that such a

person would avoid the implementation of a decision”, “in respect of which there are sufficient data on their involvement in preparation and/or carrying out the terrorist activity”. So, none of mentioned actions is not an offence and does not have a set of all elements of administrative offences. The information on future illegal behavior does not have the marks of guilty and set of all elements of the offence. These definitions are more used in criminal law. So, the terrorist activity (involvement, preparation and/or carrying out) according to Section IX “Crimes against public safety”, (art. 258) the act of terrorism, (art. 258-1), involvement into commission of act of terrorism, (art. 258-2) public calls for commission of act of terrorism, (art. 258-3) building a terrorist group or the terrorist organization (art. 258-4) facilitation the commission of the act of terrorism, (art. 258-5) financing of terrorism are the regulations of the Criminal Code of Ukraine and shall be determined to be the crimes providing the criminal responsibility. In view of this they shall not be considered at the administrative courts as a reason for refusal in adoption of decision to foreign citizens and stateless persons in the form of: bailment and recognizance release.

Ukrainian law provides that the legal responsibility shall be incurred upon the availability of three reasons: firstly, it is the regulatory reason, including the regulation that establishes the set of elements of the offence; secondly, it is the actual reason (offence); thirdly, it is the procedural reason (enabling legislation and jurisdictional act). So, the obtained information shall confirm fairly and accurately the availability of the foreigner’s intention to avoid the departure, as well as it shall contain the “stamp” of future illegal behavior. It is incomprehensible in which forms such information, as well as the warranties of the fact that the person would avoid the departure rather than he/she will change his/her intentions at the last moment, may be objectified. So, according to Ukrainian law, the foreign citizen and stateless person may be compulsory deported for thoughts and considerations. However, the Constitution of Ukraine warrants to every person the right to liberty of world view, thoughts, and beliefs and prohibits considering the assumption to be the guilty evidence.

Thirdly, the Administrative Court Procedure Code of Ukraine provides in the art. 289 that the judge of the administrative court of Ukraine may adopt the following decisions in respect of the foreigners and stateless persons: “1) detention of the foreigner or stateless person for the purpose of identification and (or) enforcement of refoulement outside the territory of Ukraine; 2) detention of the foreigner or stateless person for the purpose of enforcement of his/her extradition according to international readmission agreements of Ukraine; 3) bailment of the foreigner or stateless person by the enterprise, institution or organization; 4) obligation of the foreigner or the stateless person to stand bail”. In this regard we would like to admit the following: functional authorities of judge are the possibilities to commit various procedural acts and to take the organizational measures focused on

the enforcement of case consideration. Kind and extent of functional authorities of judge shall be defined by corresponding function of judicial power. According to art. 2 of the Administrative Court Procedure Code of Ukraine the task of administrative legal proceedings is a fair, impartial and well-timed resolution of disputes in the field of public relations by courts for the purpose of the efficient protection of rights, freedoms and interests of natural persons, rights and interests of legal entities from violations on the part of the authorities. But in practice the question arises whether the administrative courts actually perform the above-mentioned tasks, especially in terms of taking decisions provided for in Art. 289 regarding foreigners and stateless persons, as well as other proceedings on certain categories of administrative cases, since administrative proceedings are aimed at resolving a public dispute, protecting the rights and interests of citizens from violations by the authorities, if any the violation took place. It is not clear how the task of protecting and resolving a legal dispute regarding the detention and compulsory deportation of foreigners and stateless persons is being implemented. And on what basis the administrative court has the right to make decisions regarding foreigners and stateless persons about: 1) bailment of the foreigner or stateless person by the enterprise, institution or organization; 2) obligation of the foreigner or the stateless person to stand bail; 3) the detention of a foreigner or a stateless person with the placement to the Migrants Accommodation Centre for the foreigners and stateless persons who are illegally staying in Ukraine. Such a decision does not resolve a public-legal dispute about the right of a person, does not fulfill the task of protecting the rights and freedoms of a person. These are measures of a discontinuous nature, which are used to stop the unlawful actions of a person, the consequences of unlawful actions, and bringing the person to justice. And protection of rights or freedoms occurs when there are: a) non-fulfillment of a legal obligation as a correlation of rights or freedoms; b) Abuse of law that impedes the exercise of rights or freedoms; c) a dispute about the existence of the very right or freedom. So, the content of the protection of rights and freedoms is based on the activity aimed at the removal of obstacles in the exercise of rights and freedoms, at the fight against default in correlative obligations and abuse of the law. Protection, in its turn, means the preventive activity of state and non-state formations in preventing offences against the rights of citizens, eliminating the causes and conditions conducive to administrative and delictual invasions. However, the task of administrative courts does not include the protection from unlawful acts, the elimination of their causes and conditions conducive to administrative and delictual invasions! Justification of the position that the main purpose of the detention and compulsory deportation of the foreigners and stateless persons is a protection of individuals and legal entities from the unlawful activities of this category of persons, but this is not a task laid down in the basis of administrative legal proceedings!

At the same time, as V.K. Kolpakov says, the foreigners and stateless persons can not have duties that would be correlated with the legitimate interests of Ukrainian citizens. As regards the prohibition on the violation of the rights of citizens, it should be noted that different types of liability for such actions are provided by other and more specific regulations. So, we believe that the transfer to the consideration and adoption of a decision on the detention and compulsory deportation to the competence of the administrative court as a necessity of protection of the rights and legitimate interests of citizens of Ukraine is unjustified and wrong.

At the same time, we consider to be unfavorable the right of the administrative court to adopt the decision about the application of following measures: to take a person on bail; to release on bail; the detention of a foreigner or stateless person with placement to the Migrants Accommodation Centre for the foreigners and stateless persons who are illegally staying in Ukraine. It is the court that determines "the authorized person of enterprises, institutions or organizations that deserve special trust (bailman), bailman for the performance of assigned duties by a foreigner or a stateless person".

Actually, the Ukrainian legislation provides for the right of the court at its discretion. The concept of "discretion" means a decision, a conclusion, and an opinion. Exercising his/her functions the judge makes power decisions based on the rules of law. Essentially, the judge's discretion is his/her right to choose the most appropriate way to solve the task set before him/her. The law has a general character and regulates social relations in general terms. In the specific case, the judge, within the limits of the law, must independently choose the most reasonable and appropriate way of resolving the dispute in order to achieve the goal of restoring justice. At the same time, "the definition of the beneficence of an authorized person, enterprise, institution and organization" goes beyond the concept of discretion and has a subjective nature in relation to the adoption of the said decision. Accordingly, the judge's discretion concerns the establishment of: firstly, the facts that appear to the judge necessary to resolve the dispute substantially; secondly, the way of resolving a dispute; and thirdly, the very regulation to be applied in this particular case.

Although the Criminal Procedure Code provides for a personal bail (Art. 180), it consists in the provision by individuals, considered to be trustworthy by the investigating judge and by the court, a written commitment that they go bail for the performance of assigned obligations by suspected or accused person. At the same time, it is impossible to equal the functions assigned to administrative courts and functions assigned to courts that hear criminal proceedings.

The next is, regarding the obligation of a foreigner and stateless person to stand bail, this measure also raises a lot of questions regarding the amount of bail, which is determined by the court, taking into account the property and family status of a foreigner or stateless person. Currently, the impartial

procedure for determining the property status of a foreigner or a stateless person in Ukraine is not established by law. However, the limits of the bail are established pursuant to Part 7 of Art. 289. The bail is determined by the court taking into account the property and family status of a foreigner or stateless person in the range from one hundred to two hundred amount of the subsistence level for able-bodied persons and is paid to the account within five working days from the day of adoption of the decision about the bailment by the court. (starting from December 1, 2018, the subsistence level is equal to 1853 UAH, respectively, the amount of the bail varies from 1853000 UAH to 3706000 UAH, the limit exceeds 100 thous. US dollars). So, the judge is entitled to establish the limits of the bail at his/her discretion. In consideration of Art. 9 of the Administrative Court Procedure Code of Ukraine, administrative courts adopt measures prescribed by law that are necessary to clarify all the circumstances of the case, including the identification and reclaim of evidence on their own initiative, as well as the court examines administrative cases, not merely according to the statement of claim filed accordingly to the Code, within the limits of the claims. The court may go beyond the requirements of the claim, if it is necessary for the efficient protection of rights, freedoms, rights of the person and citizen, other holders of rights in the field of public-legal relations from violations on the part of authorities. Accordingly, in the case of the application of measures applied to foreigners and stateless persons during detention and compulsory deportation, the main purpose and function is the protection of the right of the authorized person or (i) the public order. Consequently, it follows that in the substantive aspect the measure applied by the court must ultimately give rise to the substantive consequences for the parties in the field of public-legal relations. On this occasion, we would like to point out that in view of the above, we consider that issues of compulsory deportation and detention of foreign citizens and stateless persons should be subordinated to courts of general jurisdiction, since these issues are not covered by the tasks of administrative legal proceedings.

Fourthly, Clause 13 of Art. 289 provides for "the conditions upon which it is impossible to provide for the compulsory deportation of a person", namely: 1) the lack of cooperation between a foreigner or a stateless person during the procedure for his/her identification; 2) lack of information from the country of citizenship of the foreigner or the country of origin of the stateless person or documents necessary for identification of the person. In this regard, it is necessary to recall the fundamental principles of law - the inevitability of punishment and legitimacy in the application of measures of state coercion. It is the inevitability of punishment that is the most effective measure restrains the individual from malfeasances. The inevitability of punishment is also an indicator of respect for the law, and therefore the legislator is obliged to develop and implement such a system of enforcement measures that makes impossible not to comply with this principle.

Recognition of the impossibility of the enforcement of compulsory deportation is an indicator of the weakness of the state, and it cannot be admitted and accepted.

### Conclusions.

In view of the aforesaid, it should be noted that two kinds of legal responsibility – prospective (positive) and retrospective (negative) are generally determined in legal theory of Ukraine. The prospective (positive) legal responsibility is a fulfillment of duties towards the society, constitutional state, group of persons and particular person in good faith. The retrospective (negative) legal responsibility includes the specific legal relations between the state and the offender as a result of state and legal coercion characterized by disapproval of the offence and the offender, assignment of obligation to the offender to be subjected to the imprisonment and unfavorable consequences of personal, material, organizational nature for the offence committed by him/her.

Today there is a negative transformation of implementation of prospective (negative) liability of person for actions (omission to act) that were not and would never be performed by him/her, but only for thoughts and intentions. We believe, that it is not a correct practice due to the fact that it defies a principle of the administrative law presented in the form of statement that the liability may be incurred only for objectified behavior of person, i.e. for his/her activity or omission to act. In such a case, his/her thoughts and intention that were not implemented by him/her cannot be considered as the reasons for legal assessment.

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## **The Preventive Nature of Punishment in System of Measures of Influence to Minors Who Have Committed a Crime**

In modern conditions of development of the Ukrainian society, the most significant direction of reforming of authorities and the state is preservation of future generation. The possibility of practical implementation of tasks in this direction is due to the objective situation that has developed in Ukraine in recent years. A number of problems to the formation of system of prevention crime arises among minors in the development of basic conceptual approaches: on the one hand, they are associated with the transformation processes that occur in society, the processes of forced migration, the dissolution of family relations under the pressure of political and ideological processes, the deformation of social values and the lack of real conditions for the implementation of the development goals of the younger generation, the level of educational and vocational training; and on the other hand-with the presence of significant personal potential of young people, scientific and technical developments, centuries-old cultural, ethnic and national traditions. The evolution of the main directions of prevention of juvenile delinquency, on the one hand, is a reflection of the main principles of state policy and the dominant ideology in the field of protection of society from crime, and on the other hand, it is ensuring the rights and freedoms of minors in the field of criminal justice. The implementation of criminal law measures as a reaction of the state to the criminal behavior of minors occupies an important place in the system of juvenile prevention measures and it is a component of state policy. Delinquency is a social phenomenon, the main emphasis of its prevention should be not the severity of punishment, but it can be the correction of behavior, education, further socialization of minors, who are punished. Criminal law measures are a phenomenon that covers and directly or indirectly affects various areas of regulation. The history of criminal policy shows that at different times the importance and purpose of punishment as a form of implementation of criminal responsibility and suppression of criminal law, was evaluated ambiguously by different schools of criminal law. Therefore, the task of modern criminologists, philosophers, sociologists and psychologists is the search of the most effective, scientifically based opportunities to use punishment with an acceptable purpose for the state and society.

The role, importance, social and educational functions of punishment in the prevention of juvenile delinquency will be described in this article. Today this issue is particularly relevant in the context of the process of humanization of national and international criminal policy.

Punishment as a measure of criminal law is aimed at restoring justice, legal order in society; elimination or minimization of the consequences of the

conflict among the state, society and the subject, who has committed the crime. An acceptable legal and moral environment in the state and society depends on an understanding of the social purpose, meaning of punishment and its optimal application. Therefore, the dominant function of punishment can be defined as an increase of the moral level of society and the formation of motivation for law-abiding behavior within the dominant social norms and values.

Ancient philosophers, representatives of the theological direction considered punishment as the main and the most effective measure of combating crime. Other representatives of the humanistic direction considered punishment not the only single and perfect measure of the fight against crime, they thought that it was useful and compelled measure of prevention it.

The theme of punishment, “the right to punish” has a special place in the world's religions and Christianity is no exception. The biblical story of the expulsion of Adam and Eva from Paradise begins with the first book of Moses (Genesis). God endowed man with the ability to think, gave freedom of volition and the possibility of conscious choice of the rules of conduct, gave animals, birds, fish, plant to the disposal of Adam to satisfy all needs. But Adam under the influence of the Snake and his wife tried the fruits of knowledge of good and evil, chose violation of the ban and even the most severe punishment (death) did not stop his choice. Adam and Eva were punished by expulsion from the garden of Eden and were given the opportunity to earn food with their own hard work. Such events were a punishment for the body and for the soul, an eternal test and redemption of sin.

The exclusive right to punish” belongs to God; without his knowledge neither society nor man can encroach upon the life and freedom of another one. In the Christian literature with the assertion that “the right of recompense belongs to God”, the delegation of “the right to punish” to clerics and statesmen is allowed and cruel and public executions are approved.

During the middle ages the idea of preventing crime in general and juvenile delinquency in particular were pushed into the background. The main method of dealing with offenders those days was focused on punishment, as the measure of the criminal-legal impact on the offender, it was particularly cruel. The punishment was not intended to “inflict evil”. Plato (*Plato, 1972*) noted that it had to cause to one of two actions: to make better punished person or less spoiled. However, if it turned out that a criminal act committed by a citizen caused a huge image of the Gods, their parents or the state, such a person was considered incurable and was suffered with death. A useful example for other citizens was the shame of the offender and the fact that his corpse will be thrown out of the country.

Agreeing with the advice of Plato about the application of the most brutal measures to achieve justice, Karl Popper (*K.Popper, 1992*) said that an

example of some modern democratic states had shown that it wasn't necessarily that liberality and tolerance led to a rise of delinquency.

The public nature of punishment should be described, its purpose is punitive and preventive component. K. Kenny (*K.Kenni, 1949*) quotes judge Burnett, who responded to the convict's protest with the phrase: "you will be hanged not because you stole a horse, but in order not to steal other horses". At the same time, the scientist notes the precautionary purpose of punishment and highlights such purpose of punishment, which is ignored by modern lawyers and consists in improvements the morality of society.

One of the main ideas H Beccaria (*H.Beccaria, 2014*) was in the justice and legislative enforcement of penalties, and that it is better to prevent crime than to punish for it.

Charles Louis Montesquieu (*C.-L.Monteske, 1955*) expressed the idea about the priority of prevention over punishment, which has become the most cited in the scientific community, that "a good legislator cares not so much about punishment for a crime, but about the prevention of crimes. He tries not so much to punish as to improve morals".

F. Nietzsche (*F. Nicshe, 2014*) noted: "the strange thing is our punishment, it defiles a person even more than a crime".

Archbishop Whitley, assessing the role and importance of punishment, rightly notes that "each case of punishment is an example of the failure of this punishment. The punishment is applied in cases where the threat of its use has not received the proper action" (*K.Kenni, 1949*).

In the doctrine of punishment N. S. Tagantsev (*N.Tagancev, 1871*) proposed the idea of crime prevention. About juvenile persons N. S. Tagantsev said the greatest impact was education than punishment: "upon careful examination of young thieves, they are the same children who need education, not punishment".

Joseph F. Shelley analyzes the problem of measures of criminal-legal nature through the prism of public opinion (*J. F. Shelli, 2003*). And public opinion is based on the ancient principle of compliance of punishment with the severity of the committed crime. At first, the main element is revenge – retribution for the committed crime and the caused damage. An interesting discovery in the study of public opinion on the punishment was made by criminologists, they said that Americans believed that the most acceptable punishment for the crime was imprisonment. Thus, in the report about the results of the national survey on the punishment of criminal offenses J. Jacoby and K. Data note that 71 % of respondents indicated "isolation" as an adequate measure of punishment for the crime. Other types of punishment (probation, fine, restitution) were indicated by respondents mainly as a supplement to imprisonment, and not as an independent form of punishment. This discovery is explained not so much by the desire of Americans to avenge the crime, as by ignorance in matters of punishment. Joseph F Shelly said that the degree of awareness of the general community in

the field of punishment was limited. They do not know what types of penalties, such as murder, are prescribed by law in the state where they live or work.

There is no clear assessment of the role of criminal punishment (severity or humanity) in preventing and combating crime. Scientists point to the need of humanize criminal policy, not only because it is a requirement of the international community and the conditions of the present, but also because the growth of the “prison population” and the acquisition of criminal experience by persons to whom punishment is applied, will not contribute to the improvement of the criminal situation and the security of society.

In the absence of a single view on the problem of punishment, it is possible to single out a unifying component – the effectiveness of the influence. The basis of the criterion for assessing the effectiveness of punishment is the state and dynamics of delinquency.

The system of criminal law measures acts as a deterrent choice of behavior, in the case properly informed society about their substantive and functional characteristics. In this context, the component of the strategy for the prevention of juvenile delinquency is interesting, which is reflected in the materials of the seventh UNO Congress on the prevention of crime and the treatment with offenders and is an element of the “Direct strategy” - prison visits. Most countries (44 countries) which responded to the survey questions, said that visiting prisons is not for the purpose of intimidation and to deter prisoners and to promote a better understanding of the correctional institutions for the execution of sentences (*UNO Congress, 2013*).

The preventive result will be familiarization of minors with the regime of serving the punishment, as well as with restrictions and deprivations as its consequences. But this acquaintance has to be carried out at the high professional level by the relevant experts of law enforcement system having experience and knowledge of age psychology.

Effective and efficient measure in the prevention of juvenile delinquency will be the involvement of minors themselves in preventive activities. Thus, foreign experience shows the effectiveness of such intervention programs with the involvement of trained minors to ensure safety at school, in the city. For example, the Youth Safety Corps program, which is implemented in the United States and is part of the Teens, Crime and the Community (TCC) Initiative program (Teenagers, Crime and Society) (*program Youth Safety Corps, nd*), provides for the creation of associations of school students such as clubs, in which minors are involved in active work on the development and implementation, support of TCC programs for the prevention of juvenile crime, violence and drug use. The aim of the program is the selection, training and mobilization of a wide range of minors in order to improve safety and reduce the level of violence in American schools through preventive, cognitive, educational programs and projects (age of participants 11-15 years; students 6-9 classes). The program is implemented by governmental and non-

governmental institutions: National Crime Prevention Council (NCPC), Street Law Inc. with funding from the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention. The program helps to increase the social activity of minors, who have a positive impact on their peers, acquiring the status of leaders in the relevant school, which is more effective than the influence of adults. The result of the program is reduce of violence, drug use at schools, as well as the general level of juvenile crime (*N.Yuzikova, 2015*).

The most severe and widespread criminal-legal measure of influence on juvenile delinquency on the part of the state is punishment. Many scientists, who study the problem of juvenile delinquency, come to the conclusion that the punishment, which applied to minors, has a main role in combating crime (especially recidivism), is an effective measure of special and general prevention.

The preventive effect of punishment to minors who have committed a crime is realized in the process of execution of the substantial component of punishment - fair retribution for socially dangerous act (crime). It is important to emphasize that fair retribution is a deterrent to crime prevention. It doesn't matter how strict is the sanction, without the practical implementation of fair retribution, it is impossible to achieve the ultimate goal of punishment - prevention.

Punishment, as a measure of influencing the personality of a minor, is aimed to fulfilling a preventive rather than educational purpose. Punitive and educational influence on a minor, who has committed a crime, is autonomous phenomena of different legal nature. Measures of educational influence are not covered by the objective content of punishment, but are combined with punishment in the process of implementing punitive and educational impact on the convict to achieve the goal of crime prevention. In the absence of educational influence, the purpose of punishment cannot be achieved and the punishment is implemented in full - and it loses its meaning.

The effectiveness of educational impact can be ensured with the individual application. This can be achieved with a differentiated approach to minors. For example, it is possible to use the proposed classification by Margaret Warren (interpersonal classification of maturity level) to monitor juveniles in detention (*G.Shnajder, 1994*). During the interview, the level of integration of the minor was determined, on the basis of which the conclusion was made about the social maturity of the teenager. This became the basis for the gradation of the personality of a minor into several types: an immature conformist who associates with somebody who currently has power; a subcultural conformist who agrees with all of his group (especially a group of peers); a manipulative artist who tries to undermine the power of authority and appropriate it to himself. This typology has conditional character, but can be adapted to the national penitentiary system and successfully used for correctional and educational purposes.

The unity of punitive and educational elements in achieving the goal of punishment - crime prevention - is most fully manifested in the implementation of certain types of punishment. In the execution of punishment, two independent, interrelated tasks are solved: the implementation of punitive action (restrictions and deprivations) and the organization of educational influence accompanying the execution of punishment.

It should be noted that the effectiveness of the system of penalties, which is applicable to minors is determined with scientifically sound, optimally and qualitatively it is implemented in the legal sanctions of the law on criminal liability, as well as by how professionally, competently and in accordance with the law, these sanctions are implemented in judicial practice in the consideration of specific criminal cases on charges of minors.

Analyzing the data of judicial statistics about the number of minors, who are sentenced with different types of punishment, it should be noted the following. The overall structure of the penalties, which are applicable to minors the most severe type- deprivation of liberty is dominated (the figure ranges from 70 to 40 per cent over the past 10 years). However, since 2014 the structure of punishments alternative punishments to deprivation of liberty has been dominating (for more details, see tab. 1). This is the result of the implementation of the main provisions of The Strategy of reforming the judicial system, legal proceedings and related legal institutions for 2015-2020 (*Strategy, 2015*), in which among the measures, which are aimed to improving the effectiveness of prevention of re-Commission of crimes, rehabilitation of convicts and improvement of the system of execution of punishments indicated the need to improve the legal framework in sentencing; reducing the number of penalties associated with deprivation of liberty. Even though this does not apply to juveniles (in respect of them provided improvement of the system of punishment and ensure the right to continuing education), but in the overall context it integrates in the Institute of appointment of punishment of minors law enforcement and judicial practice.

During appointment of deprivation of liberty to minors the term of 3 to 5 years prevails according to judicial statistics At the same time, deprivation of liberty for a period of 2 to 3 years and 5 to 10 years also occupies a significant part in the overall structure of the penalty of deprivation of liberty (see tab. 2).

Continuing the analysis of the penalty of deprivation of liberty, two diametrically opposed examples of foreign preventive practice deserve attention. The first is characterized by the absence of separate juvenile prisons in Sweden. A special measure of influence to persons who have committed a crime under the age of 18 is to transfer them under closed guardianship for a period of 14 days to 4 years. This measure is applied

instead of imprisonment in cases when the court, choosing punishment, determines imprisonment (*O.Lisoded, 2003*).

**Table 1 Indicator of the number of minors, who are convicted of a crime**

Year	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Sentenced to punishment	2857	2642	3178	2824	2619	2027	1517	1419	1201	1067
The share of convicted minors in %	28,3	30,9	29,2	32,5	29,1	34,3	31,1	30,9	34,6	34,6
Deprivation of liberty for a fixed term	1977	1886	2030	1915	1496	1153	725	585	495	416
Proportion of convicted persons to punishment %	69,2	71,4	63,9	67,8	57,1	56,9	47,8	41,2	41,2	39,0
Other basic punishments	880	758	1149	909	1123	874	792	834	706	651
Proportion of convicted persons to punishment %	30,8	28,7	36,2	32,2	42,9	43,1	52,2	58,8	58,8	61,1
Total convicted persons	10078	8555	10883	8686	9010	5911	4875	4589	3474	3088

**Table 2 Indicator of the number of minors who are sentenced to deprivation of liberty of different duration**

Term of deprivation of liberty	Years									
	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
1 year	113	95	123	116	92	64	41	31	56	46
1-2 years	184	156	191	205	152	94	62	47	65	53
2-3 years	386	361	433	424	291	223	131	117	118	93
3-5 years	873	858	894	891	707	570	369	284	187	168
5-10 years	356	370	326	266	231	187	118	92	60	47
10-15 years	65	46	63	13	20	15	4	14	9	9

Another example is fundamentally different from the Swedish experience and clearly shows that the penalty, even the most severe (death penalty), does not have the proper preventive effect if it does not apply to minors in a set of other measures, including educational ones. So, in the Iranian prison

Dastjerdi Isfahan teen Janette Mir (the 9th grader) was hanged for drug trafficking. The implementation of UNO decisions in the "war" against drug crime through the prism of conventional norms is a manifestation of power, the impact of punishment on the population and control over it. But the most severe punishment does not always achieve the proper goal and is ineffective. More than 2 million drug addicts live in Iran. Over the past four years, more than 1,800 people have been executed for drug - related crimes, most of them without due process and protection of interests. In the period 2005-2011 the number of executions in Iran increased by 600% (*S. Oakford, nd*).

We can see from the examples of foreign practice of state response to criminal behavior, the penalty (its severity) is directly proportional to the high crime rates and conversely humane, differentiated attitude to minors helps to reduce the indicators of criminal activity of adolescents, while increasing the degree of security in society.

Based on the objective possibilities and adequacy of a certain type of punishment applied to juvenile offenders, the possibility of its implementation and the reality of the goal can determine the effectiveness of crime prevention. The low efficiency and low preventive level of punishment in preventive juvenile practice can be confirmed only when it is scientifically-theoretically and empirically proved that measures of a criminal-legal nature and the state's response to crime in the form of punishment are not able to achieve the minimum goal that society has set for it.

Long-term practice of the Soviet era, when such type of punishment as imprisonment dominated in judicial practice, contributed to the reduction of juvenile delinquency. A well-known scientist of the last century V. I. Kufayev (V.Kufayev, 1927) opposed the application of criminal penalties to minors and he said that that was unacceptable from the point of view of child protection. In general, he believed to the punishment was harmful from a pedagogical point of view, he said that juvenile offenders needed education, protection and assistance.

In the last century, a special increase of the number of persons deprived of their liberty is observed after the decrease in the age of criminal responsibility to 12 years (in accordance with the Decree "On measures to combat juvenile crime" of April 7, 1935) (*Decree, 1935*).

The complexity of the situation was that the legal age of criminal responsibility for certain types of crimes (theft, bodily injury, participation in murder, etc.) was fixed, but it is not specified from what age criminal liability was for other committed crimes by minors. In addition, the regulations on mandatory reduction of punishment for minors were excluded from the resolution. The general trend towards increased judicial repression in the fight against juvenile crime was a reflection of the erroneous concept of the possibility of eliminating crime by strengthening measures of influence. After the adoption of the above-mentioned resolution on April 7, 1935, there were many cases of unjustified sentencing of minors to imprisonment for minor

offences (for example, deprivation of liberty accounted for 80% of all applicable measures, many sentences contained short-term imprisonment) (*L.Krivochenko, 1966*).

In the international norms and principles deprivation of liberty for minors were recommended to use as an exception and for a short period of time. Because in the process of isolation of minors, personal deformities are aggravated, this does not contribute to either correction or education or to the further completion of the process of socialization of a minor.

The study of G. M. Kozhina (*G.Kozhina, 2006*) about the regularities of the formation of neurotic disorders in adolescents serving sentences in prisons deserves attention. At the heart of the pathogenetic conflict of teenagers who are at the prison, personal traits such as increased excitability and imbalance, conflict in relationships, resentment and rancor, lability of emotions, demonstrative emotional manifestations, a tendency to affect, hysteria, depression, hypochondria, paranoia (more typical for boys) and psychasthenia (more typical for girls) are dominated. In this case, the researcher said that are the factors of social isolation, a dramatic change of the life stereotype, strict regulation of behavior, a closed system of communication, disruption of existing personal relationships, insurmountable personal conflict in relation to the future were reinforcing and supporting the development of neurotic disorders.

The implementation of paragraph 19 of the UNO standard Minimum rules for the administration of juvenile justice (the "Beijing rules") is focused on the strategy of reforming the judicial system, judicial proceedings and related legal institutions for 2015-2020 (*Strategy, 2015*), in which among the measures, which are aimed to improving the effectiveness of crime prevention, rehabilitation of convicts and improvement of the system of execution of sentences indicated "improvement of the legal framework in sentencing; reduction of the number of penalties associated with deprivation of liberty ". Although this provision does not directly apply to minors (it only provides for the improvement of the system of punishment and the right to continue education), in the general context it can be integrated into the institution of sentencing minors.

In the process of applying the measures of influence as a reaction of the state to the crimes of minors, it is observed: firstly, a significant percentage of minors to whom deprivation of liberty is applied (the term from 3 to 5 years prevails); secondly, a high percentage of those one, who were released from punishment is not only a manifestation of humane attitude towards a teenager, but also a reflection of a differentiated, individual approach regarding the correct choice of the measure of influence, which is further confirmed by a low percentage of the recurrence of minors who were previously released from responsibility.

Scientific interest is the author's study of the attitudes of minors to such punishment as deprivation of freedom (*N.Yuzikova, 2015*). From the listed

types of crimes it was necessary to choose those one for which it is expedient (obligatory) to appoint punishment in the form of imprisonment. Comparison of responses of minors about expediency of purpose of punishment in the form of imprisonment for separate types of crimes are presented in Table 3.

**Table 3. Comparison of responses of minors about expediency of purpose of punishment in the form of imprisonment for separate types of crimes (in %)**

In Your opinion, for what crimes is it advisable to impose a punishment of imprisonment at the age of 14-16 years	Pupils of gymnasiums, schools, technical schools		Inmates of the colony	
	Imprison	Do not deprive	Imprison	Do not deprive
type of crime				
Causing bodily harm	55	45	63	37
Theft	39	61	49	51
Robbery	70	30	60	40
brigandage	64	36	65	35
Extortion and fraud	56	44	54	46
Hooliganism	31	69	44	56
Murder	96	4	85	15
Rape	95	5	81	19
Manufacture, sale of drugs	89	11	69	31
Illegal seizure of transport	51	49	54	46

The list of crimes was not chosen by chance, it is due to the prevalence of these types of crimes among minors, which is confirmed by the data of criminal law and judicial statistics. We can see from the data of Table. 3, the attitude to the imposition of punishment in the form of imprisonment for certain types of crimes (different in severity) is quite different among inmates of the colony and students of gymnasiums, lyceums, technical schools and schools, for such types of crimes as theft, robbery, extortion, hooliganism, manufacture, sale of drugs. We can see from the responses, the pupils of the colony more properly determine the severity of theft, robbery and burglary, in contrast to students who do not have earlier criminal record of conviction. The same observation applies to the crime of bodily harm, the degree of social danger of which convicted juveniles determine more correctly from a legal point of view than schoolchildren.

Law-abiding minors correlate expediency of use of imprisonment for robbery and its inexpediency in percentage value of 70% to 30%, and for robbery (that is more socially dangerous act) - 64% to 36%. In determining the appropriateness and inexpediency of the use of deprivation of liberty, almost the same percentage in the responses of pupils have such crimes as: causing bodily harm (55% to 45%), extortion or fraud (56% to 44%), illegal seizure of transport (51% to 49%). Pupils consider the following types of crimes less appropriate: theft (39% to 61%), hooliganism (31% to 69%). At the same time, convicts fluctuate in their responses with the assessment of expediency in relation to the following types of crimes: theft (49% to 51%),

extortion or fraud (54% to 46%), hooliganism (44% to 56%), illegal seizure of transport (54% to 46%).

Based on the responses received, all respondents were unanimous in their responses regarding the appropriateness of imprisonment for crimes such as murder and rape, i.e. the most socially dangerous criminal attacks. The manufacture and sale of drugs are included to this group of crimes by pupils. It is positive that minors are aware of the danger and relate the punishment for the crime and its consequences.

Dominance in the process of sentencing juveniles to this type of punishment as deprivation of freedom has two different sides: first, it casts doubt on the implementation of humanization component and a differentiated approach in the administration of justice and election of a minor punishment; and secondly, it testifies about the imperfection of the system of sanctions and their status and role in the limitation of separate norms of the special part of Criminal Code of Ukraine, deprives the court of the ability to choose an alternative to deprivation of liberty forms of punishment.

The low level of recidivism among persons, who have previously been released from punishment, showed the appropriate punishment for minors. And the high level of recidivism among minors (especially for serious crimes), who were previously convicted, evidences about sustained deformation of minors; the deepening of the destructive processes and the inefficiency of the educational measures applied in the implementation of punishment; the absence of proper support and assistance, social, legal, psychological the nature of after the punishment.

The effectiveness of criminal law measures and their compliance with the crime have a direct preventive effect. At the same time, an important component of the state policy for the prevention of juvenile delinquency is its humane component. The release of a person from criminal punishment is a high credit of trust to minors and the hope that in the future they will not allow illegal acts.

To be exempt from punishment it is necessary that the court, considering the crime, the identity of the perpetrator and other circumstances of the case came to the conclusion about possibility of correction of a prisoner without the use of punishment.

In The Criminal Code of Germany (*Criminal Code of Germany, 2003*) three possibilities for the release of minors from punishment or its execution are provided:

- a) the appointment of a special kind of correctional period, depending on the success of which the criminal process is terminated;
- b) the imposition of a sentence on the accused with simultaneous postponement of imprisonment;
- c) the imposition of punishment with simultaneous postponement brought to execution.

Conviction of court in possibility of correction of the minor, who was condemned without real serving of punishment must be based on:

a) the analysis of character of public danger of action (the assessment of importance of object of encroachment, the role of the minor in criminal encroachment, degree of completion of action, the size of the done harm by minors, etc.);

b) data on the personality of the criminal (he commits a crime for the first time; he is positively characterized; the crime is committed owing to combination of circumstances adverse for the teenager; he does not go out of control by parents or persons in *Loco parentis*; he does not suffer from alcohol or drug addiction, etc.).

In this case, the court decides to release the convicted minor from serving the prescribed real punishment with the definition of the probation period.

Part 3 of Art. 104 of the Criminal Code of Ukraine (*Criminal Code of Ukraine, 2017*) probation for minors was set less than for adults - from 1 to 2 years. The duration of the probationary period is determined by the court, taking into account the period of arrest or deprivation of liberty imposed for the minor, as well as the nature of the necessary measures to correct him.

After the end of the probation period, a juvenile convicted person who has fulfilled the duties assigned to him and has not committed a new crime is released by the court from the imposed punishment for him and control over his behavior ceases. The failure of assigned duties by the juvenile offenders or systematic commission of the offenses resulting in an administrative penalty, evidence of his refusal to embark on the road to reform, exemption from punishment serving with test is canceled and the convict is sent to serve his punishment.

At the overall high level of the number of juveniles, who were released from punishment (fluctuations of 70-65 per cent between 2008 and 2017), there was a gradual decline in these indicators during 10 years. A small share in the structure of those released persons who were free from punishment under Amnesty. So, the proportion of the number of minors who were free from punishment under the Amnesty, of the total number of convicted juveniles, around 0.5-1.4 percent. However, in 2014 and 2017 there was a significant increase in the number of minors who were released from punishment under the Amnesty.

A significant percentage of the use of exemption from punishment suggests that this institution has a sufficiently high preventive effect.

The effectiveness of crime prevention can be determined on the basis of the objective possibilities and adequacy of the appropriate punishment applied to a juvenile offender, the possibility of its implementation and the reality of the goal. Thus, the objective content of criminal law measures is a reaction of the state to the behavior of minors guilty of committing a crime, and their implementation in criminal practice covers preventive, punitive and educational purposes.

**Table 4. Indicators of the number of juveniles convicted and released from punishment in the total number of convicted persons (juveniles)**

Years	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Released with test	7045	5680	7555	5684	6145	3637	2684	2812	1991	1639
Proportion of convicted persons %	69,9	66,4	66,4	65,4	68,2	61,5	55,1	45,9	57,3	53,1
Released under Amnesty	46	144	10	65	54	3	443	64	15	213
Proportion %	0,5	1,7	0,09	0,7	0,6	0,05	9,1	1,4	0,4	6,9
Total released	7219	5911	7704	5862	6391	3884	3358	3170	2273	2021
Proportion of convicted persons%	71,6	69,1	70,8	67,5	70,9	65,7	68,9	69,1	65,4	65,4
Total convicted	10078	8555	10883	8686	9010	5911	4875	4589	3474	3088

The effectiveness of punishment and its compliance with the crime committed by minors have a direct preventive effect. At the same time, an important part of the state policy for the prevention of juvenile delinquency is its humane component. Exemption from criminal punishment is a high credit of trust to the minor and the hope that in the future he will not allow illegal acts.

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## Forensic Support of Crime Investigation - Criminalistic Method

The basis of forensic support of crime investigation is the possibilities of a comprehensive solution of legal, organizational, scientific-methodological, and scientific-technical issues. Modern theoretical studies on this topic are certainly relevant as they constitute a forensic basis for the investigation of crimes of any kind. However, in many of the studies observed on this topic, there is no notion of forensic support of crime investigation, nor does it reveal its core. The main purpose of forensic science is to assist in the combating crime. The achievement of this goal is possible by developing forensic methods, methods and recommendations for the disclosure, investigation and prevention of crimes, ensuring them in sufficient numbers of law enforcement agencies. The developed techniques, methods and recommendations should be realistic and effective in certain situations. Providing the activities of law enforcement agencies with relevant criminalistic recommendations for the detection and investigation of crimes is one of the independent directions of crime investigation. The process of forming the theory of criminal forensic investigation of crimes has not been completed yet. In scientific circles there are numerous discussions about the concept, structure and content of forensic support. As to the essence of forensic support for investigation of crimes, the term "support" is considered in the rather general meaning of the word, as "supplying something in sufficient quantity". Expressed by the adjective of the definition of "forensic" indicates the connection with the science of forensics.

The content of forensic science is forensic knowledge. They are the result of its knowledge of the laws that make up the subject of criminalistics, and the materialization of this result in the form of the proposed practices of means, methods and recommendations for the disclosure and investigation of crimes [12, p. 3].

Proceeding from the commonly used meaning of words, one can formulate the notion of "forensic support" as a "supply" of forensic knowledge of officials involved in the investigation of crimes. This concept should be considered not as a material support by forensic recommendations and means, but as a process of their development and support to the specified persons.

The effectiveness of investigating any crime depends on a number of factors, one of which is the development of qualitatively new techniques that meet the requirements of the current National Police in the combating crime. In turn, the forensic provision of crime investigation is the work of the internal affairs bodies in developing criminalistic recommendations for the investigation of crimes and their application in practice in order to optimize

and increase the effectiveness of detecting, disclosing, investigating and preventing crimes. The importance of this question is obvious, and the illustration of the structure of forensic support of the methodology for investigating crimes is relevant and necessary for science and practice.

An important role in improving the effectiveness of law enforcement activities has a development of new, non-traditional methods of organizing the work of investigators and operative search units. Certainly, this will redound the intensification of the fight against crime and improvement of the image of pre-trial investigation units employees [13, p.3].

In the implementation of various directions of the process of crime investigation, the synthesizing role belongs to the forensic methodology and the scientific recommendations of the science of criminalistics. The development of a reliable methodological and forensic support of law enforcement agencies in the field of combating crime, of course, is neither a matter of one year and nor a one author's. Therefore, today there is a fairly wide range of scientific studies in this regard.

Materials and methods. In the process of research, empirical and theoretical methods were used: analysis, synthesis, induction. Due to the observation and comparison, author managed to reflect and analyze the views of a number of scientists and suggest an author's definition for forensic support of crime investigation.

Literature review. The main sources of scientific literature are used in this article, which outline the main approaches to the understanding of the scientific category "forensic support of investigation of crimes" (R.S Belkin, V.G Kolomatsky, A.F Volynsky, etc.).

At one time, G. Gross emphasized that criminalistics only begins where the criminal law terminates its work: substantive criminal law has the subject of studying the criminal act and judgment, the formal criminal law (the process) contains rules for the application of material criminal law. But how exactly are crimes being occurred? How to investigate these methods and disclose them, what were the motives and purposes of committing crimes - all this is not said to us by the criminal process. This is the subject of criminalistics [1].

In a broad sense, the word method is a way of achieving a goal, solving a specific problem, a set of techniques and operations of theoretical knowledge or practical development of reality. The combination of criminalistics methods is a certain system that consists of general, general scientific and special methods. None of these methods can be absolutized, since they are implemented in correlation in science as well as in practice. Only their substantiated complex can ensure the achievement of the goals of forensic knowledge.

Investigation of crimes, as well as criminal activity, being the object of criminalistics, has their means, modes, methods of knowledge. The more diverse this arsenal is, the more effective the cognitive process will be -

investigative activity. The study of patterns of the mentioned activities is the main task of criminalistics, on the basis of their cognition criminological science develops methods for investigating crimes as phenomena of objective reality. In the methodology of science and in the system of its methods it is necessary to distinguish between methods of scientific knowledge that are realized in the process of forming the very criminalistics, and applied methods, means and techniques used in the investigation of crimes. Improvement of known methods of investigation and the search for new ones have always been the most important tasks of forensic science [2, p. 27].

N.A Podolny and Y.V. Shlyapnikov point out that the method in forensic science is a generalized concept that combines both the method of forensics and the method of investigation. According to the authors, such an understanding of the method in forensic science makes it more accessible to employees of the bodies of preliminary investigation, which can allow the postponement of discussion of the method from a purely theoretical plane to practical one and to give the problems of the method more applied nature [3]. It should also be noted that forensic science provides not only the development of scientific regulations on the use of tactical methods and techniques, but also must actively represent forensic knowledge for practical activities. This goal can only be achieved through the implementation of purposeful activities not only of the employees' of the preliminary investigation bodies, but also of criminologists', which is already being accumulated in forensic provision of crime investigation.

For the first time who addressed to the concept of forensic support was V.G Kolomatskyi, who in the late 70's - in the early 80's of XX century, prepared a corresponding lecture at the Academy of Internal Affairs of the USSR [14, p. 19], where it was suggested the following definition: "The forensic support of the activity of the internal affairs bodies in the investigation of crimes is a system of implementation into the practical activity of officials, units, services and internal affairs bodies for the protection of public order and combating criminality of forensic knowledge embodied in the ability of internal affairs officers to use scientific, methodological and tactical forensic recommendations, technical and forensic means and technologies for their application in order to excursion, disclosure and investigation of crimes "[15, p. 62]. The need for the development and implementation of this concept in the field of scientific research and the educational process was due to the need to more effectively use the methodological and tactical recommendations of forensic science, as well as to apply methods and means of forensic technology, which at that time were significantly behind the needs of the combating crimes.

The meaning of the definition of V.G. Kolomatskyi suggests that forensic support is, first of all, a system that has interconnected elements in its structure, each of which can be considered separately, while only a combination of them will form a criminalistic support as an effective and

coherent mechanism for the disclosure, investigation and prevention of crimes .

Subsequently, the ideas and principles of forensic investigation of crimes were recognized and further developed in the scientific research and work of criminologists, while defining the category considered not only for all forensic activity, but also in its individual areas [16].

R.S. Belkin, sharing the opinion of V.G Kolomatskyi, defines forensic support of law enforcement agencies in general and the criminal police in particular as a system of "forensic knowledge, skills and abilities of their employees based on them to use scientific forensic recommendations, apply forensic means, methods and technologies for their use in order to prevent, detect, disclose and investigation of crimes [17, p. 64], in essence, replacing only the system of "implementing ... knowledge embodied in the ability", a system of «knowledge, skills and abilities based on them".

Further V.G. Kolomatskyi doubts the possibility of considering a forensic support to the subject of criminology, as developing this concept, it is convinced that forensic support is one of the elements of the management system of the bodies' activities that carry out the combating crime [14, p. 19-21]. The difference between the suggested definitions is that R.S Belkin considers forensic support in statics as a system of forensic knowledge, and V.G. Kolomatskyi - in dynamics as a system of implementation.

The Belkin's position was the result of a discussion with A.Y. Ginzburg, who in 1974 referred the implementation of forensic recommendations in the practice of combating crime to the private tasks of criminology [18, p. 79]. This position did not receive much support from the scientific community, with the exception of some authors. In our opinion, P.C. Belkin did not include the word "implementation" in the definition because he did not refer to the tasks of criminology the implementation of forensic recommendations, believing that the implementation of forensic recommendations in practice is already the use of the results of science development [19, p. 227]. So, this approach is also not without mistakes. After all, in order to use something or apply, it is "something" to be developed and implemented first.

In general, V.G. Kolomatskyi and R.S Belkin began to adhere to many authors. Some of them make editorial changes to the definitions discussed, others criticize and make their comments on the concept of forensic support.

Thus, V.O Volynskyi, criticizing the position of R.S Belkin, draws attention to the fact that the latter reduces forensic support only to knowledge and skills, without paying attention to some important circumstances:

- a) forensic knowledge and skills do not arise on their own, they are formed in the process of certain activities (scientific, educational);
- b) such knowledge and skills are realized again in the activity of disclosing and investigating crimes;

c) it is possible to apply forensic means, methods and technologies only when they are developed and implemented in practice. And this is also an activity;

d) all these activities are not an end in itself.

In the practice of combating crime their results are implemented, practice defines their content (goals, tasks, forms), based on their daily needs [20, p. 28-29].

In our opinion, it is necessary to agree with V.O Volynskyi, that forensic knowledge and skills do not arise on their own, they are formed in the process of certain activities, and this is not enough to reveal the content of the definition of forensic support by a reference to this type of activity (the formation of forensic knowledge). At the same time, we believe that the formation (creation, development) of forensic knowledge precedes its own forensic support. In addition, implementation in the activity on disclosure and crime investigation of knowledge and skills, as well as "the definition of their content (goals, tasks, forms), based on their daily needs," is derived from forensic support. In addition, there are some discussions among scientists on the feasibility of developing a theory of forensic support and referring it to the subject of criminalistics.

Thus, V.P. Bahin, denying the right of this term to exist in the system of forensics, argues that the new name implies, in essence, the former meaning, that is, criminology itself is a forensic support. Sometimes, in this connection, the term "provision" is being doubted [21, p. 9].

SI. Sobolevskaya notes that it "is not completely clear what connection this activity has with criminology, and in particular, with the subject of this science." Such activity, in her opinion, is connected rather "to the subject of the study of any other science, for example, the science of management, than to the subject of criminology" [22, p. 280-286].

At first glance, outside the subject of criminology as a science "on the regularities of the mechanism of crime, the emergence of information about the crimes of its members, patterns of collection, study, evaluation and use of evidence ..." [23, p. 42] the activities of forensic preparation of crime detection and investigation entities, the organization of their work, the creation of forensic technology, its implementation into practice, the improvement of the regulatory base that regulates its use, etc. remain.

However, the problem of forensic support is much more complex in its content and structure, at least in terms of solvable tasks, the system of which in general can be represented as follows:

a) research tasks, the solution of which is aimed at improving the components of forensic support (forensic methods, tools, recommendations, legal regulation of their use, etc.);

b) organizational and managerial, or "external" in relation to the subject of criminalistics in its generally accepted interpretation of the problem. At their core, they relate to the implementation of modern science and

technology advances into the practice of disclosure and investigation of crimes;

c) the task of using forensic methods, means and recommendations in the daily practice of disclosure and investigation of crimes [24, p. 77-78].

But, if one considers criminalistics in the context of a common task and as a form of implementation of social functions as a science, which is called to redound their means and methods of combating crime, then everything looks different. To such functions A.F Volynskiy and I.V Tishutin refers: creative, introductory (including, educational) and activity [25, p. 7]. In the bounds of these functions, criminology deals not only with scientific developments and research within its subject, but also contributes to the implementation of the results of their development into the practice of disclosure and investigation of crimes.

However, the unambiguous answer to the question of whether criminalistics should participate in the implementation of the results of their development in practice does not exist yet. In relation to this V.Y. Koldin notes that "the scientific development of any forensic recommendations, tools, methods, technologies necessarily includes the stages of implementation" [26, p. 19]. The significance of this task is particularly evident in the requirements for dissertation research, which are not accepted for protection without acts of the implementation of scientific products. On the contrary to this statement, V.P Bakhin writes that "it is impossible in organizational terms in most cases. Implementation is a complex technological process, for which employees of forensic centers, laboratories have neither time nor incentives "[21, p. 21].

The position of the author can be accepted partially because the term "implementation" is defined as the process of bringing criminalistic products to consumers, as well as the process of its use by the latter in practice. As it is known, the task of forensic science is not the implementation of modern science and technology in the practice of disclosure and investigation of crimes, but in the scientific support of this implementation, the essence of which is that in the form of forensic support, the implementation is one of the functions of this system and the role of criminology in its implementation, but not in the context of the tasks of individual employees or researchers. The implementation of forensic products is considered as the practical activity of the relevant subjects, which, in addition to forensic support, requires organizational, material, technical, legal, informational and other types of support. So, it can be argued that the views of venerable scientists deserve attention.

In this regard, one can also quote S.M. Yesin's statement: "... with all the significance of theoretical installations, the subject of its (criminology) research is characterized primarily by the realities of practice, which is much more complex and by the diversity of any theory" [27, p. 19]. The social orientation of criminology determines the need for its development, taking

into account the requirements and needs of the practice of detecting and investigating crimes, so in this connection it is appropriate to note that these needs vary depending on many factors associated with the processes taking place in our society.

Accordingly, the subject of forensics may undergo with a change in time, which, due to the above reasons, can not be static. An example of such changes may be that at present the structure of criminalistics itself is presented by some scientists in a modified form (not in four, but in five sections) [28].

The development of forensic support for the investigation of crimes occurred in the 80's of the 20th century. Since then, scientific discussions about understanding the core of forensic support for investigation of crimes have not been stopped. Thus, one of the first researchers who wrote about the understanding of forensic support of investigation of crimes was V.G Kolomatskyi [4, p. 19]. Forensic support was seen by him only as a scientific category, capable of strengthening a forensic science and practice. Reasonably significant contribution to the development of theoretical knowledge about forensic support made R.S. Belkin, who by the forensic support of crime investigation understood the system of knowledge, skills and abilities of internal affairs officers, which allows them to use their knowledge, use forensic means, technologies, recommendations and methods for preventing, detecting, disclosing and investigating crimes. Forensic support was provided to them in the form of a three-element system of forensic knowledge, forensic technology and forensic education [5, p. 64]. This system allowed to show the correlation of forensic science and practice. In essence, the approaches presented differ only slightly: V.G Kolomats'kyi, under criminological support, understands the system of implementation of knowledge embodied in the skill, and R.S. Belkin - a system of knowledge and based on them skills and abilities [6, p. 121].

It seems that R.S. Belkin did not include "implementation" in the content of this concept, since the implementation of forensic knowledge into practical activities implies the direct use of the results of science related to the organization of science. V.G Kolomatskyi and R.S. Belkin consider the forensic support of crime investigation as a complex dynamic system that, under the influence of scientific and technological progress and the intensive development of criminology, can change its qualitative and quantitative components. In this case, these are forensic knowledge.

The presentation of the development of this system reflects such changes in forensic knowledge that lead to more effective implementation of the main tasks, one of which is a development of new and improvement of existing forensic means, methods and recommendations, but it cannot be as an end in itself. The effectiveness of such developments can be tested in practice. The presentation of new forensic knowledge requires an appropriate level of training for employees who can professionally use modern advances in

criminology. So, it should be a comprehensive approach to the understanding of forensic support, its direct connection with all sections of criminology. A.F. Volynskiy rationally argues that "the forensic support of crime investigation can be legitimately considered as a general methodological category of criminology" [7, p. 64].

In addition to the mentioned approaches in the field of forensic support of crime investigation, there are significant studies of A.F. Volynskiy and V.A. Volynskiy and their followers, who by the forensic assurance of the investigation of crimes, understand the complex by its content activities aimed at forming conditions for the constant readiness of law enforcement agencies to use forensic recommendations, methods and means, as well as the implementation of such readiness in practice in the disclosure and investigation of crimes [8, with. 55].

The approach of representatives of the professor AF Volynskiy's science school to the understanding of the core of forensic support of crime investigation is related to the implementation of conditions for the constant readiness of law enforcement agencies to apply forensic methods, means, and recommendations in the investigation of crimes. In our opinion, the very implementation of these conditions should not be included in the content of this concept.

R.G. Aksenov and S.R. Akimov also conducted a generalization of scientific approaches to the understanding of this category and suggested under the forensic support of disclosure and investigation of crimes to understand the system for the creation, improvement and use of forensic knowledge, skills, abilities and technical forensic means of law enforcement agencies for the purpose of disclosure, investigation and prevention of crimes [9, p. 7]. It is difficult to agree with the authors, since it is not clear what they mean by the "system of skills creation of law enforcement agencies" or "the system of abilities creation of law enforcement agencies". At the same time, "the system of using knowledge, skills, abilities and forensic means" indicates the use of forensic product in the investigation of crimes, and not the forensic provision of this activity. E.K. Goryashev in his studies concludes that by the forensic support of disclosure and investigation of crimes should be understood organizational, legal, methodological support for the use of forensic means, techniques, recommendations, achievements of science and technology in the work of law enforcement agencies [10, p. 31]. The author speaks only about ensuring the use of forensic means in the investigation of crimes. In our opinion, this approach needs to be complemented, as it does not take into account the connection between the functions of forensics and forensic provision. Under such conditions, forensic provision can be regarded only as a form of implementation of the basic functions of criminology.

AN Sretentsev in the work on forensic provision of the disclosure and investigation of theft of vehicles [11] defines the considered category through the system of structural elements, but accepts as a basis only the support: the

theoretical basis of support, legal support, organizational support, scientific and technical, scientific and methodological support, methodical support, material and technical support, not revealing its core.

In our opinion, A.N Sretentsev offers a very broad interpretation of forensic support of crime investigation. In addition, individual elements are not relevant to forensic science.

In particular, such an element as the theoretical basis for forensic support of crime investigation (knowledge of its concept, core, structure, form of activity, forms of its implementation, place and role in forensic theory and practice) should be included in the first section of the science of criminology, and not in the structure of forensic support of crime investigation.

It seems that these questions should be investigated in the context of the general principles of the theory of criminology. With regard to such a structural element of forensic support of crime investigation, as bringing normative legal acts "in line with the realities of modern crime and the practice of combating it, the regulation of these positional opportunities and the use of the achievements of criminology in the disclosure and investigation of crimes" [11, p. 22], then we will also disagree with O.M. Sretentsevym.

The results of the study

Summing up the above, it should be noted that the issue of forensic support should be considered by the legal sciences. Also, outside of forensic science there are elements such as organizational support (science of management); teaching and methodological support (pedagogy); material and technical support (economics). Obviously, the most advanced means and methods of investigation of crimes cannot lead to a positive result without a proper organization of their application in practice. The effectiveness of their implementation is due to the needs of investigating and inquiry staff in scientific methods for investigating crimes. There is a need for special forensic means to investigate crimes. Their respective development is due to practice requests, and their feasibility and effectiveness are being checked in practice.

Conclusions. Taking into account the analysis of different approaches to understanding the essence of forensic support of crime investigation and using knowledge of the general theory of forensics, imagine the author's definition of forensic support of crime investigation, which is a special method of forensics, implements its functions, and is also a dynamic system of submission to the bodies of preliminary investigation and inquiry a developed, scientifically grounded, tried and tested complex of forensic knowledge, techno-criminalistics means, tactical and forensic methods and ways for its implementation, necessary for the effective conduction of the investigation.

Thus, the forensic support of crime investigation is a criminalistic method, and the suggested definition can serve as the basis for further research aimed at its improvement and the development of scientific and

practical recommendations that can contribute to the effective investigation of crimes.

Therefore, forensic support actually serves as an original form of implementation of social functions of criminology, which is a connecting link between science and practice. The development of new and improved criminological tools, methods and recommendations is one of the main tasks of criminology, but it cannot act as an end in itself. The effectiveness of such developments is demonstrated through the practice of using their results in the disclosure and crime investigations related to their testing, implementation, organizational and legal support, and training of professionals capable of competently use the modern advances in criminology.

In our opinion, solving many problems that arise within forensic investigations of crimes is on the verge of criminalistics and other sciences, but only criminology is interested in the practical implementation of the relevant recommendations and offers, in the results of introduction of modern scientific and technological advances into the practice of disclosure and investigation crimes. Exactly this can be explained by the lack of unity of thoughts regarding the notion and content of forensic provision of investigation of crimes, which, in turn, indicates to the newness of this problem.

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## Europeanization of Ukraine's Administrative Right in the Context of Reform: Actual Problems of Implementation and Education

The signing in the first half of 2014 of the Association Agreement between Ukraine, on the one hand, and the European Union (EU), the European Atomic Energy Community and their Member States, on the other hand (hereinafter referred to as the Association Agreement) sets the task of implementation of Ukraine in the practical work of the provisions of this Agreement. On the other hand, in June 1994, Ukraine signed the Partnership and Cooperation Agreement between Ukraine and the EU and their member states (hereinafter – PCA), and since then the process of adaptation of Ukrainian legislation to EU legislation has been initiated. However, obviously, this process was not very successful, since only in the preamble of the Association Agreement the need for further approximation of legislation is mentioned 5 times. In particular, in the Annual Message from the President of Ukraine dated 06/06/2013 «On the Internal and External Situation of Ukraine in 2013» it is noted that in connection with the signing of the Association Agreement with the EU, «we are expected to be hard work on the adoption of laws and by-laws, necessary for the implementation of the Association Agreement», – and this is after 19 years of execution of the PCA, and nine years after the adoption of the National Program for the Adaptation of Ukrainian Legislation to EU Legislation of 18.03.2004. And in the Messages of 2014-2015 (from 27.11.2014 and from 04.06.2015) is new resident of Ukraine seeks to start a «severe, routine and laborious homework to ensure European integration». This indicates the difficult process of adapting Ukrainian legislation to European standards and requires careful reflection.

Analysis of recent research and publications. A. Motsa points out [1, p. 171] that, in spite of the numerous source base from the European integration line, Ukraine's legal acts in the field of adaptation contain numerous contradictory or outdated provisions; a significant number of them was adopted in violation of the rules of law-making techniques; does not reveal a number of underlying categories; the existing procedure for examining draft legal acts is limited; there is no national information network on European law; proper monitoring of adaptation of legislation is not carried out, etc.

Assessing the complexity of the tasks of convergence of Ukrainian and European law, prof. V. Zabigaylo, noted that it would be a mistake to consider the process of harmonization of the law of Ukraine with European law, mainly in the context of the legal and technical efforts of the adoption of certain new or partial amendments to the existing normative legal acts. The task is much more serious: it is a fundamental reconstruction based on the principles,

norms, standards and culture of European law, the legal system of Ukraine, its constituent elements, «tailored» at one time according to the Soviet model [2, p. 235]. Such a process of approaching the social life of individual countries, including legal, to European standards is defined by a number of researchers as «Europeanization». In particular, the German scientist-administrator E. Schmidt-Assmann points out that the «Europeanization» of administrative law is the impact of European legal thinking and legal activity on the national state system of administrative law, in particular, through stratification and transformation of them [3, p. 36]. Accordingly, the Europeanisation of the public administration process, to which the rules and regulations of "Europeanized" administrative law are addressed, takes place.

In the dissertation research [4] I. Todorov (2007) states that «Ukraine's integration into a pan-European process has been slow, with significant contradictions» [4, p. 12]. In the same 2007, in the preface to the book [5] prof. V. Aver'yanov noted that, despite some optimism of the Concept of Administrative Reform adopted in 1998, in many institutions, the situation until now has not changed sufficiently; the introduction of a fully-fledged system of administrative justice, taking into account political, organizational and financial factors, is unjustifiably delayed; the situation with other institutes of administrative law to this time also does not inspire much optimism [5, p. 5]. Since then, obviously, little has changed for the better. In 2016 the American newspaper «The New York Times» wrote: «If Ukrainian leaders had not been so dire, perhaps there wouldn't have been a revolution, let alone two». This indicates the need for further study of the problems and obstacles to the «Europeanization» of the administrative law of Ukraine. Some issues of this issue were considered by co-authors in the monograph [6] and in articles [7-9].

Therefore, the purpose of the article is to study the problems and obstacles to the Europeanization of the administrative law of Ukraine in the field of theory and law enforcement.

The transition from post-Soviet state administration to a humanistic European requires, in essence, a change in civilizational ideas: as S. Kara-Murza points out, both national self-consciousness and strategic decisions of state power come from civilizational ideas about their country [10, p. 5]. Thus, the assimilation of the humanistic traditions of European administrative law and public administration is associated with an integrated solution of administrative and legal issues. Therefore, for the successful resolution of the issues of Europeanization of Ukrainian law, it is necessary to create conditions and methods for assimilating the high demands of humanistic legal thinking.

Historical, legal, and cultural-legal studies show that the Ukrainian people are mentally and electorally related to the Western civilization type [11]. V. Zabigaylo emphasized the European mentality of Ukrainians, which corresponds to the European civilizational choice [2, p. 232]. Well-known

Georgian reformer prof. K. Bendukidze argued that «to ask, does Ukraine have to do with Europe is the same as asking whether the Jews have a relation to Israel. Europe is the home of Ukraine».

According to a survey in 2018, almost half (48 %) of Ukrainians consider the European model of social development more attractive than the Russian one, and only 5 % – on the contrary. The orientation of the presidential candidate to closer cooperation with the EU is important for 62 % of Ukrainians.

At the same time, the movement to Europe is very weak at the state level – in the field of public administration, real law-making and law enforcement, attitude towards citizens, which often does not correspond to the European values of respect for human rights. This contradiction is due to the fact that the European aspirations of the Ukrainian people and Ukrainian society practically did not find a reflection in Ukrainian administrative practices. And after Ukraine's independence, the system of administrative management of the country was not brought into line with the western mentality of Ukrainians, which generated tension in society and, in particular, gave rise to protests and led to two revolutions (2004 and 2013-2014) [6-9]. The main reason for the preservation of such a model of governance is its continuity from the Russian and Soviet heritage [2, p. 235]. As is reasonably noted by Yu. Tishkun, the very nomenclature of the USSR became the socio-political basis for the formation of the modern Ukrainian bureaucracy – the post-nomenclature [12, p. 10]. The leading role of post-nomenclature bureaucracy in power led to the conservation of Soviet principles of selection of personnel, habits and traditions, resulting in the alienation of bureaucracy from society [12, p. 11].

According to the military and political expert A. Arestovich, the model of state power that existed in Muscovy during its vassal dependence on the Golden Horde and further on in the Russian Empire, influenced and continues to influence state administration in Ukraine [13]. These models are deeply alien to Ukraine: mentally, historically, organically, psychologically; they are the most significant internal threats to Ukraine's political capability and its preservation as an independent state [13]. A. Muchnik [14, p. 112] draws attention to the fact that the traditions of the omnipotence of the power, having survived the collapse of the USSR, were safely preserved and moved to his successors. The aforementioned prof. V. Zabigaylo also draws attention to the rejection of the Ukrainian ruling elite of the need to reform the Ukrainian society on the basis of an economic and political model [2, p. 233], created by the community of European states. Let's consider individual manifestations of such phenomena and the consequences of overcoming them.

A. The priority of the norms of international law, first of all, international treaties, is not directly enshrined in the Constitution of Ukraine. In Art. 9 of the Constitution only stipulates that the current international treaties agreed

upon by the Verkhovna Rada of Ukraine are part of the national legislation of Ukraine. Instead, the priority of international treaties is not indicated. The above creates a situation where such a priority is not necessarily foreseen in the laws. Such a priority is enshrined in the Law of Ukraine «On International Treaties of Ukraine», however, the situation when the priority of the international treaty is not envisaged by the law is completely constitutional. For example, in the array of cultural laws, the priority of an international treaty is not envisaged in the Law "On Culture", as well as in the Laws "On Information Agencies" and "On Extracurricular Education". This will mean that in resolving any disputes within the limits of these extrajudicial laws the priority of the norms of the international agreement is not guaranteed. The issue is not only that such norms are not provided for as such, but also that at the stage of legislation, neither developers nor deputies experience internal need to check their developments with international law.

With regard to litigation, the priority of the rules of the international treaty is provided by the procedural codes. Thus, in paragraph 4 of the Resolution of the Plenum of the Supreme Court of Ukraine of November 1, 1996, No. 9 «On the application of the Constitution of Ukraine in the administration of justice», based on the provision of Art. 9 of the Constitution of Ukraine, it is explained that the court can not apply the law regulating the legal relationship being treated, otherwise than an international treaty. However, this may lead to conflict in the application of substantive and procedural law. At the same time, the priority of the rules of the international treaty is not even formally foreseen in the Code of Administrative Offenses (except for certain special articles), which may create threats to violate the rights of citizens. Moreover, after the adoption of the judicial constitutional reform in 2016, as a result of which the Supreme Court of Ukraine has been liquidated, the significance of its preliminary explanations is unknown.

All this does not really contribute to the systematic implementation of the principle of priority of the norms of the international treaty. For example, in the French Constitution clearly and unequivocally stated that treaties or agreements regularly ratified or approved have, from the time of publication, an authority superior to that of laws, provided, in the case of each agreement or treaty, that it is applied by the other party (Article 55).

B. The legislation of Ukraine does not specify how to apply «generally recognized principles and norms of international law», as envisaged in Art. 18 of the Constitution of Ukraine, and the application of which is contained, for example, in Art. 1 Protocol No. 1 to the European Convention on Human Rights 1950. This question remains controversial. So, according to Art. 10 of the Constitution of Italy, Italian laws conform to the generally recognized tenets of international law. According to Art. 25 of the German Constitution, the general rules of international law shall be an integral part of federal law. They shall take precedence over the laws and directly create rights and duties for the in – habitants of the federal territory. Instead, in Art. 18 of the

Constitution of Ukraine, the observance of «generally recognized principles and norms of international law» relates exclusively to the sphere of foreign policy. True, in the article [15, p. 27], the authors believe that this article of the Constitution may be interpreted not only in the context of the legal regulation of the foreign policy activity of the state, but also as a norm that directly determines the ratio of international customary law and internal law. However, the authors are compelled to admit that without such an interpretation of the Constitutional Court of Ukraine this conclusion is premature.

At the same time, the application of «universally accepted principles and norms of international law» could, firstly, promote more intensive implementation of international legal principles, and secondly, it also has the current practical significance. So, according to Art. 1 Protocol No. 1 to the Convention 1950, every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. According to Art. 3 of the Law «On the Protection of Public Morality», the legal basis of Ukraine for the protection of morality in society is the Constitution of Ukraine, this Law, other laws and regulations on the protection of public morals, generally accepted norms and principles of international law and international treaties of Ukraine. According to Part 1 of Art. 3 of the Criminal Code of Ukraine, the legislation of Ukraine on criminal liability is this Code, which is based on the Constitution of Ukraine and generally accepted principles and norms of international law.

O. Ivanchenko [16, c. 397] formulated cases where the application of universally accepted principles and norms of international law would be expedient (except in cases where it is explicitly foreseen by law):

– if social relations are not regulated by the rules of national law, but are governed by generally accepted norms of international law. The challenge facing the law enforcement in this case is to overcome the gaps in national legislation. Here, generally accepted principles and norms of international law act independently, not jointly and not in place of the norms of national law, since the latter are absent at all;

– in the event of a conflict between norms and principles of international and national law. The purpose of such an application is to overcome the legal conflict. Under it, universally accepted principles and norms of international law are used instead of the norms of national law. Here we can speak of the priority application of the norms of international law instead of the norms of national law in the event of their discrepancy;

– if necessary, establish the essence and meaning of the norms of the national legislation when they are unclear. The purpose of addressing the generally recognized principles and norms of international law in such cases is to give a legal interpretation of the legal norm and clarify its meaning. In

interpreting the generally accepted principles and norms of international law and the norms of national legislation, the court «in the relationship».

The legitimization of the international legal tradition and the principles of law is given in Art. 38 of the Charter of the International Court of Justice: «The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply: b) international custom, as evidence of a general practice accepted as law; c) the general principles of law recognized by civilized nations; d) judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law».

As indicated in article [15, p. 22], in due time, at the Plenum of the Supreme Court of Ukraine, a resolution was prepared «On the application by courts of generally accepted principles and norms of international law and international treaties of Ukraine». In particular, the draft definitions of generally accepted principles and norms of international law are presented. Thus, under such a proposal, an understanding was made of the «fundamental imperative norms of international law, which are accepted and recognized by the international community of states as a whole, and deviation from which is unacceptable. The generally accepted principles of international law include, in particular, the principle of respect for and protection of fundamental human rights and the principle of good faith and honest observance of international obligations. In accordance with the generally accepted norm of international law, one should understand the rule of behavior that is recognized and recognized by the international community, communities as a whole legally binding. However, this resolution was not adopted.

In addition, in Ukraine of December 19, 2014, the Resolution of the Plenum of the High Specialized Court of Ukraine on Civil and Criminal Cases No. 13 «On the application by courts of international treaties of Ukraine in the administration of justice» was adopted. The following definitions were used in this Resolution (Art. 20): «In accordance with the generally recognized principles of international law... the courts should be understood as the fundamental imperative norms of international law, which are accepted and recognized by the international community of states in general and deviation from which is unacceptable... The generally accepted principles of international law include, in particular, the principle of respect for fundamental human rights and fundamental freedoms and the principle of good faith and fair observance of international obligations. According to the generally accepted norm of international law, the courts should be understood as a rule of conduct that is recognized and recognized by the international community as a whole as legally binding».

These definitions can be the first step towards legitimizing the application of «generally accepted principles of international law» in judicial practice, at least in civil and criminal proceedings. However, they are to a

certain extent limited, because, firstly, they do not fully comply with well-known international definitions, in particular, the Statute of the International Court of Justice, secondly, they cannot be directly applied in economic and administrative processes; thirdly, in connection with the liquidation of this court during the judicial constitutional reform of 2016, its explanations to the leadership, as a rule, were suspended in the air.

C. The place of international legal norms, which are not enshrined in international treaties, the consent of which is binding on the Verkhovna Rada of Ukraine, is not defined. This does not apply to decisions of the European Court of Human Rights (hereinafter - ECHR), the application of which as a source of law is stipulated in Part 1 of Art. 17 of the Law «On implementation of decisions and application of the practice of the European Court of Human Rights».

For example, in Part 1 of Art. 19 of the Law «On International Treaties of Ukraine», as part of national legislation, the existing international treaties of Ukraine are recognized, the consent to be binding on them is provided by the Verkhovna Rada of Ukraine. At the same time, according to Art. 12 of this Law, international treaties of Ukraine subject to ratification, which do not require ratification, if such treaties prescribe the requirement for their approval or establish other rules than those contained in acts of the President of Ukraine or the Cabinet of Ministers of Ukraine (Part 1). Approval of international treaties of Ukraine is carried out by the President of Ukraine in the form of a decree on: a) international treaties concluded on behalf of Ukraine; b) international treaties concluded on behalf of the Government of Ukraine, if such treaties establish other rules than those contained in the acts of the President of Ukraine (Part 2). Approval of international treaties of Ukraine is carried out by the Cabinet of Ministers of Ukraine in the form of a resolution on: a) international treaties concluded on behalf of the Government of Ukraine, in addition to the treaties referred to in paragraph; b) of part two of this Article; b) interagency agreements, if such agreements establish other rules than those contained in the acts of the Cabinet of Ministers of Ukraine. For example, the Decree of the President of Ukraine dated January 9, 2013 № 5/2013 were approved World Postal Convention, Postal Protocol Final Protocol, Postal Payment Services Agreement and First Additional Protocol to the Universal Postal Union Universal Postal Regulation, committed on August 12, 2008 in Geneva. The last document remains valid till now.

The uncertainty of the status of international treaties, other than those subject to ratification by the Verkhovna Rada of Ukraine, is a general disadvantage of the legislation of Ukraine. Thus, in the Notes of the Main Legal Department of the Verkhovna Rada of Ukraine to the Draft Law of Ukraine "On Culture" (registration number 6469), in particular, it is noted, that «Article 2, according to which the legislation of Ukraine on culture is drawn up, in particular, on international cultural agreements, the consent of

which is binding on the Verkhovna Rada of Ukraine, is not in line with Articles 3 and 9 of the Law of Ukraine «On International Treaties of Ukraine», which other types of international treaties of Ukraine are stipulated: concluded by the President of Ukraine, the Cabinet of Ministers of Ukraine or on his behalf – on behalf of the Government of Ukraine, etc. "

According to Art. 15 of the Statute of the Council of Europe, on the recommendation of the Consultative Assembly or on its own initiative, the Committee of Ministers shall consider the action required to further the aim of the Council of Europe... In appropriate cases, the conclusions of the Committee may take the form of recommendations to the governments of members, and the Committee may request the governments of members to inform it of the action taken by them with regard to such recommendations.

At the same time, the legislation and practice in Ukraine do not give an answer to the practical implementation of these recommendations, where such recommendations are implemented unsystematically. Sometimes a paradoxical situation is created when Recommendations aimed at ensuring the achievement of the rule of law are actually applied in Ukraine to restrict the rights of citizens. So, the administrative courts of Ukraine, from the submission of the Supreme Administrative Court of Ukraine (hereinafter – the SACU), in a rather strange way, apply the Recommendation dated 11.03.1980, № R (80) 2 of the Committee of Ministers of the Council of Europe «Regarding the exercise of discretionary powers by administrative authorities», using it to substantiate the restriction of the rights of individuals of private law and actually arbitrary exercise of discretionary power by the subjects of power.

Thus, in the Resolution of the SACU dated September 30, 2015, № K/800/21324/15, decisions of lower courts were abolished regarding the obligation of the National Council of Ukraine on Television and Radio Broadcasting to take a decision on the plaintiff's request to re-license the broadcasting license. At the same time, the SACU substantiated its decision by the fact that in accordance with recommendation № R (80) 2, discretionary powers should be understood as the powers that an administrative authority can exercise with a certain freedom of discretion in making a decision. Given that the decision to re-issue a broadcasting license falls within the exclusive discretion of the National Council, it cannot be compelled to make a decision in court.

At the same time, the courts «forget» that in the same recommendation № R (80) 2 it is assumed, that where an administrative authority, in exercising a discretionary power, departs from a general administrative guideline in such a manner as to affect adversely the rights, liberties or interests of a person concerned, the latter is informed of the reasons for this decision. This is done either by stating the reasons in the act or by communicating them, at his request, to the person concerned in writing within a reasonable time (Art. 8), and that an act taken in the exercise of a

discretionary power is subject to control of legality by a court or other independent body (Art. 9). In the middle of XX century an English court has formulated a rationale test, the so-called «Wednesbury unreasonableness» test, in the «Associated Provincial Picture Houses Ltd. case. v. Wednesbury Corporation» (1947). In considering the question of unreasonable actions of the authorities and exceeding his powers, the court must, in particular, find out whether the decision is so unreasonable that no intelligent body or official will decide on its implementation. In Art. 49 of the Swiss Federal Law of December 20, 1968, on Administrative Procedures it is indicated that the subject of appeals against actions of administrative bodies, in particular, is the exceeding of the limits or abuse of freedom of discretion.

The systematic application by the Ukrainian authorities of the substantiation of the documents of the Council of Europe on the restriction of the rights of citizens and the inadmissibility of such use is indicated in the article [17]. In this case, the author rightly notes that, according to Art. 53 Convention 1950, nothing in this Convention shall be construed as limiting or derogating from any of the human rights and fundamental freedoms which may be ensured under the laws of any High Contracting Party or under any other agreement to which it is a party.

The National Program for the Adaptation of the Ukrainian Legislation to EU Legislation defines the following sources of *acquis communautaire* (secondary legislation: directive, regulation, decision, recommendation or conclusion, source of law in the form of an international agreement, the general principle of EU law, the decision of the European Court, a common strategy in the area of common foreign common foreign policy and security policy, common position in the sphere of common foreign and security policy, framework decision on the monopolization of legislation in the context of the provisions of the EU Treaty on cooperation between law enforcement and judicial authorities in criminal matters; a common position in the context of this Treaty; a decision in the context of the provisions of this Treaty; a common position or principle in the field of common foreign and security policy).

However, the question of systematic practical use of these sources of law is not yet resolved.

Thus, at the stage of lawmaking or sub-rule-making, appropriate expertise is envisaged. In particular, when state registration of a subordinate legal act is carried out, a legal expert examination is carried out in order to comply with its Constitution and the legislation of Ukraine, the 1950 Convention and protocols thereto, international treaties of Ukraine, the consent to be binding on the Verkhovna Rada, and the *acquis communautaire*. In case of inconsistency in the state registration is refused.

According to Art. 93 of the Law «On the Rules of Procedure of the Verkhovna Rada of Ukraine», each draft law, another draft act, which is envisaged before the Verkhovna Rada of Ukraine is adopted, is sent, in

particular, to the committee, whose subject matter is the assessment of the conformity of the draft laws with the international legal obligation of Ukraine in the sphere of European integration to prepare an expert opinion. At the same time, the law does not indicate that the expertise is carried out throughout the entire *acquis communautaire*, and not only under international treaties ratified by the Verkhovna Rada of Ukraine.

The application of the entire *acquis communautaire* in practical human rights protection is not currently regulated. So, V. Bevzenko notes that the primary effect of the *acquis communautaire* on domestic administrative proceedings and administrative procedural law is through «penetration», the use of its provisions, regulations, recommendations and conclusions, first, in the norms of the Constitution of Ukraine, and secondly, in the norms of administrative procedural law, in particular, the Code of Administrative Legal Proceedings of Ukraine, and thirdly, in decisions of domestic courts, authorized to carry out administrative legal proceedings; the subsequent influence of the *acquis communautaire* on domestic administrative proceedings and administrative procedural law is exercised through the application of its provisions in administrative proceedings, during the elaboration and preparation of amendments and additions to administrative procedural legislation [18, p. 29]. At the same time, it seems that this position needs to be clarified: the *acquis communautaire* should be used in the setting up of rules, and administrative courts should establish violations in the presence of such non-use precisely in the activities of entities sub-rule-setting.

The Ukrainian legislation also did not resolve the issue of the systematic use of acts of so-called soft law, which formally have a recommendatory nature, but are derived from international acts recognized by Ukraine. For example, the acts of ICOMOS are interpretations of the UNESCO Convention on the Protection of the World Cultural and Natural Heritage, as they contain requirements for the recognition of certain objects as objects of the World Cultural Heritage. At the same time, violations of the rules on the protection of objects of cultural heritage and ignoring of the requirements of the ICOMOS became a sad norm in Ukraine. Already in the publication dated February 20, 2018, it is noted that in the center of Kyiv, on the lands of historical and cultural destination, in the security zone of Sophia of Kiev (UNESCO object) at Andriyivsky Uzviz 14-16, despite the conclusions of the ICOMOS, the requirements of the Department of Architectural- the building inspection of the city of Kyiv, the Ministry of Culture of Ukraine, a court order to suspend the permit for the execution of construction works, an appeal to the police about the commission of a crime, continued construction.

#### D. Unjustified delay in ratification of international agreements.

An analysis of the dynamics of Ukraine's ratification of international agreements, including those that would have to be ratified as soon as possible as a result of Ukraine's membership in relevant international organizations and commitments to them, indicates unjustified delays in such ratification.

The most striking example is the prolonged delay in ratifying Protocol No. 6 to the 1950 Convention on the Prohibition of the Death Penalty, adopted by the Council of Europe; Ukraine is a member of this organization. Thus, in Resolution 1179 (1999) of the Parliamentary Assembly of the Council of Europe «Compliance with Ukraine's Commitments» (Strasbourg, 27.01.1999) it is noted that according to official sources, 212 people were executed between 09.11.1995 and 11.03.1997. These deaths – exactly «on the conscience» of non-fulfillment of international obligations.

The monograph [19] systematically analyzed the array of treaties within the Council of Europe and estimated that the total number of conventions, treaties, codes, protocols of the Council of Europe, relating to human rights and freedoms, is 173 documents. Ukraine joined only 32 and signed another 10. Such a situation cannot be considered satisfactory. Ukraine has joined only 9 in the group of 12 human rights conventions; from Group 5 of the Convention for the Prevention of Inhuman or Degrading Treatment or Punishment – up to two; from the group of conventions of the European Social Charter – to none of the five (signed – two); from the group of social conventions - to none of the 15; from the group of health conventions - to none of the 18; from the group of conventions on education, culture and sports – to one of 14; from the group of criminal law conventions – up to 9 out of 22; from the group of conventions on general law and information protection – up to two out of 8; from the group of bioethics conventions – to none of the two. Regarding the Council of Europe Convention on the Provision of Citizens' Cultural Rights, by joining the Council of Europe in 1995, Ukraine ratified most of the Conventions only in the 2000s, and to some it did not join at all. For some Conventions, the process from signing to ratification lasted for up to 6 years, as for example the Council of Europe Framework Convention on the Value of Cultural Heritage for Society dated 27.10.2005, signed by Ukraine on 31.10.2007, ratified on 19.09.2013.

In the dissertation research [4] I. Todorov testified to the chronic non-fulfillment of plans for adaptation [4, p. 20]. These conclusions relate to 2007, but the situation has not changed since the signing and ratification of the Association Agreement. Thus, according to the results of the analysis of implementation of plans for the implementation of European integration norms, it was established that in 2017, these plans were implemented only by 41 % of the planned European integration work. True, in 2016, this figure was even worse – 28,5 %.

It should be noted that in accordance with the National Program for the Adaptation of the Ukrainian Legislation to the EU Legislation of 18.03.2004, the Cabinet of Ministers of Ukraine, after approval of the Verkhovna Rada of Ukraine on European Integration, approves the annual plan of measures for the implementation of the Program. However, the analysis shows that this plan of activities is unsystematic and actually reflects the current needs of law-making subjects of power. Thus, the plan of measures for 2011 provides

for amendments to the decision of the State Commission for Securities and Stock Market dated December 30, 1998, № 221. However, the study of the content of the changes shows that in 2011 they were concerned with bringing the norm of a certain paragraph of decision № 221 in line with the changes introduced in the same law of 2011 (April-May) in the Law «On Audit Activity».

It often happens that a certain international treaty (the Convention) is ratified, but no acts aimed at the implementation of these international documents are accepted. In this sense, it should be pointed out that, because of the monistic conception adopted by Ukrainian law, ratified international agreements (conventions) actually become immediately an integral part of national legislation. However, the absence of a purely national legal basis for the implementation of certain national acts significantly impedes this implementation, makes it ineffective. Therefore, the authors consider it necessary to include in the Law «On the Rules of Procedure of the Verkhovna Rada of Ukraine» a norm according to which, when submitting to the Verkhovna Rada of Ukraine drafts of ratification laws, projects (draft) of laws (the law) on the practical implementation of the relevant international agreements (conventions) are simultaneously submitted.

It is also regrettable to note that lately there has been a false tendency when, under the guise of the implementation of European norms, rules are introduced which: either they are not in European law or which Europeans themselves are trying to get rid of, or maybe these norms and European ones, but have serious potential violation of the rights of persons without appropriate European fuses or European responsibility [20], which will be discussed below (item E).

E. Low quality of domestic legislation. Such quality of domestic legislation is connected, first of all, with the wide possibilities of the subjects of the authorities to exercise discretionary powers, which are provided by domestic legislation [21, p. 97-98], as well as with the abuse of power by the subjects of power, the right to issue various acts of non-normative character, in particular, explanatory letters that contradict the law [21, p. 130-131]. Thus, in the judgment of the European Court of Human Rights of 14.06.2007 in the case of the «St. Michael Parish v. Ukraine», paragraph 130, it is noted that the Court doubts that the provisions of the law were «foreseeable» and provided sufficient guarantees against the arbitrary use by the state registration bodies which have unlimited discretionary powers in registration issues.

The formal implementation of the so-called European norms, without a set of European safeguards against the violation of the rights of citizens, further aggravate the quality of legislation [20]. For example, a crushing blow to the rights of property owners was the introduction in Part 1 of Art. 170 of the Criminal Procedure Code of Ukraine the right to arrest property not only of a suspect, accused, a convict, but also of any third party (Law № 772-VIII), which led to a catastrophic burst of property seizures. As noted on 24.10.2017,

the Prime Minister of Ukraine V. Groisman, «in Ukraine searches and arrests of property of entrepreneurs became cholera». At the same time, in the explanatory memorandum to the Law of Ukraine № 772-VIII it was stated that it was adopted for the purpose of implementation of the EU Directive of 03.04.2014, 2014/42/EU on arrest and confiscation of criminal acts and proceeds from it in the EU and EU Council Decision 2007/845/JHA of 06.12.2007 on cooperation between returning agencies in the field of tracing and detecting proceeds of crime. Perhaps this approach actually corresponds to the European one, however, the catastrophic weakness of the Ukrainian judicial system, its full merger with the prosecution and investigation apparatus leads to systematic violations of citizens' rights to the inviolability of property rights. The vast majority of arrests subsequently prove to be unlawful and unjustified.

On October 14, 2014, the Law № 1702-VII «On Prevention and Counteraction of the Legalization (Laundering) of the Proceeds from Crime, Terrorist Financing and the Financing of the Proliferation of Weapons of Mass Destruction» was adopted. The explanatory note to the draft law states that the purpose of the draft law is to implement the SBA Agreement with the International Monetary Fund and to take into account proposals for national legislation by FATF experts, the IMF and the Council of Europe for assessing counter measures Money Laundering and Terrorist Financing (MONEYVAL). However, in essence, this law is aimed at increasing the level of pressure on business entities, as indicated in the apologetic article [22]. However, no additional responsibilities are assigned to officials. It is enough to remind that the Ukrainian authorities were not able to achieve additional sanctions against Russia in the International Court of Justice in The Hague for the financing of terrorism in the Donbas. The court recognized that documents prepared by Ukrainian officials did not meet the requirements of the Court. That is, in fact, the adoption of Law № 1702-VII promotes officials in the pressure on subjects of entrepreneurial activity, and not to protect the interests of the state and the security of citizens.

March 23, 2017, supposedly in compliance with the EU Directive 2004/25/EU, the Law № 1983-VIII was adopted, which introduces Article 65-2 of the Law «On Joint Stock Companies» on the compulsory redemption of shares from minority (small) shareholders (squeeze-out) According to A. Rodyuk, the mechanism introduced directly violates the constitutional norms of Ukraine (Articles 3 and 41) regarding minority shareholders: their right to property is grossly despised. The existing system for redemption of shares under the conditions of an illiquid and controlled majority shareholder in the stock market is discriminatory in relation to minority shareholders [23].

F. Unwillingness of the Ukrainian law enforcers (executive bodies, judicial bodies) to apply international law rules in internal relations as directly applicable. This drawback is manifested in the fact that, as

A. Merezhko notes [24, p. 84], even in the theoretical perception of the monistic theory, law practitioners tend to favor written national norms. The practical side of preserving the post-Soviet positivist approaches in Ukraine is described by V. Donets: «...the majority of lawyers who work in Ukraine today have received education in Soviet higher educational institutions and are accustomed to apply a positivist approach to the interpretation of the law. And the problem with regard to the rights of the person whose purpose was to protect the ratification of the Convention in 1997, once passed by us. This is all because we are from the Soviet system, and therefore it's all natural» [25, p. 32].

It is precisely in this context that the peculiarities of the teaching of administrative and legal disciplines should be emphasized, since such teaching should be emphasized not so much on the «administrative» or «jurisdictional» functions of administrative law, but on its «law-enforcement» and «human rights» functions. It is this approach to the preparation of students that can facilitate the assimilation of the almost unconscious level of the need to protect the rights of the weakness, which is in line with the rule of law. As V. Aver'yanov emphasizes, defining characteristics in the interpretation of modern democratic administrative law are not «managerial», and even more so «jurisdiction» of its functions, and such new functions as «law-providing» (ensuring the realization of human rights and freedoms) and «human rights» (protection of violated rights) [26].

The EU Court, which was co-authored in its article [27], follows the aforementioned principle of protecting the «weakness». Thus, the EU Court ordered the airline to pay compensation to transit passengers if they arrived at their destination with a delay of three hours or more. The reason for the EU Court's decision to strengthen the rights of passengers was the complaint of Air France's airline, which, due to delays, arrived at a destination with an eleven hour delay. At the same time, the Air Code of Ukraine does not provide material compensation for the delay of the flight at all, – the airline is only obliged to provide special services: food and drinks, places at the hotel, etc. The EU Court also ordered rail companies to compensate passengers because of late trains, even if they were not due to the fault of railways. Ukrainian courts in such cases refuse reimbursement or significantly restrict reimbursement [27].

Instead, sometimes Ukrainian courts, knowing perfectly how to apply the legal position of the ECHR, do not do this for reasons of political and/or economic expediency. Thus, in a monograph [21, p. 57] it is reported that in a number of court decisions the Supreme Economic Court of Ukraine (SECU) has used as a source of the ECHR judgment of 24.06.2003 in the case of «Stretch v. United Kingdom», which declares inadmissible invalidation as a result of a violation of the law by an authoritative subject, an agreement according to which the buyer received property from the state and deprived of the person as a result of such invalidation of this property. However, the

SECU did not show proper sequence in this and in favor of political and economic expediency did not apply such approach in the dispute over the privatization of plant «Kryvorizhstal».

G. The general unwillingness of the subjects of public administration to adhere to the humanistic fundamental principles enshrined in the Constitution of Ukraine, as well as legislation in general, the lack of real responsibility of the subjects of power authorities for violating the law, in particular, for violating the rights of citizens.

The indicated unpreparedness is manifested both in the practice of law enforcement and human rights protection within the country, and in the aftermath of the consideration of cases against Ukraine in international courts, first of all, of course, in the ECHR. A systematic analysis of systematic violations of the rule of law by the executive authorities in almost all spheres of public life is fulfilled in the monograph [21]. The most generalized state of observance of human rights in Ukraine is characterized by the statistics of appeals of citizens of Ukraine to the ECHR. Thus, as of 01.01.2018, there were approximately 7.100 complaints against Ukraine, which is the fourth indicator among the member states of the Council of Europe, at the consideration of the ECHR. The first three are Turkey (7.500), Russia (7.750) and Romania (9.900). As you know, a year ago, Ukraine was in first place on this indicator, and then at the trial of the Court there were over 18.000 complaints against it. However, such a sharp decrease is due to the unprecedented decision of «Burmich and Others v. Ukraine», according to which the ECHR has deleted from its register more than 12.000 complaints to Ukraine about systemic non-enforcement of decisions of national courts, passing them to the Committee of Ministers. Thus, if the group «Burmich and others» is not taken into consideration, the number of other cases in the ECHR has only increased.

Such a state of affairs associates law practitioners, as indicated in the monograph [21, p. 332], with «hypertrophied impunity of officials of the authorities of Ukraine for violating the rights of individuals». «The most encouraging crime is impunity», Cicero taught. In the context of Ukraine's losing business in the ECHR, lawyer I. Golovan, analyzing the state of compensation, according to the Law «On enforcement of decisions and application of the European Court of Human Rights practice», the losses at the expense of the perpetrators of the adoption of decisions of the ECHR against Ukraine, drew attention to the fact that During 2008-2012, according to the decisions of the courts from the guilty, a sum of UAH 64.4 million was awarded, and in fact, it was collected during the same period, UAH 107.0 thousand. Consequently, Golovan concluded that the reason for the disastrous situation for Ukraine in the ECHR is that those responsible for violating the ECHR and inflicting budget losses are not liable. Violations of the Convention are paid from the State Budget of Ukraine, that is, in fact, at the expense of taxpayers.

In this sense, the propositions expressed in the monograph [21, p. 334-336] concerning the necessity of legislative consolidation of a mechanism that would ensure the inevitability of punishment of officials of the subjects of power in the event of an unlawfulness of decisions, actions or inaccuracies in the administrative court proving in the administrative court. The inevitability of responsibility is typically the European direction of the relationship between society and government: «the selfless struggle of European peoples, especially in the last 3-4 centuries, and especially in the twentieth century, has generated and intensified the global tendency to increase the responsibility of the authorities to society.

The above review allows us to relief determine the role of administrative law as a science (doctrine) and as a branch of law in the mastering of European principles and the Europeanization of administrative law.

**Conclusions.** Complex historical, legal and theoretical and legal research on the implementation of European principles and norms in Ukrainian public administration and administrative law, in the context of the monistic concept of the relation between international and national law as parts (subsystems) of one common system of law, has been carried out. The problems of the implementation of European principles and norms in Ukrainian law are highlighted and analyzed (the priority of the norms of international law, especially international treaties, is not directly enshrined in the Constitution of Ukraine; the legislation of Ukraine does not define how to apply «generally recognized principles and norms of international law»; not defined place of international legal acts, consent to be bound by the Verkhovna Rada (in addition to decisions of the ECtHR); unjustified delay in the ratification of international agreements; poor quality of domestic legislation the unwillingness of the Ukrainian law enforcers (executive authorities, judicial bodies) to apply international law rules in internal relations as directly in force; the general unwillingness of the public administration actors to adhere to the humanistic fundamental principles enshrined in the Constitution and laws of Ukraine). In particular, it has been proven that the *acquis communautaire* should be used in the setting up of rules, and administrative courts should establish violations in the presence of such non-use in the activities of entities sub-rule-setting.

In the context of the assimilation of European legal traditions, the necessity of teaching administrative and legal disciplines is necessary, emphasizing, mainly, not so much on the «administrative» or «jurisdictional» functions of administrative law, as on its «law-enforcement» and «human rights» functions.

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## The Concept of International Financial Control as Guarantees of Security and its Peculiarities

International financial control is a peculiar kind of financial control, which has certain features. Its proper and effective implementation affects the financial security. International financial control begins its formation with the emergence and development of international finances. It can be assumed that it also arises together with the formation of the relevant international organizations or agencies that carried out certain functions reflecting the purpose of their existence. Thus, the International Organization of Supreme Audit Institutions - INTOSAI was founded in 1953, which has its own budget and other financial resources that require their accounting and control over their formation and use. On the one hand, this organization was created with the specific purpose – promoting the exchange of views and experience between the Supreme Audit Institutions of Public Finances and, on the other hand, it has the appropriate financial resources belonging to the international, which also have to be controlled. In this case, both international finances and international financial control arise simultaneously. V.O. Shchegortsov and V.O. Taran in their textbook “World Economy. World financial system. International Financial Control” describe the experience of the operation and tasks of improving the systems of international and national financial control, the organization of financial control and the fight against money laundering abroad at the national level in Western Europe, Scandinavian countries, North American countries, but they do not provide precise definition of international financial control, its features. We can conclude from the content of the Chapter “International Financial Control” that the scholars associate the emergence of international financial control with the development of transnational organized crime, the emergence of so-called “dirty funds” and the need to form the relevant institutions in order to protect economic interests of the state, including in the financial sphere.

The expansion of such a phenomenon as money laundering has indeed led to the development of international financial control, the formation of peculiar agencies and, accordingly, the forms and methods of control, in order to ensure the financial security of the states. But this is not the main reason for its emergence as a specific type of financial control. Since financial monitoring, as a set of measures carried out in the area of preventing and counteracting the legalization (laundering) of proceeds from crime, is a type of international financial control, or rather its specific form, then it is appropriate to refer it to international financial monitoring.

Finances are the prerequisite for the existence of financial control. Consequently, the emergence of international financial control should be associated with the development of international finances, which are under

active focus of Ukrainian scholars at the beginning of the XXI century. Since international finances are the object of international financial control, then the clarification of their essence will facilitate its understanding. Representatives of financial and legal science do not pay attention to international finances, they are mainly considered by economists as an economic category. According to O.D. Vasylyk, the need for coordination of economic, political and humanitarian issues contributed to the creation of many international organizations (the United Nations, the European Union, the North Atlantic Treaty, etc.), for the operation of which we need financial resources. The scholar associates the emergence of international finances with the emergence of international financial institutions (the World Bank, the International Monetary Fund, the International Bank for Reconstruction and Development, etc.). For their proper functioning we needed funds, other financial resources, where appropriate states participated in their formation by transferring their own (national) finances to their budget, providing resources in the form of contributions, etc. That is, one of the peculiarities of international finances is the fact that the main source of their formation is national finances, financial resources of the states. At the same time, international financial institutions, by providing financial assistance to the states in the form of loans, receive certain percentages, which also make up their budget, and therefore relate to international finances. There are other sources of budget formation for these organizations. Thus, the authorized capital of the International Bank for Reconstruction and Development is created through the issue and sale of shares and bonds. That is another source for the formation of international finances is the activity of international financial institutions. V.M. Oparin believes that international finances reflect the activities of international organizations and financial institutions. Taking into account such views on international finances, it can be stated that international financial control arises from the creation of these institutions and it is its feature.

As noted above, INTOSAI, on the one hand, is international professional organization with specific functions and, on the other hand, has funds and other financial resources that should be considered international and carries out audit and financial control over them. Thus, having analyzed the norms of the Lima Declaration of Controlling Principles, it can be understood that the budget of INTOSAI is formed on the basis of: contributions from members made at the beginning of each calendar year, the size of which is calculated on the United Nations scale; subventions and charitable contributions from individuals, private, public or state organizations for the purpose of implementing the overall objectives of INTOSAI, or for specific purposes determined by the subject for subvention or charitable contribution; resources received from INTOSAI publications and its other activities; any other resources agreed upon by its Executive Committee. That is, the list of sources for the formation of international

finances in this case is inexhaustible, since the Executive Committee of this organization can agree to attract, if necessary, other financial resources.

It is interesting to note that the main factors for the formation and development of international finances may include the emergence of world commodity markets, international division of labor, internationalization and globalization of economic relations, the strengthening of integration processes in the political and social spheres, and so on. There is also the thought that international finances began to emerge many millennia ago, when elementary forms of international trade appeared, and they are developed with the transition from natural production to commodity-money production. We believe that international finances may have arisen during this period, but in terms of financial control, its type as intrastate emergence.

O. D. Vasylyk defined international finances as funds of financial resources, the creation and use of which are carried out at the world or international levels to meet common needs of international importance. S.Ya.Borynets writes that international finances: funds of financial resources formed on the basis of the development of international economic (market) relations and used to ensure the continuity and profitability of social reproduction at the world level and to meet common needs of international importance; can be interpreted as a set of banks, currency and stock exchanges, international financial institutions, regional financial and credit institutions, international and regional economic organizations and associations through which the movement of global financial flows is realized. There is a definition of international finances as an economic category that reflects the exchange and redistributive relationship of national and supranational entities in the world economy with regard to the movement of value between countries and in the process of the formation and use of centralized money funds. One can agree the fact that supranational entities – international organizations and international financial institutions are distinguished in the sphere of international finances, in addition to national entities – states, enterprises and citizens, but it is advisable to clarify the cases when the national subjects are the entities of international finances. It is difficult to support the thesis that “the subjects of international finances are private legal entities involved in financial and credit operations: providing credit resources by banks, obtaining loans...”, because, on the one hand, not all credit resources belong to international finances, on the other – there should be an international element in such relations.

It is known that the feature of the participation of finances in economic life is money, and a complex system of cash flow in the field of international finances is implemented through the money market as a mechanism of relations between legal entities that need funds for the development, on the one hand, and organizations and citizens who can provide such funds – on the other hand. Following the thesis that “dirty money” is a part of the system of international finances, we may distinguish two areas of control, which are

carried out with a view to preventing their laundering – intrastate and international. This view leads to the conclusion that control over money laundering can be attributed to international financial control, if it is carried out by specially created intergovernmental organizations and agencies (for example, Financial Action task Force on Money Laundering (FATF)).

Finances belonging to a certain state turn into international finances not at the moment they come to another state directly from the first one, but only in case of their movement through specially created international financial institutions, international organizations. The very movement of national finances from one state to another does not mean their transformation into international finances. In this case, it is expedient to use the term foreign finances – funds or other financial resources coming from one state to another in order to provide financial support, assistance, exchange, etc. Although, if we consider this issue from the other side, then international finances can be understood in two ways: narrow and broad. So, in the narrow sense international finances are the funds, other financial resources transferred from one state to another, in the broad sense – they are funds or other financial resources that are formed internationally. Such an approach will also serve the development of international financial control, where its effectiveness depends on clear definition of objects. Proper interpretation of the concepts, their application in the relevant documents of the states and in international acts will promote the proper control, and correspondingly the financial security, that is, the protection of interests of both the states and international entities.

According to the above mentioned, while determining international finances, one uses the notions of “funds of financial resources”, “financial resources” and others. Summarizing the opinions of scholars, in order to understand international finances as an object of international financial control, which is carried out by a specific group of subjects, they can be defined as a set of funds forming the international money market (foreign exchange market), securities, which determine the functioning of the international market of securities, credit resources that create the international market of credit resources, as well as funds, other financial resources coming to international organizations, including their budgets, etc., which are formed to meet the public needs of international importance.

The development of international finances has led to the need to create an appropriate control system both at the level of each individual state and at international level. Such a control combines the features of financial control and international control and will be called international financial control. International financial control is an integral part of international control, but has specific features, including the principles that make it stand out separately. As noted above, intrastate financial control has arisen much earlier than international financial control. This is due to the fact that the states initially tried to secure their own financial obligations, to form the

control system over public finances, and then the relevant international control agencies, organizations, etc. were established to control international finances, and in some cases also state-owned ones.

Scholars refer international control to measures of ensuring the implementation of international obligations, or consider it as a mean of ensuring international and legal norms, the content of which is the actions of international law subjects to prevent violations of obligations and to verify their compliance, that is, consider it as one from the guarantees that exist in the law branch.

Thus, it can be assumed that international control, and therefore international financial control, perform a preventive function, that is, they assist to prevent state's offenses, including in the financial sphere. We appeal to the definition of international control such as: acts of subjects of international law or agencies that they have created, carried out on the basis of international treaties and consist in verifying the compliance of the state with the obligations undertaken to ensure compliance with them; the activities of subjects of international law or agencies established by them based on generally recognized principles and norms of modern international law, which is to verify the compliance with international and legal obligations by the states and to take measures to implement them. Each state is sovereign, independent and it must be sure that the exercise of financial control by international financial organizations or agencies will ensure maximum respect for its sovereignty, financial security. The role of international financial control as a rather new financial and legal institution began to grow in connection with the development of international cooperation of the states in the financial sphere, the provision of financial assistance and the need to ensure the legality and efficiency of the use of funds and other financial resources of both the states and international finances. The purpose of international financial control is not limited to identifying violations of financial discipline in the management of international finances. It includes, among other things, the application of corrective measures, various sanctions for offenders, prevention of violations in the financial sector in the future, etc.

The control exercised by the state itself, or rather its state agencies, in the field of public finances, the varieties of which are state finances, finances of local self-government agencies, finances of other public entities, for fulfilling their international obligations, are in most cases internal financial control and has a public character, therefore it is called public financial control. But the conclusion of agreements, treaties on cooperation in the field of control between the relevant authorities of different states suggests that, on the one hand, international financial control is an integral part of international financial law, or rather its institution, on the other – acts as a kind of system of norms of intrastate financial control. Depending on the entity that is entrusted with control powers, international financial control may be individual, if it is carried

out by a separate state entrusted with such a function under the relevant international agreement and collective, when the subject is an international organization or an international agency, an institution that created by the respective states, etc. In the latter case, international financial control is carried out by one entity, for example, an international organization, but since its members or founders are several states, it will be considered collective, since the decision to carry out the appropriate control measures is taken on behalf of all its members. In the conditions of the development of international financial control, it is difficult to determine all its forms and methods for today, although they must be enshrined in the relevant normative and legal acts of international character. The forms of international financial control should include the exchange of information, the provision of consultations, and the methods – observation, verification, inspection, etc.

International financial control is exercised by certain state agencies operating in the territory of each individual state and endowed with appropriate powers under international treaties or international agencies created by them for this purpose and international organizations specially founded for its conduction. The Ukraine-European Union Action Plan pointed to the need to promote the development of effective administrative capacity to prevent and combat fraud and other violations against national and international foundations, including the establishment of effective cooperative structures involving all relevant national actors, as well as ensuring effective cooperation with relevant EU institutions and agencies in the field of on-site inspections and inspections related to management and control over the EU funds. This document, first of all, was about preventing violations of national funds, which include national (state, public) finances, and in regard to international funds, where international finances are accumulated. Second, it is clear from the text that national subjects, that is, the relevant agencies with control powers, also had to control international funds, to carry out on-the-spot checks and inspections related to the management and control over the EU funds, that is, to carry out international financial control. Besides, the document pointed to the need to ensure the proper functioning of the highest audit agency (Accounting Chamber), which, unfortunately, has not been recognized by the supreme agency of financial control of Ukraine, despite its special status.

The Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their Member States, on the other hand (paragraph 3 of the Art. 459, Section VI) states that Annex XLIII to this Agreement extends to any further agreement or financial document concluded between the Parties, as well as any other financial document of the EU with which Ukraine may be associated, without prejudice to any other supplementary provisions that cover audit, field inspections, inspections, control and counteraction measures to fraud inter those that are carried out by the European Anti-Fraud Office (OLAF) and the European

Court of Auditors (ECA). Consequently, the subjects carrying out international financial control in order to provide financial security for the EU include the European Anti-Fraud Office (OLAF) and the European Court of Auditors (ECA).

Annex XLIII to Section VI “Financial Collaboration and Anti-Fraud Regulations” to this Agreement outlines the control methods applied by the relevant financial institutions in order to protect the EU’s financial interests against fraud and other violations on the territory of Ukraine, in particular, it concerns audits and inspections, on-the-spot checks. Thus, the Art. 6 “On-the-spot checks” defines the powers of the European Anti-Fraud Office (OLAF); it is about: taking into account by the officials of the European Anti-Fraud Office within the framework of the necessity, the norms of the legislation of Ukraine, its close cooperation with the competent authorities of Ukraine in the field of counteracting fraud, the possibility of involving officials of the competent authorities of Ukraine in such inspections and on-the-spot checks, joint inspections and field inspections by the European Anti-Fraud Office (OLAF) with the designated authorities of Ukraine, in case the latter express an interest in this, etc. Therefore, the relevant state agencies of Ukraine that carry out public financial control may also can be involved in conducting international financial control, that is, they are its subjects. And liable to check subjectss are the recipients of EU funds in this case.

Besides mentioned subjects, international financial control is also carried out by the specialized agency – the European Court of Auditors, which includes auditors from each of the Member States of the EU. The powers of the European Court of Auditors and the European Anti-Fraud Office are set out in the Art. 5 “Audits” of Annex XLIII to the Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their Member States, on the other hand: “1. The Office and the European Court of Auditors verify whether all expenses associated with the use of the EU funds were lawfully and on a regular basis and whether financial management was appropriate. The audits are carried out on the basis of both the commitments undertaken and the payments made. They relate to documents and, if necessary, are carried out locally in the premises of any individual or legal entity that manages or participates in the use of the EU funds. Audits may be carried out before the closure of the accounts for the fiscal year, which is verified, and for a period of five years from the date of payment of the balance. Inspectors of the Office or other persons authorized by the Office or the European Court of Auditors may carry out documentary or field inspections and audit in the premises of any individual or legal entity that manages or participates in the use of the EU funds and its subcontractors in Ukraine. 2. The Office and the European Court of Auditors have the appropriate access to facilities and documents and to all necessary information for the purpose of carrying out such an audit, including in electronic form. This right of access must be communicated to all

government agencies and clearly indicated in the contracts concluded for the purpose of implementation of the instruments referred to in the Association Agreement. 3. The above checks and audits may be applied to all contractors and their subcontractors who directly or indirectly received the EU funds. The European Court of Auditors and the Ukrainian auditing agencies in the process of fulfilling their tasks, cooperate in a spirit of trust while maintaining their independence from each other”. It is clear from the above that: the audit is mostly documentary, but in certain cases it may be cameral; controlled entities are both individuals and legal entities that manage or participate in the use of the EU funds and their subcontractors in Ukraine as well as all contractors and their subcontractors who directly or indirectly receive the EU funds.

The strengthen of interaction and coordination of the activities of the subjects involved in its implementation and the exchange of experience between them, improvement of the national legislation of each state, taking into account the international experience of its existence assist the efficiency, effectiveness of international financial control. In order to achieve these tasks, collegial agencies, which include representatives of the controlling agencies of the respective states or the subjects themselves are created. The activities of certain international organizations are directed not at the implementation of direct international financial control, but at the organization of the implementation of intrastate financial control, that is, control in the states, which are members of such organizations. Analyzing their documents it is possible to conclude that they combine financial control, audit, accounting in one system. For example, the INTOSAI Strategic Plan states the organization’s objective as the introduction of modern effective professional standards relevant to the core tasks of auditing, internal control and accounting. The INTOSAI Audit Standards Committee has developed the INTOSAI Inspection Standards (Audit Standards). The Charter of the European Organization of Supreme Agencies of State Financial Control states its objective – to ensure the unification of terminology in the field of state control. Ukraine has been a member of EUROSAI since 1999, but unfortunately, until now, there are problems with the terminology concerning public financial control that does not fully meet the EU requirements.

Some international documents refer to the peculiarities of exercising control in regard to international structures by internal state control entities. Thus, the Lima Declaration of Controlling Principles (the Art. 25 “Control of International and Supranational Organizations”) notes that international and supranational organizations whose expenses are covered by contributions from Member States should be subject to external independent control. But this document does not indicate that these finances are international, therefore it is not clearly referred on the international financial control exercised in this case by the Supreme Audit Institutions. However, the author of this article clarifies that it should be carried out according to the directions

of the activities of the Supreme Audit Institutions of the Member States, although this control must take into account the structure and tasks assigned to international and supranational organizations.

The peculiarity of international financial control is the fact that it has the principles of financial control, which are enshrined in the relevant international documents and relate to the organization and implementation of financial control, in particular the Lima Declaration of Controlling Principles (independence, objectivity, publicity, competence), the Declaration on General Principles of the Activities of the Supreme Audit Institutions of the Member States of the Commonwealth of Independent States (legality, independence, objectivity, competence, efficiency, egregiousness, publicity, adherence to professional ethics), and at the same time it should be carried out taking into account the specific principles of international law. An important principle of international law is the principle of non-interference into internal affairs of the state. International financial control may be carried out by the relevant subjects on the territory of a particular state, which, for example, uses international finances. On the one hand, the international control agency, the organization has no right to interfere into internal affairs of the state, which independently forms its financial policy, and on the other hand – because we talk about international finances, efficiency, legality of their management, purposeful use, then this subject must notify the relevant state authorities about the violations and work together to prevent and eliminate them.

The principle of non-interference into internal affairs of the state with regard to international financial control is not clearly reflected in normative documents of international nature, but its existence is indicated, for example, by the norms of Annex XLIII to the Association Agreement between Ukraine that “European Court of Auditors and Ukrainian Audit Institutions cooperate ... while maintaining their independence from each other”. The agreements on international cooperation in the field of control, which are concluded between controlling entities of Ukraine and other states, define the principles of cooperation, which are general principles of international law and reflect the peculiarities of the implementation of international financial control. Since such documents refer to joint and parallel control measures and taking into account the legal status of the entities that conclude these agreements, these principles can also be considered as principles of international financial control. Thus, the Agreement on cooperation between the Accounting Chamber of Ukraine and the Accounting Committee for monitoring the implementation of the Republican budget of the Republic of Kazakhstan, has stated that the Accounting Chamber of Ukraine and the Accounting Committee for monitoring the implementation of the Republican budget of the Republic of Kazakhstan, based on the principles of mutual respect, trust, equality and mutually beneficial cooperation, have agreed by mutual consent on the implementation of joint and parallel control measures in accordance

with their agreed program. Thus, the principles of international financial control are the principles of mutual respect, trust, equality and mutually beneficial cooperation. These principles are also mentioned in other agreements, in particular in the Agreement on Cooperation between the Accounting Chamber of Ukraine and the Office of the Auditor General of Norway, in the Agreement on Cooperation between the Accounting Chamber of Ukraine and the State Audit Office of Vietnam, in the Agreement on Cooperation between the Accounting Chamber of Ukraine and the Accounting Court of the Republic of Germany, etc.

These principles have slightly different names in the Agreement on Cooperation between the Accounting Chamber of Ukraine and the High Audit Office of the Slovak Republic, which states that the Parties will cooperate in accordance with the principles approved by INTOSAI and EUROSAI, based on the principles of partnership, equality and mutual benefit and will cooperate, in particular, in conducting concerted parallel control (audit) measures, in accordance with the respective powers of the Parties in the framework of provided by each of them by the legislation of Ukraine and the Slovak Republic. These principles are differently called, but have identical content. Thus, the term “equal rights” contained in the Agreement on cooperation between the Accounting Chamber of Ukraine and the Accounting Committee for monitoring the implementation of the Republican budget of the Republic of Kazakhstan and the term “equality” contained in the Agreement on Cooperation between the Accounting Chamber of Ukraine and the High Audit Office of the Slovak Republic are synonymous, since the content of both concepts is reduced to the legal equality of the states, which are the Parties to such Agreements, their independence from each other, which follows from the existence of sovereignty and is manifested in the fact that subjects have equal rights and responsibilities while implementing control measures. The concepts of “mutually beneficial cooperation” and “mutual benefit” have the identical content. Providing their interpretation as the principles of international financial control, it should be noted that the conduction of such a control assists to the protection of financial interests of both the states themselves, that is state (public) finances and international finances, therefore it is advantageous both for the Member States, that is, the Parties to such Agreements and for other states, international organizations that provide, for example, funds or other financial resources under lending conditions, since their interests are also ensured. Cooperation in the field of international financial control should be mutually beneficial, then it will help to reduce violations in the financial sphere of each state, return of the finances to the states, in prescribed cases, will ensure timely detection of violations in the management of international finances, will prevent the laundering of “dirty funds”, etc. Besides, the conduction of joint control measures contribute to reducing the expenses for this process, the exchange of experience among professionals, improving their professional level,

exchange of information, materials related to control in the financial sector, etc.

The principle of mutual respect is of great importance, which means that the States cannot violate the rights of each other, national legislation in the implementation of control measures. This principle directly concerns the financial security of the states. The principle of mutual respect is expressed, for example, in the fact that, as foreseen in the Agreement on cooperation between the Accounting Chamber of Ukraine and the Accounting Committee for monitoring the implementation of the Republican budget of the Republic of Kazakhstan, each Party, that is, the Accounting Chamber of Ukraine and the Accounting Committee for monitoring the implementation of the Republican budget of the Republic of Kazakhstan, shall ensure the confidentiality of the received information in case, if the Party providing the information considers it undesirable for its dissemination, protection of state and other secrets protected by law, etc.

The principle of trust, albeit indirectly, is referred to in paragraph 3 of the Art. 5 of Annex XLIII to Section VI “Financial Collaboration and Anti-Fraud Regulation”: “The European Court of Auditors and the Ukrainian Audit Office cooperate in a spirit of trust ...”. This points to its important role as the principle of international financial control, which provides that during the control measures, controlling entities, using the collected information, materials, referring to each other results, understand, confident that they are true, real, proper, grounded. Unfortunately, the principle of trust is not mentioned in the Agreement on Cooperation between the Accounting Chamber of Ukraine and the High Audit Office of the Slovak Republic.

Taking into account the above international financial control can be defined as activities of the state regulated by legal norms, represented by the relevant agencies with special powers, international agencies and international organizations, carried out on the basis of certain principles, aimed at ensuring the legality, efficiency, appropriateness of management of funds constituting the international market of money (currency market), securities, which determine the functioning of the international securities market by credit resources and creating international market of credit resources and by funds and other financial resources received by international organizations, including their budgets, etc., which are formed to meet the public needs of international importance.

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## **Issues of the Theory of Criminalistics Situation and Question of Commitment in the Crime Investigation Related to the Extreme Activity Organization**

Under the current understanding of extremists, there are quite a wide range of activities, ranging from administrative offenses to criminal acts, including extreme extremism such as terrorism. In practice, it is mainly group violations of public order, which can turn into mass riots; directly mass riots (which, as it is known from the events of recent years, in some countries ended in "color" revolutions and change of power); crimes that, as a rule, are committed by youth groups based on racial, national or religious hatreds, and some other actions committed with the instability of the life of the country and individual citizens and the promotion of the state by individuals and groups of various kinds of requirements, in particular, on changes in the activity of the authorities and so on. It should be noted that for a long time in Ukrainian law (as before and in the fine times of the USSR), in fact, there was no such term as - "extremism". Even now, if you analyze the existing legislation, you will not find an official definition of extremism. Moreover, the Law of Ukraine "On the Fundamentals of National Security of Ukraine" (Article 7) provides among other threats to national security of Ukraine, stability in the society in the domestic political sphere - "the possibility of conflicts in the field of interethnic and interconfessional relations, radicalization and manifestations of extremism in the activity of some associations of national minorities and religious communities".

Extremism today is one of the greatest global challenges for the civilized world - more and more often we become aware of the news of mass disorder, arsons, massacres, conflicts with the law enforcement, the use of partisan warfare techniques in one place of the world or another. Ukraine was no exception, especially in the context of continuing destructive socio-political, socio-economic and ethno-cultural processes in society.

Traditionally, under extremism (from French *extremisme*, lat. *Extremus* - "extreme") people understand adherence to extreme views and actions, primarily in ideology and politics. Extremism opposes existing communities, structures and institutions, trying to undermine their stability, disassemble and eliminate them for its own purposes (mainly with a help of force).

At the same time, there is no a single approach to the definition of this concept among national and international researchers. Also, the practice of different countries regarding the legal and law consolidation of the material and procedural aspects of counteraction to this destructive phenomenon is rather ambiguous.

For example, the United States of America, Germany, the Russian Federation, Moldova, Tajikistan, the Republic of Belarus already have the relevant regulatory requirements. Instead, national legislation does not contain a legal definition of the concepts of "extremism", "extremist activity" or "ideology of extremism", their legal features, grounds and procedure for bringing perpetrators to justice for the commission of extremist manifestations.

It should be emphasized that in Ukraine at one time a number of bills were prepared in the investigated area - "On counteraction to political extremism" (2002), "On counteraction to extremism" (2007), "On amendments to some legislative acts of Ukraine (regarding strengthening responsibility for the manifestation of extremism, xenophobia, anti-semitism, racial and religious intolerance)" (2008), "On counteraction to extremism" (2014).

At the same time, the proposed forms of extremist activity actually duplicated the features of offenses provided by many articles of the current Criminal Code of Ukraine and the Code of Ukraine on Administrative Offenses - from administrative punishment of fractional hooliganism (Article 173 of the Criminal Code) to criminal punishment (article 296 of the Criminal Code of Ukraine) violations of public order (Article 293 of the Criminal Code of Ukraine) or mass disturbances (Article 294 of the Criminal Code of Ukraine), etc. In other words, the authors ' identified types of extremist manifestations were declarative, blurred and unclear, that in the process of their practical application in the activities of law enforcement bodies would inevitably lead to the competition of material norms and complications of the process of proof.

In addition, on January 16, 2014, the Verkhovna Rada of Ukraine adopted a complex of "dictatorial" laws, some of which were formed by direct borrowing of the totalitarian norms of Russian legislation: the term "extremist activity" was introduced and criminal liability for its implementation was established.

The introduction of the above-mentioned regulatory acts actually legalized the mechanism of using an anti-extremist legislation as an instrument of pressure on the community, opposition public-political entities, mass media, social network users, human rights activists, etc. In addition, legal liability, in particular for extremism, should come solely in the case of committing specific unlawful acts, and not for views and beliefs. In other words, a person who is a supporter of extremist ideology can not be responsible for his convictions until he starts the unlawful spread of such ideas in a certain way. As a result - at this time in our country there are no specialized normative prescriptions for countering extremism.

Thus it can be argued that extremism should be understood as a negative socio-legal, criminal phenomenon, conditioned by the manifestations of the polar established social and legal norms and practices of views that are

realized through acts directly or indirectly aimed at changing the basis of the constitutional structure of the country, the stimulation of political, ideological, racial, national or religious hatred or hostility through the use of violence or the threat of its use, causing property or physical harm, and equally - incitement to commit these acts.

According to the World Database on Terrorism and Extremism, between 1970 and 2016, over 170,000 terrorist and extremist attacks involving 83,000 explosions, 18,000 murders and 11,000 kidnappings were committed. [13] Only in 2017 more than 1066 terrorist attacks and manifestations of violent extremism were conducted, which killed 7,363 people [14].

The use of more than 20 years of situational approach as a scientific tradition takes place within the bounds of forensic theory: forensic situation [1], forensic teaching about investigative situations [2, p. 36-47].

The most significant contribution to the development of ideas about forensic situations was made by the works of such criminologists: R. S. Belkin, A. V. Vardanyan, L. G. Vedonov, V. K. Havlo, G. L. Granovsky, L. Ya. Drapkina, L.M Lukianova, E. R. Rossinskaya, N. A. Selivanova, I. M. Luzgina, V. P. Lavrov, L. L. Kanivsky, A. S. Knyazkova, A. F. Oblakovaya, N.P. Yablokova and many others. Particular emphasis will be given to the successfully defended dissertation study by T. S. Volchetskaya, devoted to the issues of forensic situation, the results and positions of which have been efficiently used by the forensic community for more than one year.

The study we carried out confirmed the state that for the crime investigation related to the organization of extremist activity in a criminalistic aspect, a situational analysis of such crimes is extremely important.

The application of the situational approach in studying the problems of crime investigation related to the organization of extremist activities, has allowed to develop a structure and program of research in accordance with modern ideas about the subject and object of forensic science and to differentiate methodological and forensic recommendations, taking into account the features and typology of certain features and elements.

Once, S. S. Belkin defined the direction of the development of individual methodological forensic recommendations. In particular, he rightly insisted on the improvement of existing and the creation of appropriate complexes of forensic recommendations of a greater degree of unity. For example, he suggested creating a forensic methodology, where the main element of forensic characteristics is related to the personality of the victim, and the subject of the crime is a subject that is associated with the common motives of the crime itself (eg, hatred or hostility).

When it comes to crimes of extremist orientation, the peculiarities of their forensic characteristics, in particular, will be the following:

1) the involvement of criminals in extremist formations that can be structured enough to form organized criminal groups (OCG), and thus, as in the OCG, they can choose the so-called crimes of the basic orientation

(usually extremist), but at the same time there are many adherents of extremist ideology in such formations who can participate in committing crimes as part of such an amorphous formation as the crowd. A characteristic feature is the presence of an undisputed ideology leader (his personality may be characterized by the presence of signs of narcissism), who provides a strict discipline. Other criminals, among the "ordinary" members of the formation - young people, united on the basis of a certain ideology, often - with the definition of a specific "specialization" in the formation ;

2) the presence of a specific motivation of actions, usually not selfish, but on the basis of hatred - the participants of such formations are united on the basis of a certain ideology. Therefore, during the investigation, the motives for committing the crime shall be proved: political, ideological, racial, national, religious hatred or hostility or a motive of hatred or hostility towards a particular social group (for example, people with disabilities, people of non-traditional sexual orientation, etc.);

3) the victims of crime are united by certain common features (race, affiliation with a religious group or social group, etc.). In this case, the perpetrators choose the victim on the basis of belonging to a particular social group ("risk group"), that is, one person can be replaced by another. Unlike other crimes against a person, the victim of hate crime is elected not as a person but as a representative of a particular social group;

4) The place of committing a crime is often public (meetings, demonstrations, rallies, etc.), since extremist actions can be seen as public appeals in the form of appealing to other people in order to induce them to commit extremist actions. In addition, violence used in the process of a crime may not only be a reflection of hatred of a particular victim, but also aimed at achieving a special goal of provoking hatred or hostility in other people (this, of course, is possible only in the case of committing criminal acts in the presence of outsiders) to victims on the basis of belonging to a certain race, nationality, social group.

It is also necessary to take into account some specific factors which can be attributed to the situation of investigation of these crimes and which substantially complicate the investigation. It is, firstly, that certain extremist actions by a part of population are considered to be fair (for example, "the struggle for freedom", for improving human life, etc.). Appropriate views are usually shaped by the current political context in which extremist actions are being committed, and therefore quite often a negative factor which affects the increase in the number of these crimes is the relatively calm attitude of citizens, for example, to the discrimination of certain social groups. Secondly, the important factor is that the government is afraid to acknowledge the existence of extremist groups in the country, the spread of extremist ideology, even when it is obvious, or does not show the presence of appropriate motivation (racism, anti-semitism, etc.) in the actions of the guilty, believing that it negatively affects the image of the country in the world.

As T. S. Volchetska points out, the situations that are being studied in criminology should include:

- 1) the complex of situations in the system of "crime";
- 2) the situations of criminal-procedural and forensic activity;
- 3) which arise in forensic science [1].

Since we denoted the problematic cognitive situation caused by the need to investigate crimes related to the organization of extremist activity separately, it is necessary to consider the features of the content of the first two types of situations related to the topic of the article.

Non-criminal and before criminal situations of any crime, including those that related to organization of extremist activity, are preceded by social and legal situations. Factors contributing to extremist activities have been well developed in the criminal law sciences. A social situation - a fragment of social life localized in space and time [2]. An interesting trend was discovered by foreign researchers of the problems of extremism and crimes against hatred - a multi-dimensional pervasion of extremism and hatred in social situations and various spheres. It is crucial to imagine an overview of this problem, since the above states have a deep forensic meaning. The significance of such trend is determined primarily by the possibility based on criminal activity (the complex of all crimes related to the organization of extremist activity) and the post-criminal behavior of the perpetrators and associated ones to build a mechanism and corresponding models, to identify traces, to predict the attributes of the individual, analyze the output and the following situations, put forward the version, carry out the necessary operational-tactical combinations.

Most authors who are studying the problem of extremism and hate crimes, note the unique nature of both illegal acts and non-criminal acts. Thus, on the basis of psychological knowledge, B. Perry points out that in the formation and organization of this kind of crimes, violence and intimidation are committed in correlation to already stigmatized groups. Although the appearance of such violence is far from new, there is a completely new paradigm of hate crimes, which arose in response to bigger legislative and political events (for example, in connection with racist hate crimes and others) [15].

A.V. Vardanyan notes that those who committed crimes, especially those who went through stigmatization and the school of penitentiary institutions, are not a diffuse group, but a certain community with their own subculture, specific attitudes, views and experiences.

The representatives of this association, each separately, transgressed the law, that is, a certain degree of permissible destructiveness, and therefore, as it is corroborated by criminological studies, have some personality features, a deviation from the norm presented by law-abiding citizens [3].

In support of this state, we should mention the works of D. P. Green, H. L. McFaul, J.C. Smith, N. Chakrabright, J. Garland, which also conclude that

extremism and hate crimes are a relatively new field of scientific knowledge not only in Ukraine, but also in the United States [16], Great Britain [17].

A very interesting and, in practical terms, meaningful approach by the authors who believe that hatred is obsessed and expressed by those who adhere to extreme views and whose actions are destructive [18]. P. Ingaški and A. Sweeirie suggest that violence should be considered through the prism of hate crimes as extreme and shocking, but also as a daily and a widespread [19]. The damages caused go far beyond the limits of physical or financial, according to some authors, hate crimes reach the community to create fear, hostility and suspicion [20].

Extremism as a destructive phenomenon can change and transform, and also react to the social situation in which one or another state develops. Thus, J. Smolin in one of the works [21, p. 127-133] gives a rhetorical question: where did all the skinheads disappear from the Czech Republic from 1997 to 2013? While the situation in Ukraine is somewhat different in nature. For example, scientists from the Laboratory of Science of Large Data and Problems of Society of the Kyiv State University of Law investigated dozens of communities of right-wing radicals (42 groups) and Islamists (29 groups) in the social network VKontakte. Scientists were observing communities for four months, analyzing the socio-demographic composition, the density of groups, the connection between them, the geographical allocation of participants, the peculiarities of the organization of network structures, and ideology.

According to the results of the study, it was found that community members usually are young people aged 18-30 [4]. While our research revealed the following results: the age of the vast majority of extremist activities varies from 18 to 23 years. At the same time, guilty bodies in crimes related to the organization of extremist activity, usually 3-5 years older than other members of the community. It allows these individuals to organize extremist activity, manage the participants and recruit new ones, receive the necessary funding, as well as to carry out other subordinate unlawful acts of the studied crime activity. The female bodies who participated in extremist activity, the survey found no more than a quarter, but, as a rule, they receive the lowest level of participation. In most cases (74%) the guilty bodies of crimes related to the organization of extremist activity, have unfinished higher education or completed secondary education.

According to Tomsk scientists, right-wing radicals and Islamists justify direct physical and structural violence, although they do not participate in the direct organization of illegal armed criminal groups. At the same time, ultra rights operate in the social network more aggressively: they use open responses to violent actions against migrants, representatives of other races and nationalities, which they perceive as enemies. According to researchers, this is due to the fact that ultra-rights are subjected to much less influence and prophylactic measures by the state authorities, which are authorized to control and stop the manifestations of extremism in social networks [4].

While the social situation in the Czech Republic is of a completely different kind [21, p. 127-133]. A number of authors while studying extremism are primarily based on perturbation theory or use psychological concepts that connect the propensity to persecute certain social groups with the existence of the phenomenon of subjective underestimation [22, p. 21-41].

As researchers point out, extremism has become an important issue for prison staff in the European Union. Thus, in Belgium (Brussels, Antwerp), there is an increase in the number of recruitment and other forms of organization for violent extremism. A survey of Russian executives of sentences related to imprisonment showed a similar problem, which is manifested in the same specific situation.

What is the main problem of combating a criminal extremism? First and foremost, there is a certain ideology that attracts people (mostly young people) and is a main feature of this phenomenon almost for all forms of extremist activity. This is especially true about political and religious extremism.

The ideology of extremism denies dissent, firmly establishing its own system of political, ideological, and religious views. From their supporters, the ideologists of extremist formations demand blind obedience and execution of all, even the most absurd orders and instructions. The argumentation of extremism is directed not to the mind but to the superstitions and feelings of people. Obtained to extremes, the ideologization of extremist actions creates a special type of supporters who are prone to self-awakening, loss of control over their behavior, ready for all kinds of anti-social actions, in violation of the rules that have developed in society. For extremists there is a characteristic desire for secularism, the power of the crowd; They reject the democratic methods of resolving emerging conflicts. Extremism is not separated from totalitarianism, the cult of leaders - the bearers of higher wisdom, whose ideas should be perceived by the masses solely "on faith."

An example of the implementation of such an ideology can be the crime committed by supporters of the sect Aum Synrik, whose leader preached the idea of "the end of the world" and the result of which in 1995 was the spraying Tokyo metro with toxic poisonous substance of the "zarin" type. The victims of this senseless act were 13 people, and more than 6,000 were injured as a result of poisoning. More than 200 sect adherents were convicted of this crime (thirteen of them were sentenced to death).

Thus, it can be argued that under extremism it should be understood a negative socio-legal, criminal and criminal phenomenon, conditioned by manifestations of polar established social and legal norms and practices of views, realized through actions directly or indirectly aimed at changing the basis of the constitutional structure of the country, stimulation of political, ideological, racial, national or religious hatred or hostility through the use of violence or the threat of its use, causing property or physical harm, and equally - calls to commit the indicated actions.

It should be noted that the situational contexts, in which crimes of hatred and extremism are appeared, were theoretically set out in 1995, taking into account the social and spatial dynamics of "hatred" [23, p.91-150].

Several authors note that extremism is a necessary precursor to radicalization, and this way is not limited by any single ideology. According to scientists, there is a group of complex elements that help the individual to evolve from a supporter of extremist ideology to a terrorist: this is an alienated individual, a legitimized ideology and a supportive community that is most vulnerable to influence from the point of recruitment and radicalization.

Thus, the social situation as a component of non-criminal situations that preceding the crimes related to the organization of extremist activity has a forensic significance and must be analyzed in order to identify the motives, goals, actions and acts of a criminal and post-criminal nature, as the presence of criminogenic factors transforms a social situation into a criminogenic one.

In the terms of the situations of criminal activity I. Luzgin noted that criminal situations are a objectively formed system of illegal socially dangerous actions (inactivity) of human and their consequences in specific conditions of place and time. In the field of criminal justice it is necessary to highlight criminal, investigative, judicial situations [5, p. 23-35].

We agree with the opinion of those authors who believe that the peculiarity of such situations - to act as a bearer of forensic - meaningful information (material and ideal traces).

The study we conducted earlier found out that when committing crimes related to the organization of extremist activity, the most fully reflected in the material tracks:

- traces of activities of the public and religious organizations (schedule of meetings, literature, references, video and audio materials of ideological orientation, etc.);
- traces of recruitment or other engagement in the activities of an extremist organization (correspondence by e-mail, communication in messengers, photographs, notebooks);
- traces of financing (cash checks, bank cards, accounts, electronic money and crypto currency);
- traces of hands, feet, use of firearms, explosive devices and explosives.

In this case, the ideal tracks, as a rule, are manifested at the stage of checking the message of a crime at operational and investigative measures (for example, a survey to identify the organization of extremist activity or the establishment of special signs and other search information about the organizers and recruits of extremist activities), during the conduct of investigative actions (Presentation for identification, examination of witnesses) [6, p. 72-77; 7, p. 32-39].

In the actual criminal situations of our studied criminal activity, a complex of actions is associated with the achievement of the results of unlawful acts related to the organization of extremist activity.

The post-criminal situation of committing crimes related to the organization of extremist activity does not end with the actions that are a part of the method of committing a crime, but continues in space and in time [7; 8, p. 106-109; 9, p. 250-258]. We agree with the opinion of A.S Andreev that the post-criminal behavior of the perpetrators and those connected with them is of paramount importance for the disclosure and investigation of crimes, including extremist cases [10, p. 27-37; 11, p. 24-28].

The most typical are actions and acts that characterize the ways to conceal crimes related to the organization of extremist activity:

- hiding traces and their carriers;
- destruction of traces and their carriers;
- masking traces and their carriers;
- falsification of traces and their carriers;
- staging traces and their carriers;
- mixed ways of concealing.

According to the results of the investigation of criminal cases with a help of the special author's questionnaire concealment was revealed in 77% of cases, the destruction of tracks and their carriers - 28%, masking of tracks and their carriers - 47%, falsification - only in every fourth case, the staging we have not found (it should be noted, that in one third of all criminal cases there are two or more methods of concealment).

Reference and other investigative situations The concept of an investigative situation is one of the disputes in criminology. We adhere to the views of those authors who believe that the investigative situation in connection with the investigation process is objective (T. S. Volchetskaya, R. S. Belkin, A. S. Knyazkiv, N. A. Selivanov, V. I. Shikanov, N.P. Yablokov) [12, p. 12-31]. Reference investigative situations are of the greatest importance for the investigation of crimes related to the organization of extremist activity.

We have identified the following typical outbreaks of investigative situations in terms of evidence and benefits:

1. A perfect crime is connected with the organization of extremist activity.
2. There are only some indications (investigative and evidentiary) that the crime is related to the organization of extremist activity.
3. There are signs of a crime of extreme orientation.
4. There are signs of a violent or other crime.

Thus, the development of a situational approach to the investigation of crimes related to the organization of extremist activity is very perspective and requires further development and research.

On the one hand, the implementation of extremist activities does not correspond to the basic constitutional principles and principles of the legislation of our state, established by legal and other norms of social

behavior; today, in Ukraine, a legal law base is established that is sufficient to counteract such manifestations. On the other hand - there is a populist exploitation of the term "extremism" by politicians, the public, the mass media on the background of its lack of normative certainty, unsuccessful attempts of implementations according to the experience of other countries, inconsistency of the provisions of the current legislative acts in this area. In view of the above, it is necessary to review the system of norms in the security sphere, the corresponding principles of criminal and administrative law in order to unify the conceptual apparatus, the grounds and procedure for prosecution for violations of extremist nature. In addition, the issue of identifying, preventing and suppressing extremist manifestations as a priority of the Security Service of Ukraine should be fixed not only in subordinate (departmental) legal acts, but directly at the legislative level in order to increase the effectiveness of counter measures.

Ukraine as a full right member of the international community can not stand aside the process of solving global problems of mankind, in particular of counteracting extremist activity. As a result of the armed aggression of the Russian Federation against our state, the level of radicalization increased in Ukrainian society, and the activity of extremists and terrorists in both temporarily occupied and territories controlled by Ukraine increased significantly. In order to execute its international obligations, as well as to protect human and civil rights and freedoms, Ukraine should implement international standards for countering extremist activity as soon as possible. At the same time, special attention should be paid to non-military mechanisms aimed at reducing the social base of extremism, reducing social tensions, resolving conflicts, raising the level of economic welfare of the population and its trust to public authorities, etc. Not less important is the issue of establishing international cooperation in this area. In our opinion, a national plan to counteract extremist and terrorist activities should be developed in Ukraine. Before its development it is necessary to involve all subjects of providing national security and, if necessary, foreign specialists. We believe that this plan should be approved by the Presidential Decree on the offer of the Council of National Security and Defense of Ukraine. It must contain real goals, and the planned activities must be financially, materially and organizationally secured with the definition of the subjects responsible for their implementation. It is also necessary to preserve a reasonable balance between the rights, freedoms and interests of man, society and the state. We believe that the use of positive international experience in counteracting extremist activities will effectively contribute to restoring Ukraine's territorial integrity, protecting its independence and sovereignty, and will become a major factor in preventing the emergence and spread of extremism in the world.

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## European Vector of Anti-Drug Policy of Ukraine

Ukraine in its development is a difficult period of socio-legal transformation. Transformation processes continue in all spheres of life of members of society and require the interconnection of the state, state institutions, public organizations in the projection of each citizen of the country with an orientation to the world's values of mankind. The undeniable fact that a person is at the centre of a society determines the priority directions of activity of the state and society, aimed at ensuring the quality of human life, in particular, the health, rights and freedoms of citizens and the fight against phenomena that constitute a danger to man. Such dangerous phenomena include drug addiction. The scale of the tragedy associated with the use of drugs and their illicit trafficking today is significant and poses a serious threat to the interests of all states. According to the UN, “in recent years, some 31 million people around the world required treatment because of their drug use. some 450,000 people died in 2015 as a result of drug use, of those deaths, 167,750 were a direct result of drug use disorders” (Guterres, 2018). About 500 people die every day from drug abuse. Raising drug-related crime. Drug business has become one of the most profitable types of criminal activity. Illegal cultivation of narcotic plants, the illicit manufacture of narcotic drugs and psychotropic substances, and their leakage from legal trafficking are not stopped. With an increase in the number of people who inject drugs, there is an increase in the number of patients who are infected with HIV and other serious illnesses.

UN notes: “Despite the urgency of the problem, for every six people around the world who need treatment for drug use, just one receives it” (Guterres, 2018).

Such a situation requires urgent action to confront the global threat of drug addiction. Therefore, in his statement on September 24, 2018, the United Nations Secretary General, Antonio Guterres, stressed the urgency of this issue at UN Headquarters on Drug Abuse. Addressing US President Donald Trump, he said: “You are focussing a global spotlight on the world drug problem – and we have never needed it more” (Guterres, 2018).

The situation is further complicated by the fact that, with the development of globalization processes, the problem of the spread of drugs has turned out to be a purely national framework, and thus gradually shifted from the sphere of internal politics of individual states to the level of international relations. The UN member states recognize that “The world drug problem remains a challenge for all mankind” (Rezolyutsiya S-30/1). Drug addiction and illicit drug trafficking now have no borders. By imparting ever more devastating effects on the development of the world community,

stimulating the growth of crime and violence, they affect people irrespective of their nationality, social status, sex, religion or race.

Made by AM Babenko's criminological territorial-spatial analysis of crime shows that “the spread of drug addiction and related crime in Ukraine acquires the features of a large-scale asocial phenomenon. It causes the destruction of the physical and moral health of the nation, damaging its gene pool, law and order, intellectual and economic potential of society. Today, drug addiction and related crime have become a source of evil for modern humankind. According to expert estimates, they hinder the progress of society, cover all segments of the population, cause harm to young people, threaten the quality of the gene pool of Ukraine, are crime-causing factors that lead to other crimes” (Babenko, 2018: 16).

The data of monitoring the national report of Ukraine on the narcotic situation in our country are impressive in scope: “As of January 1, 2017, in Ukraine there are 694 928 people with mental and behavioral disorders through the use of drugs and psychoactive substances, or 1 631.6 per 100 thousand population. Only during 2016 there were registered 115 170 persons who for the first time in their life were diagnosed with psychiatric and behavioral disorders associated with the use of psychoactive substances, which is 1.3% more than in 2015” (Natsional'nyy zvit, 2017). At the same time, according to experts, “the real number of drug addicts can reach over 2 million people, which is 5.5% of the country's population. Given the fact that, according to experts, in society there are irreversible processes of degradation of the nation, when the number of drug users exceeds the barrier of 7.5%, Ukraine is on the verge of the permissible threshold for the population's drug addiction” (Babenko, 2018: 17)

Despite this tendency, the dangers of drugs began to speak only in the middle of the twentieth century, and to large-scale steps in the fight against drugs in the late XX - early XXI centuries when the illegal circulation of narcotic drugs and psychotropic substances was recognized by the international community as an international threat of global character. The resolution of the special session of the UN General Assembly, held on April 19, 2016, states that “the decision of the world drug problem remains a common and universal obligation that must be fulfilled multilaterally through effective and wider international cooperation and requires the application of an integrated, interdisciplinary, mutually reinforcing, balanced, scientifically grounded and comprehensive approach ” (Rezolyutsiya S-30/1).

Materials and Methods. The article uses general scientific methods, analysis, comparison and synthesis.

Literature Review. Problems of communicating borotbie with narcotic drugs have come to mean respect for such things that have been given, yak AM Babenko, Yu.V. Boulin, V.I. Borisov, L.D. Dorosh, N.L. Berezovska, V.I.Zhenutiy, A.P. Zakalyuk, A.A. Muzika, OV Oderiy, V.M. Lysenko, M.P.Selivanov, M.S. Kruppa, G.V. Fesenko other.

Among foreign studies of this problem within this topic we consider it necessary to highlight a series of works by an American researcher Tim Rhodes (Rhodes, 2002: 85-94; Rhodes, 2009: 193-201), devoted to such aspects of global cooperation in countering the illicit trafficking of narcotic substances, such as: institutionalizing international cooperation in addressing key social challenges of the present day (including the activities of the United Nations Office on Drugs and Crime); evolution and humanization of the practical activities of global structures in this field; social reintegration of drug addicts; and, finally, the unification of national legislation in order to increase the effectiveness of the fight against the threat of the spread of narcotic substances.

A general analysis of the work of these scholars has been made, it is reasonable to say that in the works of scientists the issues of criminal, citizens and their cooperation with state structures, in particular law enforcement agencies, in order to overcome the problem of the use and distribution of drugs.

Recognizing the achievements of these scholars as productive, we note that to date, most of the issues concerning the functioning of law enforcement bodies and organizations remain largely under development. In particular, such problems are: the content and organizational and legal basis for the implementation of the law enforcement function by state and non-state actors, the process of socializing the organization and functioning of the police, establishing their close interaction with non-state law enforcement structures and the population.

At the same time, the study of this issue can provide effective mechanisms in a set of actions to promote a common effective fight against drugs.

An integral part of such activities should be the regulatory framework. In connection with this, priority consideration is required by legislative documents.

**Documents.** The decisive trend in recent decades is the desire of a number of international actors to apply all available modern resources and opportunities of the world community in the area of combating the problem of illicit drug trafficking.

First and foremost, the development of regulatory and legal instruments of this sphere at the national level and its coordination with the international legal framework for counteracting the spread of narcotic substances is considered as an important prerequisite for a successful solution to the problem. The fight against drug trafficking is firmly based on the rule of law and due process guarantees.

The main international legal acts in this area are the Single Convention on Narcotic Drugs (with amendments) (Konventsiya, 1961). The Convention on Psychotropic Substances (Konventsiya, 1971), the Convention on the Suppression of the Illicit Traffic in Narcotic Drugs and Psychotropic

Substances (Konventsiya, 1988) and other international instruments in the international drug control system. Ukraine has the laws of Ukraine "On Narcotic Drugs, Psychotropic Substances and Precursors" (Zakon Ukrayiny, 2018), "On Measures to Combat Illicit Trafficking in Narcotic Drugs, Psychotropic Substances and Precursors and Their Abuse" (Zakon Ukrayiny 2018).

The laws of Ukraine testify to the gradual transition of the sphere of national legislation into the sphere of international law. In this regard, it is quite logical and appropriate to coordinate the relevant activities of the United Nations, given its global and universality. It is based on the rational idea that significant progress in this area is possible only with the establishment of full-scale international cooperation among all stakeholders - States, international organizations, and a wide range of civic groups and even individuals from around the world.

This kind of orientation puts the entire world community with a range of tasks related to countering those challenges which, given their particular social and humanitarian significance, threaten to cause irreparable damage to the health and well-being of the population on a global, global scale, and involves the promotion of mutual assistance.

### **Results**

UN Secretary-General Antonio Guterres, emphasizing the urgent need for action by various structures, emphasizes two key directions. He sees that in order to solve the situation, it is necessary to act first of all "by cracking down on drug trafficking and those who profit from human misery" (Guterres, 2018), namely, to strengthen cross-border cooperation, leaving no chance for criminals to evade justice. It is also necessary to improve the intelligence exchange and focus on ties between the drug market, weapons, trafficking and terrorist groups.

The second component of the strategy is to provide proper assistance to all drug users: "Consumers are first and foremost patients and victims" (Guterres, 2018).

In the European countries and the United States, there is a long-standing policy of combating illicit drug use, which involves taking simultaneous measures to reduce the demand for and fight against their illegal offer. Combat drug addiction is provided by a set of measures of economic, social, organizational and managerial, medical, cultural, educational, legal and other nature.

The situation in Ukraine from other countries differs in the fact that in the country until recently there was no national drug policy. Each department acted within its vision: mostly situational, often naive, sometimes ill-advised, rarely - professionally and effectively. Now this situation is gradually being corrected. The state assumes responsible coordinating functions, creates bodies for combating this phenomenon, uses the best world experience, tries to get closer to its European standards in its activities. The Resolution of the

Cabinet of Ministers of Ukraine No. 735-p. On August 28, 2013, the Strategy of the State Drug Policy for the period up to 2020 was approved (Rozporyadzhennya, 2013). This Strategy defines the essence and state of the art of state policy on drugs, which is formed on the basis of an integrated and balanced approach to reduce the volume of offering drugs and to reduce the demand for them, and to overcome drug addiction as a dangerous social phenomenon. In this regard, certain steps have already been taken to implement a comprehensive approach to assessing the problem of drug addiction, in which the state policy in the area of circulation of narcotic drugs and psychotropic substances will be aimed at creating an effective system to prevent their leakage into illicit trafficking and to prevent their non-medical use, prevention of the circulation of substances prohibited for use, the cessation of the activities of international drug trafficking, and the provision of an adequate level of legislative regulation treatment of drug-intensive drugs necessary for the legitimate needs of Ukrainian citizens. Special attention is paid to the provision of quality medical care to people suffering from drug dependence. This approach fully corresponds to the strategic directions of the implementation of the European Union drug policy, which today serves as a benchmark for building Ukraine's policy in this area.

When considering issues related to the formation and implementation of state policy in the field of circulation of narcotic drugs and psychotropic substances, three vectors of work - medical-social, economic and law-enforcement - are emerging from the conceptual provisions outlined in the Government Strategy of the State Policy on Drugs for the period up to 2020. The purpose of the Strategy is to ensure the solution of the drug problem in the community in the interests of the person, reliable protection of public health and state security from the threat of the spread of drug addiction and drug crimes.

The strategy determines the directions and mechanisms for reducing the illicit supply of drugs and demand for them, achieving a balance in the drug policy of the state between punitive measures for illicit drug trafficking and ensuring their availability for medical purposes. The strategy is based on the provisions of the Constitution of Ukraine (Konstytutsiya Ukrainy), national legislation and relevant international legal instruments of the United Nations, the Council of Europe and the EU, including the Convention for the Protection of Human Rights and Fundamental Freedoms (Konventsiya, 2013), according to which no one can be subjected to Inhuman or Degrading Treatment or Punishment, as well as the Convention for the Protection of Human Rights and Dignity regarding the Use of Biology and Medicine: the Convention on Human Rights and Biomedicine (Konventsiya, 2005), according to which an intervention can only be carried out subject to the consent of the patient, which he volunteered on the basis of relevant information.

In addition to the purpose and strategy, legislative provision in the document, there are defined subjects of the formation and implementation of drug policy. It is important that, along with the President of Ukraine, the Verkhovna Rada, the Cabinet of Ministers of Ukraine, the State Social Insurance Administration, the law-enforcement agencies, the Ministry of Health, the Ministry of Education and Science, the Ministry of Social Policy and other central executive authorities, health care institutions and rehabilitation centers, the bodies of local self-government - in the area of drug trafficking and their precursors in the respective territories within their authority.

Also, this document focuses on the fact that “the formation and implementation of drug policies are carried out jointly by public, professional, religious associations, scientific institutions, charitable foundations, private and other structures. The media are involved in the coverage of issues of drug abuse prevention, alcohol and tobacco dependence, and other issues related to drug trafficking and the formation of a healthy lifestyle.

The subjects of the formation and implementation of drug policy ensure the observance of human rights and freedoms stipulated by the Constitution of Ukraine, relevant international legal acts, and take into account the recommendations and practice of international bodies established for the implementation of human rights treaties, decisions of the European Court of Human Rights, relevant UN committees, special procedures and other mechanisms” (Rozporyadzhennya, 2013).

Fighting drug trafficking in Ukraine.

Responsibility for the fight against drug trafficking in Ukraine is shared among the following structures: the Ministry of Internal Affairs, the Security Service of Ukraine, the Office of the Prosecutor General of Ukraine, the State Border Guard Service of Ukraine and the Department of Customs Counteracting the State Fiscal Service of Ukraine. The State Drug Control Service also functions, and the State Service of Ukraine for Drugs is engaged in the implementation of state policy in the field of quality control and safety of medicines. In the structure of the Ministries of Internal Affairs, the main functions of the fight against drugs are administered by the fight against illicit drug trafficking.

The state is carried out

- monitoring of the situation in the area of combating illicit trafficking in narcotic drugs, psychotropic substances and precursors and the effectiveness of responding to such a situation;
- analysis of legislation in the area of combating illicit trafficking in narcotic drugs, psychotropic substances and precursors, which, as a result of which, should submit to the Cabinet of Ministers of Ukraine proposals for amending regulatory acts in order to improve state regulation in this area;
- sociological studies of drug addiction, the level of latent illicit drug trafficking, psychotropic substances, precursors and potent medicinal

products;

- monitoring the effectiveness of drug abuse prevention among students and students;
- complex operational and preventive operations “MAK” with the purpose of detection and destruction of illegal poppy and hemp crops, prevention of their illegal leakage and overlapping of channels for the sale of narcotics from legal crops;
- checking of entertaining establishments and places of leisure (cafes, discotheques, night clubs, etc.) in order to stop the facts of trade or the use of narcotic drugs or psychotropic substances, as well as preventive raids “Street”, “Station”, “Vacations” in order to prevent the occurrence of negative phenomena in the youth environment;
- comprehensive operational and preventive operations “Channel” in order to overcome the international channels of smuggling of narcotic drugs into Ukraine and their transit transportation through the territory of the state.

Primary prophylaxis is aimed at preventing the involvement in the use of psychoactive substances, causing a painful addiction.

The modern concept of the primary prevention of drug use is based on the fact that in the centre of it should be the personality of a young person and the three main areas in which his life activity is realized: the educational environment, family, leisure, including the micro-social environment associated with them. Given the risk of developing addiction, even after a single administration of psychoactive substances, primary prevention is of paramount importance. According to the modern understanding of the mechanisms of the development of pathological dependence, the use of drugs is the use of alcohol and smoking. Therefore, prevention work should begin with the prevention of alcohol and smoking, as well as the prevention of such social phenomena as pedagogical abandonment with the unauthorized withdrawal from the home, neglect and homelessness. Particular attention should be paid to the passion of young people for gambling, as the growth rate of this dependence outpaces the growth of alcoholism and drug addiction.

Primary prophylaxis is the most massive, non-specific, which uses predominantly pedagogical, psychological and social methods of influence. She emphasizes, first of all, the formation of a positive attitude to health.

Secondary prophylaxis of dependence on psychoactive substances concerns those who already have experience of using drugs, but do not show signs of drug addiction as a disease.

Participate in this kind of prevention by qualified specialists with additional training - psychologists, psychotherapists, and educators.

As we see, primary and secondary prevention can only be effective due to the social activity of citizens.

Tertiary prophylaxis of substance abuse is being conducted among drug addicts and drug addicts and aims at restoring the personality and its effective

functioning in the social environment. The second direction of tertiary prevention is to reduce harm from drug use among those who are not yet ready to stop their use. This kind of prevention is medical and is carried out by specially trained qualified personnel, but based on a strong structure of social support.

All types of prevention are widespread in European countries and the United States. In this regard, attention is also being paid to the intensification of international cooperation between law enforcement agencies of Ukraine and other states, agencies, institutions of the European Union, other international organizations for the study and dissemination of foreign experience in preventing drug addiction and combating drug trafficking.

International experience in combating drug addiction and its implementation in Ukraine. Experts point out that, having a favorable geopolitical location, Ukraine is at the crossroads of drug trafficking flows from Asia to Europe. Therefore, the effective actions of state law enforcement agencies in combating illicit drug trafficking contribute to the strengthening of pan-European security.

Therefore, it is important to study foreign experience in the field of the theory of administrative-legal regulation, organization, strategy and tactics of the functioning of the police, which is assigned the main role in the field of domestic security and public order protection in any country.

The policy of combating drugs in different countries of the world varies. Traditionally, national models for combating the spread and consumption of drugs are conventionally grouped into three groups:

- 1) The first group is a repressive (“hard politics group”), in which the struggle is conducted with the most rigorous means, up to the death penalty, and the law on drug dealers is maximally strengthened. These include, first of all, Malaysia, Iran and Pakistan. Bangladesh has joined the group recently. The country adopted a draft law on the death penalty for drug-related crimes. The country's prime minister Sheikh Hasina Vazed has launched a campaign to destroy narcotics in the country, which resulted in the police having already killed about 200 people in May. Human rights organizations have criticized the government's approach to solving the problem. They fear that there will be the same situation in the country as in the Philippines, where thousands of people were killed during the war on drug trafficking without trial. In the new law, methamphetamine, called Bangladesh, is first recognized as a narcotic substance. According to the document, smuggling, distributing or consuming more than five grams may be threatened with maximum punishment. If the drug in the detainee will be less, the offender will be jailed for a maximum of five years. According to the government representative, the law is necessary to block the flow of drugs from neighboring Myanmar. In Bangladesh, the most commonly used berry is refugees from the state of Rakhine. Representatives of the Muslim nation persecuted in their homeland claim that they are pushing for these crimes of

unemployment. According to Hasina, the drug war in the country will not stop until it is won. Despite the fact that the government of this country notes that citizens support similar measures, such a policy is extremely dangerous. The testimony of this is the confession of Philippe Rodrigue Duertha, made in September 2018. He confessed to extrajudicial killings during the war on drugs. According to official data of the republic's government, in the two years of the fight against drugs, about 4.5 thousand people were killed, mostly small drug dealers and drug addicts. According to the International Criminal Court, at least eight thousand have died. According to some human rights groups, their number reaches 12 thousand.

At the same time, statistics show that, despite such measures, the number of drug-related crimes (in particular, their transportation) is increasing in these countries by 2-3% annually;

1) the second group - restrictive, it is also called restraining ("hard control group"). Here strict control over all types of drugs is carried out, there is an active opposition to the drug mafia, but extreme measures are not taken. These include, in particular, the United States, Great Britain, France, Sweden. In the United States, for example, in most states there is a punishment not only for storage and use, but even for the attempt to purchase drugs. In England and France drug addicts are sent for forced treatment. In recent years, there has been a movement towards greater rigidity in these countries. At the same time, in this group of countries, first of all in the United States, the fight against drugs is combined with the most powerful advocacy campaign targeting, first and foremost, the most vulnerable categories of the unemployed, schoolchildren and students. This is due to the perceived giant losses to society, which are the result of the spread of drug addiction - annually the damage from it is estimated at about \$ 150 billion;

2) the third is the "liberal group". The most famous of its representatives are the Netherlands, Denmark and Switzerland (Korol'chuk, 174).

Ukraine in the policy of the fight against drugs is guided by the strategy of prevention. The main content of the prevention of drug addiction in Ukraine is the implementation of complex measures aimed at reducing the level of primary use of drugs, and therefore, illegal demand for them, reducing harm from the use of non-medical purposes in the health and life of society as a whole. The State Drug Policy Strategy for the period up to 2020 identifies certain social and age groups that must be preventive and have a range of permanent measures, from preventing drug use to reducing their negative consequences for the individual and society.

Prevention of drug use by children and young people is a priority of the state's social policy, prevention of negative manifestations of juvenile behavior and should also be aimed at preventing the abuse of alcohol, tobacco and other substances, in particular, the combined use of drugs that are lawfully and illicitly trafficked.

In order to prevent drug abuse and prevent drug abuse, the state ensures: implementation of the provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms (Konventsiya, 2013), Articles of the International Covenant on Civil and Political Rights (Mizhnarodnyy pakt, 1966), Article 10 Convention on Psychotropic substances (Konventsiya, 1971) (prohibition of the promotion of psychotropic substances among the population) and Article 3 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Konventsiya OON, 1989).

There are several forms of drug abuse prevention. The form, which involves active involvement of the public in preventive measures, is called “universal”. It seeks to prevent drug abuse by informing the public about the harm and effects of non-drug use and the promotion of healthy lifestyles.

The forms and ways of prevention in Ukraine are aimed at increasing the information competence of the society, specialists and citizens' self-awareness. Most of them have already been tested by the international community and are identified as quite effective, in particular those whose development and implementation is based on mechanisms for coordinating the activities of state institutions and non-governmental organizations.

Objective leaders in the fight against drugs today, rightly, believe the United States. Therefore, Ukraine has an important experience of this country. Confirmation of this is signed on June 13, 2018 by the Memorandum of Cooperation between the National Police of Ukraine and the US Anti-Narcotics Administration. A Memorandum of Cooperation, aimed at enhancing the exchange of information between Ukraine and the United States in the area of combating transnational drug crimes. It is also aimed at joint activities of the National Police and the Anti-Narcotic Drug Administration (DEA) of the United States Department of Anti-Drug Control, the US Department of Justice, in the prevention and detection of illicit financial flows associated with drug trafficking.

According to the head of the National Police of Ukraine Serhiy Knyazev, the interaction of our state and the United States in the field of combating transnational drug crimes began several years ago. Since then, important steps have been taken by the police to restructure the Counter Narcotic Affairs Department. Also, the personnel of the division was renewed, and his competence was assigned a new function - the fight against international crime.

Deputy Head of the US Diplomatic Mission in Ukraine George Kent noted that US partners are pleased to support the successive steps in reforming law enforcement in Ukraine. At the same time, he noted positive achievements in the work of Ukrainian operatives in the field of combating illicit drug trafficking. “Your professionalism and devotion to the cause have already brought great success. We are proud of your work results, in particular - the recent withdrawal of record lots of tramadol and cocaine. We

are happy to give the Department cars, equipment and other equipment. Hope this will help you fulfill your important mission even more efficiently” (Novyny, June 13, 18), - said George Kent.

Within the framework of the Ukraine-US interaction process, operatives from several units of the Department for Combating Narcotic Crimes received from foreign partners night vision devices, tactical telescope, infrared camera, photo-video and office equipment for more than half a million hryvnia. Also, domestic policemen received 7 SUVs for the needs of units in the regions. Cars will be used when documenting organized groups of drug dealings with interregional and international communications.

Ukraine's experience in the fight against drugs in the European countries is also interesting for Ukraine. The units of law enforcement agencies of certain regions of Ukraine investigate and implement the practice of different states.

The Icelandic model for the prevention of the use of psychoactive substances based on social activity of citizens and cooperation with the police is considered to be quite productive and it is called “Planet of Youth”. Therefore, it is planned to introduce it in the Odessa region. On May 17, 2018, a presentation of this model took place in Odessa. According to the press service of the Odessa City Council, “The Icelandic model demonstrates successful results in preventing smoking, drinking alcohol and drugs among children and young people” (Novosti, 17.05.2018).

Experts note that the consumption of psychoactive substances most often begins when the adolescents feel lonely, can not cope with stress. On average, about 14% of the time children spend at school, 6% - in the family, and 80% of the time given to themselves. The Icelandic model is not based on changing the opinion of a particular child, but changing the conditions in which it is located to fill its leisure time with interesting and useful activities. The main objective of the Icelandic model is primary prevention, preventing the use of alcohol and drugs before it begins. This is achieved not by means of loud slogans, but by changing the environment in which the children are. The Icelandic model has proven effective in practice. Twenty years ago, Iceland took first place in the use of psychoactive substances in adolescents in Europe, but today, according to this indicator, the country is in the last position. Over the twenty years of the Icelandic program, the use of drugs among young people has fallen from 17% to 7%, smoking is from 23% to 3%, alcohol use - from 42% to 5%. Such digital indexes present the program better than any theses.

In the framework of the implementation of the Icelandic model for the prevention of the use of psychoactive substances among young people in Odessa scheduled regular monitoring of requests and interests of adolescents in schools by district. This will allow us to see what is needed and to introduce sections, circles, etc. necessary for children in this area. Results of the research will be promptly communicated to teachers and parents.

It is also proposed to create a single electronic resource with information on the work of free circles, clubs, sports sections for the convenience of finding information about children's music, sports, creativity near the house. It is considered the possibility of introducing additional programs aimed at stimulating children's sports, for example, in the form of social subscriptions.

The proposed measures will reduce the risk of dangerous behavior for children, solve the problem of "education by street" and give teens the opportunity to spend time in accordance with their interests.

The program will involve representatives of city departments of health, education and science, labor and social policy, other specialized units, law enforcement agencies, health care institutions and public organizations, deputies of the Odessa City Council. The implementation of the Icelandic model necessarily involves the active participation of the Odessa city community.

World and domestic practice shows that solving the problem of drug addiction and confronting propaganda of ideas of the narcotic subculture with the help of only repressive actions or purely preventive measures is impossible. Here you need a comprehensive approach. On the one hand, strict adherence to laws and a steady struggle between law enforcement agencies and drug traffickers, on the other - broad preventive work with the involvement of civic organizations.

The increase in the volume of drug supply is a significant crime-causing factor that threatens public safety, which is why law enforcement agencies focus on the most threatening drug market segments - drug trafficking and the activities of organized drug dealers.

The effectiveness of law enforcement activities in this area increases, first of all, by increasing the level of detecting drug smuggling, exposing the systemic links of drug trafficking, and ending corruption schemes related to drug trafficking. The said requires the development of comprehensive measures taken by law enforcement agencies to counter illicit drug trafficking: preventing the import of drugs through the state border, transportation to target points of supply, their cultivation, production, mass illegal distribution.

In general, the activity of law enforcement agencies in the format of the fight against drugs has a wide range of directions. It:

- increased operational control over trade in equipment, chemicals used in the production of drugs;
- introduction of new technologies for obtaining information on the facts of illicit drug trafficking, in particular their sale via the Internet, methods of smuggling, masking, production and creation of new types of psychoactive substances and their combinations;
- introduction of continuous monitoring of the situation on the market of narcotic drugs with the purpose of revealing dangerous tendencies,

which may result in damage to the health of the population and economic interests of the state;

- assistance in the timely introduction of changes to the legislation of Ukraine taking into account the dynamic nature of the illicit distribution of drugs;

- Improvement of punitive policy in the area of combating narcotization in the part of strengthening the alternative deprivation of will of measures of influence.

Importance in the fight against drugs is the reaction of society to this phenomenon. Therefore, the State Policy Strategy on Narcotics for the period up to 2020 states the need to strengthen the coordination of law enforcement agencies, to improve mechanisms for their interaction with enterprises, health facilities and pharmacies in order to prevent the diversion of drugs into illicit trafficking, and among the priority areas of work we highlight cooperation law enforcement agencies with local self-government bodies and the public, owners of entertaining institutions in carrying out a complex of social, medical-preventive measures activities in residential areas with relatively high concentrations of drug trafficking.

A special role in counteracting a narcotic threat should be given to the formation of a negative attitude of the society towards illicit drug trafficking and consumption, promotion of the formation of a socially active, morally stable, mentally and physically healthy personality. In such work it is necessary, first of all, to focus on young people, to take into account age psychological peculiarities, its ability to quickly unite, adapt to new conditions. It is important to remember that negative processes in the teenage and youth environment are also developing rapidly. It is possible to prevent this only through an adequate, competent and timely reaction of the state and society to the identified processes.

Let's consider the main modern forms of interaction between public authorities and civil society institutes in the field of prevention of non-medical use of drugs among adolescents and young people.

In Ukraine, the laws provide for measures to support the activities of public associations. State support can be expressed in the form of targeted financing of certain socially useful programs of public associations on their applications (government grants). Support to socially-oriented non-profit organizations is carried out in the form of financial, property, information, consulting assistance.

As we see, the directions and forms of interaction between the state and civil society institutions are diverse.

The important role of non-governmental organizations and their support from the state for today is established within the framework of building a national system of complex rehabilitation and re-socialization of drug addicts. The state provides for measures to support non-profit organizations that provide social services to drug addicts; volunteer initiatives aimed at

promoting healthy lifestyles; volunteer youth anti-drug movement; public organizations involved in upbringing, youth socialization and drug abuse prevention.

The involvement of non-governmental organizations and citizens in combating the spread of drug addiction and the development of the network of institutions for medical and social rehabilitation of drug addicts is one of the principles of state policy in the area of the circulation of narcotic drugs, psychotropic substances and their precursors, as well as in the area of combating their illicit circulation.

Among the forms of interaction between the authorities and the society, citizens' appeals to state or law enforcement bodies or local self-government bodies are important - contacts initiated by the citizens themselves and organizations (in written, verbal or electronic form) in order to file a complaint, application, make offer.

Another well-known form of interaction between the authorities and the population is sociological research, poll of citizens. They allow you to study public opinion, get an assessment of the activities of the authorities.

An example of the systematic work of actors of anti-drug prevention in this area is the organization and conduct of sociological research in Ukraine within the framework of the monitoring of the drug situation.

According to the results of sociological research, the causes of the spread of drug abuse are often called moral degradation of society and permissiveness. This result confirms the importance of the development of the system of moral education of youth as a condition for successful anti-drug prevention.

Significant role in the formation of a civic position, the development of social activity belongs to the activities of non-governmental organizations, whose work is focused on adolescents and young people. The state recognizes the significance of these organizations and determines the importance of active public organizations in anti-drug prevention.

Social activity manifests itself in actions and relations in the social environment and is conditioned by all other actions and relations of members of society.

Social activity of citizens will be active, provided that they understand the purpose and personal responsibility for everything that is happening in society.

Among the measures provided for by the state policy, the formation of personal responsibility for their behaviour occupies an important place, which leads to a decrease in demand for drugs, creation of conditions for the involvement of citizens in anti-drug activities, formation, stimulation of development and state support to the volunteer youth anti-drug movement, public anti-drug activities unions and organizations involved in the prevention of drug addiction.

Today, when our country is experiencing a difficult stage of development in the light of the foreign policy environment, in counteracting modern challenges, such as drug addiction, the role of patriotic and moral education is indisputable. Therefore, in our time, it is important to create and develop a consolidated and effective system of education of young people in the best traditions of patriotism, moral development, healthy lifestyle, and the essence of this system - in attracting resources of the state, the public, the personal participation of every indifferent person in the upbringing of children. Volunteer movements help to succeed in this direction. The role of the youth volunteer movement in anti-drug prevention is extremely important in that the majority of young people are largely guided, above all, in the position and opinion of their peers.

Among the factors that influence the formation of the personality of a young person and the formation of value orientations, an important role plays a way of life. Most problem researchers believe that drawing on the use of alcohol and various psychoactive substances directs the problem of unorganized free time, leisure activities without special classes. Therefore, the target of the participants of anti-drug prevention should be the employment of young people, their involvement in sports, creativity, self-development.

An example of promoting a healthy lifestyle is the sports flash mob under the slogan: "Sports against drugs". In Odesa, for example, the International Day of Combating Drug Addiction and Illicit Drug Trafficking, representatives of the Odessa public organizations and sports clubs carry out flash mob charging. Adult and young participants of the charge under the guidance of the trainer perform a set of exercises for health promotion.

The purpose of the action is to demonstrate that sport and a healthy lifestyle are the best alternative to drug use. During the event, the activities of non-governmental organizations of Odessa were presented, which provide assistance and rehabilitation of people who wish to overcome drug addiction.

As part of the 2017 promotion of healthy lifestyles, a football championship with participation of teams from public organizations, rehabilitation centers and Odessa State University of Internal Affairs also took place. Volunteers distributed information materials to Odessa residents on the prevention of socially dangerous phenomena and treated delicious ice cream. In addition, a free HIV testing in a mobile outpatient clinic was organized.

Adequately aware of their place and conditions of existence in the material world, a person is aware of the need to maximize the efficient use of its available resources. Quite effective ones are a variety of programs.

Odessa became the first city in Ukraine, where drama counseling projects began to work. There are programs of help and support for people who use drugs in the city. The organization "12 steps" and "Anonymous drug addicts" have been created, which offers free rehab programs for drug addicts.

In the social movement “Faith, Hope, Love” there is a Program for Overcoming Adolescent Addiction. For six months, the organization's specialists help young people completely abandon drugs and change their behavior. Many participants in the Program subsequently become volunteers and help their peers to avoid drug addiction on a “peer-to-peer” basis.

Even Odessa joined the ongoing action against narragraffite, which takes place within the country: “Draw life”. The call for this action - “Do not ignore - paint!” Its members paint the contacts of drug traffickers in the buildings. Volunteers joined not only policemen, but communal services. In particular, the city has allocated funds for paint, and police collect data on new inscriptions. For coordination of actions activists have created a group on Facebook, where information is shared. Coordinates this activity with the NGO “International Anti-Drug Association”, which, in addition, organizes seminars, trainings for personal growth, conferences, and publishes publications. The activists of the association also joined the Odessa police. The purpose and purpose of this organization is to unite the public organizations of the city of Odessa with the police and with the social services, in order to overcome the joint efforts of the problem of drug sites, which leads to aggressive drug trafficking.

Consequently, the association of public organizations with law enforcement agencies in combating illicit drug trafficking should be the basis for the activities of these organizations.

The police are a powerful political institution whose activities are responsible for maintaining order and stability. Effectiveness, legal activity and public order protection, public restraint are very important factors in ensuring stability, order, preventing and reducing the number of negative manifestations and conflicts, as well as political and economic development.

Employees of the Department of Juvenile Prevention of the Main Directorate of the National Police in cooperation with the Department of Education of the city provide ongoing explanatory work at the educational institutions of Odessa.

One of the forms of cooperation between law enforcement and citizens in the fight against drugs is work in summer health camps. A progressive example of such a Sports-Therapeutic Camp is the All-Ukrainian Anti-Drug Camp, organized by the NGO “International Anti-Drug Association”.

Carrying out systematic work of public organizations in cooperation with law enforcement agencies on the formation and development of a youth movement that supports the values of a healthy lifestyle, patriotic and moral education of children, adolescents and youth, the formation of a civic position, the development of social activity are:

- firstly, an effective educational factor for the activists themselves of the volunteer movement;
- secondly, an important condition for the achievement of the goal of preventing non-medical use of drugs by adolescents and young people due

to the fact that the most effective in the youth environment are forms of work in which actors of active preventive activities act as peers of the target audience;

– thirdly, promotes the implementation in society as a whole of such forms of activity, which allow us to pass from the passive disapproval of the use of psychoactive substances to active socially significant actions.

### Conclusions.

Solving the problem of drug trafficking in a single country is impossible; therefore, along with measures such as cutting off the channels of illicit drug trafficking, strengthening criminal law and administrative law concerning organizers and distributors of narcotic drugs, it is necessary to organize effective cooperation between various departments of state and public authorities in the field of prevention of drug trafficking, as well as increased interaction with law enforcement agencies neighboring countries and international organizations involved in the fight against drug trafficking.

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## Functions and Meaning of Forensic Theories of Causality

The notion of "function" (from lat.functio - execution, implementation, service duty) in a commonly used theoretical meaning is understood as the relation among elements in which the change of one causes a change in another element. However, depending on the field of knowledge, where the concept of "function" is used in a methodological sense, it correlates with the corresponding object and subject of this branch, thus obtaining the essential features of its definition and attributively dividing into the kinds according to their theoretical and applied demand.

The theory of science knows other distinctions from the above interpretation of the concept "Function". It is defined as "an activity, the role of an object within a certain system to which it belongs" [1, p. 783], and as well as a «a kind of communication among objects, when the change of one of them entails a change of another, while the second object is also called the function of the first" [1, p. 783].

In criminology equally, both of these concepts of function can be used. However, taking into account the specifics of the forensic theory of causality, where the object of the study is "the mechanism of the crime and the content of the process of its establishment" [2, p. 511], the best interpretation of the function is the first one. The reasoning for this can be a special role of a function within a system approach, where this concept is closely related to the concept of "structure" and implemented by means of structural-functional analysis as a method of studying system objects.

The use of structural-functional analysis allows to distinguish structures (causal-consequential connections between phenomena) and the function of the mechanism of crime and the content of the process of its establishment (forensic law enforcement activities to establish the mechanism of the crime) as a system objects.

Traditionally, in the methodology of science scientists distinguish synthetic, systematic, interpretative, methodological and practical function. The function name reflects their meaningful purpose, however, depending on the object of the theory, its subject and the content of features, the number of functions may increase or, conversely, decrease. If we consider in this regard the basis of the forensic theory of causality, then it is necessary to add to the mentioned above a heuristic function, the implementation of which in the systems "crime mechanism" and "forensic law enforcement activities in establishing the mechanism of crime" corresponds to the creative processes of

finding and solving systemic tasks for establishment of an investigator causation of an act.

All of these functions relate to the forensic causality theory. However, some of them have the character of exclusively theoretical functions as their functional is entirely directed at enriching the meaning of the theory with new knowledge integrated with other theoretical sources, structuring this knowledge and developing its methodology, while the other part acts as a link between theoretical knowledge and its practical implementation in law-enforcement practice.

Thus, the synthetic, systematic and partly interpretative and methodological functions in the forensic causality theory have a theoretical purpose and carry the corresponding load, in other words, they provide its enrichment with knowledge and their constant improvement on the basis of integration and differentiation.

The synthetic function is intended to combine criminal and law, criminal procedures, criminalistic and other various subject knowledge into an integral system that allows the comprehensive use of this generalized knowledge for establishing a causality (as an important task) in the system of crime investigation, their judicial review and prevention .

The implementation of this function in this forensic theory contributes to the synthesis of scientific knowledge within the theory, it also defines these limits - the limits of the application of the accumulated knowledge theory, their internal and external connections.

The systematization function is a kind of connection between the elements of the content of the system of forensic causality theory and other constituent parts of the system of criminology, as it serves a dual purpose - links the elements of the system of forensic causality theory within its boundaries with each other, and at the same time these elements and forensic causality theory correlate with other forensic theories and elements of their content, thus creating interconnected parts of the whole. This function facilitates the possibility of considering scientific knowledge in a single system, rather than reflecting the effect of such a general law of development of science, as the continuity of the accumulation of scientific knowledge. The implementation of this function ensures the progressive development of the forensic theory of causality, which allows linking the familiar knowledge with new predicted knowledge. This function is due to the use of a systematic approach in cognitive activity, but it does not replace, but supplements it.

The interpretative function is intended to detect and establish causal and other dependencies in phenomena, objects and processes included in the theory, this also applies to new knowledge that replenishes its meaning. Its action also covers the processes of improving and developing the meaning of the forensic theory of causality.

"An explanation is a complex long-term research process," notes I. Andreev, "which marks an important task of scientific knowledge and is currently being in use in order to comprehensively disclose the essence of the phenomenon or a certain set of phenomena. Explanation is carried out using a number of techniques that helps to reveal the most important features, connections and relations of the object, which is explained, in the form of a conclusion or system of logical conclusions "[3, p. 30]. This circumstance is very important in the process of establishing cause-and-effect relations in the investigation of crimes.

Considering the effect of the interpretative function as to the forensic expert activity in the investigation, T. Avianyan distinguishes three types of its actions in the aspect of the general theory of forensic examinations: 1) hypothetical - to explain the construction of hypotheses of theoretical research, when it is necessary at the stage of the formation of the theory and serves the purposes of explanation, comprehension of the accumulated empirical material, while its designing is always accompanied by the integration of knowledge; 2) nomological - an explanation when for these purposes the law (regularity) is used, for example, the law of reflection as the basis for obtaining criminally relevant information; 3) a theoretical explanation that contributes to the explanation as separate facts, their essence, as well as regularities. In our view, the approaches of T. Avianyanov may be extrapolated to justify the considered function within the forensic theory of causality.

The interpretative function has a value for each scientific theory, at any stage of its formation and development. It is determined by the possibilities to reveal the essence of the phenomenon, the nature of the objects included in it, their connections, relations, dialectics of development. In his study, I. D. Andreev draws attention to the fact that "... the higher the scientific level of the theory, the deeper and more fully it reveals the essence and content of the reality reflected in it, the more perfect and versatile its interpretative function, the higher the efficiency of this function "[3, p. 30].

Methodological function, as well as interpretative, partly links the theoretical content of elements of this theory.

In its implementation, the methodological function can operate in several aspects:

a) providing explanation for empirical generalizations and laws, in other words, obtaining new knowledge about forensic causality;

b) the expansion (increase and augment) of knowledge by introducing new concepts;

c) use of concepts to systematize new knowledge in the forensic theory of causality;

d) development of the conceptual apparatus of the mentioned theory.

The significance of the methodological function for the development of theory in forensic science is well reflected in the following statement: "If the role of concepts is very important in the field of inductive and deductive systematization of empirical knowledge, then it increases even more with the systematization of knowledge of the theoretical, rational. However, for this concept theories should not act as isolated statements and hypotheses, but as an organizational, well-organized system of knowledge. For a private theory, this is a systematic presentation of all of its structure using interrelated concepts "[4, p. 51].

Considering the practical aspect of the functions of the private forensic theory of causality, it can be said that they are partly the elements of the structure of the connection of its theoretical and practical recommendations on the establishment of causality in the process of preliminary investigation of crimes, their judicial review and prevention.

The methodological function, partially linking the theoretical content of the elements of this theory, at the same time provides on the basis of this theory explanation and the formation of forensic methods and means of studying causality at the stages of investigation, judicial review and prevention of crimes. The predictive (prognostic) function serves as the systemic basis for heuristic activity, promotes both the useful integration of knowledge in the criminalistics system and the transformation of knowledge in it from other sciences.

It should be emphasized that the operation of the prognostic function is most closely intertwined with the operation of the interpretative function. Quite often, the implementation of the predictive function is logically based on the operations of other functions, and is their continuation. This fact clearly indicates on the realization in the development of the forensic theory of the causality of the structural-functional method.

In view of the importance of this function for law enforcement practice in investigating crimes in general and the establishment of causal relations in a separate investigation, we consider it necessary to dwell on its characteristics in details. This issue was deeply studied by L.G Gorshenin and G.A Zorin [5], although many authors actively use and develop in their work the principles of the theory of forensic forecasting. The task of the forensic forecasting function is to determine possible ways of developing and practical usage of funds, ways, and methods of combating the ever-changing forms of criminal activity. In this case, it is necessary to clarify that it is possible to predict the emergence of new forms of criminal activity through new ways of committing crimes of a certain type, but one can not give a scientific forecast of the emergence of a new way of a specific crime, it is possible only to assume and empirically predict. Despite the fact that forensic forecasting, as a function, represents the process of developing scientific predictions in the investigation of crimes, it is organically combined with the task of

investigating crimes. However, to a specific act of investigation, the concept of scientific forecast is not applied, it implements a practical forecast, successfully named by R. S. Belkin as «an empirical prediction" [2]. Empirical prediction is implemented in the practice of law-enforcement activity by its subjects in accordance with their personal experience, the nature of the situation of the investigation, the data of the persons involved in the investigation, etc., pursuing a specific task that requires an immediate solution. In some cases, empirical prediction may have an intuitive subjective character, but it is always based on objective circumstances, their typical changes related to certain factors.

For the practical implementation of empirical prediction as an applied aspect of the predictive function of the forensic theory of causality, information support is usually required. It differs from the information support of the scientific forecast by the fact that empirical prediction is implemented in the short-term periods of investigative activity. This is conditioned on the immediate implementation of this prediction during the investigation process. In connection with this, an important condition for optimal implementation is the relevance of the information (compliance with the given situation of the investigation, adequacy, etc.). Its constituents may be data assessments of the situation of the investigation, tactical and psychological components that directly relate to the establishment of causal links of the mechanism of the crime. Data on the identity of the offender here is a great of importance, as well as the peculiarities of the subject of law-enforcement activity, his knowledge, professional training, forensic skills and abilities, psychological qualities, responsiveness to the change in the situation of the investigation, etc.

In this regard, consideration should be given to the methodology of the practical implementation of this important function. It has already been noted that an investigator, as a law enforcement officer, extrapolates data from his professional experience, selecting them on the basis of an analogy in the investigation of a particular crime. In addition to analogy, the conclusion of which has a realistic nature , effective means of forming empirical prediction should be considered reflection and intuition.

Reflection, especially relevant for the implementation of empirical foresight in order to establish forensic causal links in the investigation of a crime, allows pervasion into criminal activity, which led to a specific result, that is, "to see" not its consequences, but the causes. But one should not absolutize this method, by attributing the dubious features , as it does G. A. Zorin: "The range of reflection is endless in time and space, moreover, it can go from conscious to unconscious, dominate a certain topic" [6, c . 111].

It is correctly pointed out by R. S. Belkin that "the reflection can be regarded as a method of controlling behavior and with its actions opposes to the investigating party" [7, p. 157].

We should turn to intuition. The assumption about it as a method of law-enforcement activity in general and empirical prediction in particular has always caused a lot of discussions. Intuition as "guessing the truth", that is, a direct comprehension by the mind "Not

deduced by a conscious logical proof from other truths and does not go directly from our sensory perceptions, is an unconditional reality that exists in the field of knowledge "[7, p. 157].

This is also an intellectual process, only proceeding without deployed conclusions, in fact it is a guess that was prepared by the previous mental process, which allows to characterize an investigative intuition as a knowledge and experience based on the ability to directly solve the investigative task with limited initial data.

We deliberately focused on the very root of the ( prognostic) function so much attention in this article, since it is most demanded in the investigation of crimes and its use can effectively solve the problem of establishing causal relations in the mechanism of crime through forensic law enforcement activities. Law enforcement officials, surveyed in connection with this study, noted that in the process of implementing the predictive function for the establishment of forensic causality use reflection (12.1%) and intuition (14.5%).

The practical function, on the one hand, contributes to the implementation of predictive functions, and on the other - carries out direct investigative activities to investigate crimes. About this function in this article we would like to note the following. This function appears to us as the guide for the use of law enforcement in the practice of investigation, judicial review and prevention of crimes of the principles of the forensic theory of causality in the part of forensic recommendations aimed at establishing causal relationships in the acts.

The heuristic function, being important for law enforcement practice, however, is not able to solve all the tasks of determining the causality between the elements of criminal activity separately from other functions. However, within the bounds of the implementation of the heuristic function, that is, the creative activity of the law enforcer in the practical development and improvement of knowledge about the establishment of causal relations in the systems of "mechanism of crime" and "forensic law enforcement activities of establishing a mechanism of crime", there are important aspects that require a detailed study .

The use of data from the forensic theory of causality, related to the assessment of the problem situation of the investigation, the use of the terminology apparatus, methodology, etc., requires a not stereotyped, cliché approach, but a creative approach with the integration of knowledge. Emphasizing the significance of the heuristic function, V.G Afanasyev noted: "The theory of heuristic by its origins, forms and methods of development, the

results, the forms of its expression and use. It is created by the creative thinking of man, according to human laws of spiritual creativity, expressed in the forms of human thinking, is a mean of incarnation and enrichment of his creative potential "[8, p. 26].

In relation to the investigative activity in general and the establishment of causal links of the mechanism of a criminal act in particular heuristic function in the implementation process should cause new associations, blocks of information about the various connections, primarily causal, from the initial data of the situation of the investigation (mainly problematic character), which, in the course of procedural verification, contribute to the complete establishment of the circumstances of the crime. Heuristic function can be characterized as a function of "guiding", it brings the subject of law enforcement activities to the correct decision. In addition, it contributes to reducing the search for various variants of procedural and tactical decisions or tools used for their implementation, aimed at optimizing investigative activities. In this connection it can be argued that the heuristic function is the regulator of the intellectual activity of the investigator. The accuracy of this statement is confirmed by the following sentence: "In an effort to extract maximum benefit from your efforts, try to notice in the task that you solve, what will be useful in the future in solving other problems. The solution found by your own efforts, or the one you saw in the book, or the one you listened to, but necessarily with a living interest and desire to deep into the essence of the matter, can turn into a method, for example, which with a success you can follow in solving other tasks ... The method will acquire new colors, become more interesting and valuable with each new example, to which you successfully apply it "[9, p. 13, 27].

The heuristic function in practical implementation is subject to certain stages of its development. The source, or rather, the initiator, of its implementation is an assessment by the subject of the law-enforcement activity of the investigation's situation as problematic with regard to the purpose of establishing causal relations in the mechanism of crime incident. This is not a one-act action, but a solution of the system of tasks, which is possible only through the integrated influence on the problem of a set of methods, combined by heuristic function. These methods should be adapted to the tasks at the following stages: 1) orientation stage (systematization and situational analysis of knowledge necessary to solve the problem); 2) the formulation of the problem (definition of the problem and the goal for its solution); 3) the search stage (the choice of methods and their optimal combination, including non-traditional methods); 4) Adaptation of the chosen methodology to solve the problem.

In fact, the heuristic function serves as the optimizer of the methodology for solving practical forensic problems. This means that through the gradual transformation of all elements of the tactical receiving (method, investigative

action) it is possible to achieve the maximum of possibilities for their practical implementation to obtain the most qualitative data on the causal links of the mechanism of the crime in the process of the investigation.

The implementation of heuristic, as well as other applied functions, aimed at establishing causal connection between the elements of the mechanism of the crime, depends primarily on the subject of law-enforcement activity, which is most often served by an investigator, from his intellectual culture in the potential of investigative actions.

This potential is related to his ability to creative thinking (intelligence) and the transformation of primary information on the causality of phenomena, to the generation of ideas in the construction of versions as one of the forensic methods of establishing cause-effect relationships with the rule "from investigation to cause", then planning, construction and optimal forms of implementation of tactical plans and programs.

It can be assumed that the potential of investigative action to verify the version in order to establish the causal links of the mechanism of the crime concern the following aspects: 1) professional knowledge, skills and abilities of the investigator; 2) correct interpretation of the information received by him, timely evaluation and forecast of the results of use; 3) theoretically competent construction of the system of investigative action.

The creative intelligence of an investigator corresponds to the traditional approach of the notion as "the ability to successfully respond to any, especially new, situation through appropriate adjustments of behavior; to understand the relationship between the actual facts to sample the actions that lead to the achievement of the goal "[10, p. 11].

To implement the applied functions of establishing forensic causality in the mechanism of a crime during its investigation using the potential of investigative action, it combines the logical, psychological and intellectual components. In accordance with the peculiarities of the investigative activity, creative intelligence can objectively detail the abilities of the investigator: a) to make inferences with insignificant evidence; b) to build on this basis versions (version systems) that explain the probable causes of the event; c) to think flexibly and with combinations about the information that comes with the purpose of its "embedding" into the system of data about the crime event; d) to critically evaluate negative information that has no investigative perspective; e) to evaluate(reflex) «from the side" the criminal situation with the aim of its objective assessment, including other participants of the investigation; d) to avoid traditional approaches in solving tasks for establishing causal relationships on the basis of the established practice and dynamic stereotypes; e) to strive for originality in making decisions and means of achieving the goals; g) to improve and generate professional experience.

In the aspect of the purpose and objectives of this article, it is important to substantiate the meaning of the forensic theory of causality, where the subject acts as the main element. On the grounds that the considered theory is a part of criminology as a legal science, the definition of its subject should be associated with the definition of the subject of criminology, that is, "the subject of a separate forensic theory is certain regularities of objective reality among those which studies criminology in general" [11, p. 17].

Regarding the subject of criminology, there are no fundamental controversies. It is recognized that this science studies the "regularities of the holistic movement of criminally significant information in situations of committing and investigating crimes in order to create scientific foundations and practical recommendations for solving the problems of criminal justice by special means, methods and techniques" [12, p. 21].

In this quotation there are general laws, the content of which determines the laws of the subject of any private forensic theory. However, these laws still need to be deduced and substantiated so that they can be substantially classified as forensic causation. In the system of theoretical methodology the most effective for this purpose is the system-genetic approach, according to which, specifying the definition of the subject of criminology, we can conclude that the main feature in the content of the subject is the knowledge of the laws of origin and development in its system of information processes, analysis of the initial and the subsequent situation and the crime mechanism. Thus, the basic components of the criminalistics system are "crime, disclosure, investigation, crime prevention".

In this regard, it is conditionally possible to divide the specified laws into groups: 1) criminal activity; 2) legal activity of the subjects of law enforcement activity on disclosure, investigation, prevention of crimes. These concepts are reflected in criminology as content categories "mechanism of the crime" and "forensic law enforcement activities on its establishment", which are the objects of study of the theory of forensic causality, it is in them, based on the regularities of functioning, there should be searched for interconnections that define the object of the specified private theory.

In the process of investigating a crime, the investigator receives information that is heterogeneous by its forensic nature, which can be divided into two types. The first type is a criminally significant information as a result of the manifestation in the environment of criminally relevant indications of the crime under investigation; The second type is an orienting information about a possibly committed or committed crime. This information does not have criminal significance of the crime yet, but is already in the causal relation with it. On these circumstances, V.K Havlo drew attention, while investigating the problems of forensic methods of investigation of crimes [13, p. 9].

Both types of information are equivalent because the investigation of a crime often begins with the secondary (orienting) information that is related to this crime in causation, which leads to the establishment of criminal evidence.

A forensic activity in collecting, researching and evaluating any information that helps to establish the signs of a crime and the causal link between the elements of its mechanism, knowledge of the laws of its movement in situations of pre-trial proceedings, is based on information, cognitive and

constructive function that can be considered as an applied detailed functions of the theory of forensic causality.

Informational, cognitive and constructive functions, as well as other functions of the theory mentioned above, reflect the patterns of the subject of criminology, which include the regularities of criminal (criminal) activity and lawful activity of investigating the crime. As it was emphasized above, these laws in science are represented by the categories of "crime mechanism" and forensic law enforcement activities for its establishment. "

The mechanism of crime as the only dynamic functional system of processes of interaction of elements, consisting of "the activity of the subject of a criminal incident; a complex of actions, actions and other movements of the victim of a crime; a complex of actions, actions and other movements of persons indirectly connected with a criminal event; separate elements of the situation used by participants in a criminal event; objects of a criminal encroachment "[14, p. 39-40], with the help of informative, cognitive and constructive functions and others, provides investigative opportunity on the basis of the potential of investigative action and creative thinking to establish the connection of a criminal event. This process is obligate due to the fact that it is necessary, repetitive, stable and has a general character.

If to extrapolate to the mechanism of the crime of V.I Shikanov's statement regarding the criminalistic characteristics of the crime [15, p. 22], a category close to the meaning of the mechanism of the crime, then we can say that the manifestation of practically meaningful structural elements of the mechanism of crime of certain kinds, the clarification of their essence, in particular the nature of the typical situations of investigation, naturally repeat during the investigation of criminal encroachments of the same kind, as well as knowledge of correlation dependencies and other connections between the separate structural elements of this system allows not only to clearly define the main tactical tasks of officials, called to reveal and investigate the crime, but also to some extent by their algorithm performance, to optimize the overall investigation to establish causation in criminal event.

Forensic law enforcement activities on establishing a crime mechanism is an actual investigation of a crime and the establishment of causal links between the elements of this event. This process has the limits defined by the

procedure for reviewing the crime message, its preliminary investigation and establishing the truth about the incident. They represent the limits in which the investigator, realizing the potential of the investigative action, establishes causal connection based on the study of the regular functioning of the system elements of the mechanism of the crime.

Thus, the implementation of the functions of the theory of forensic causality, considered in the aspect of relations with the mechanism of crime and forensic law-enforcement activities on its establishment as the objects of the theory, suggests that this theory reflects the following laws of the subject of criminology: 1) formation of the mechanism of crime and causal-consequential connection between its elements; 2) improvement of scientific and practical bases and recommendations for the optimal establishment of causal links of elements of the mechanism of crime, based on the use of the potential of investigative action.

These patterns form the subject of the theory of forensic causality, within which it is necessary to study the problems related to forensic recommendations to establish the causality of a criminal event through the use of forensic methods and means.

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## Legal Aspects of Personal Data Protection in the Field of Health Care Protection. Medical Secrecy

Personal data is an important component of life of every person and citizen, whose protection requires the adoption of legislative regulation. The protection of personal data depends on the capabilities of the legislative acts to provide the appropriate basis for maintaining the confidentiality of data. The persons possessing the personal data of the citizens have the opportunity to disclose such information or use it for their own purposes. It is important to note that the disclosure of personal data provides for liability (administrative, civil, criminal). At the same time, every person and citizen has the right to defend their interests in court. The protection of personal data is an important issue in regulating the state policy of various spheres of public life. That is why at the legislative level it requires regulation and proper consolidation. Particular attention is paid to the protection of medical data, including the protection and preservation of medical secrecy as one of the varieties of professional secrets.

Medical secret is the information about a patient who is not subject to disclosure because he has data on the disease, medical examination, reviews and results, the intimate and personal aspects of the patient's life. Personal data, including medical secret, are protected by regulations of national and international law. The study of this topic is considered by theorists and practitioners in order to work out the single most effective mechanism for personal data protection. An important aspect of the preservation of personal data is the prevention of disclosure of information protected by law. In this case, the rights of patients are violated, so the latter apply to the court in order to protect their violated rights.

*Analysis of research and publications.* The basis of this article was the works of such Ukrainian scholars as R.S. Belkin, T.V. Varfolomieiev, V.H.Honcharenko, V.T. Maliarenko, M.M. Mikheienko, L.D. Udalova, O.H.Yanovska, as well as other scholars who contributed to the research of the personal data protection in the field of health care. Particular attention was focused on the issue of medical secrecy and its protection, the possibilities of using personal data in the field of health care. Nevertheless, the above question remains relevant and necessary for research.

*The purpose of the article* is to study the issue of personal data protection in the field of health care, to study normative legal acts of international and national legislation in this area, to consider the practice of the European Court of Human Rights on restoration of violated rights in the area of disclosure of personal data. The issue of responsibility for the

disclosure of information and the peculiarities of bringing the perpetrators to liability is being investigated. In addition, the issue of the medical secrecy protection is mandatory.

*Statement of main materials.* Every day we receive a huge amount of information in quite diverse areas of public life and understand that information may have not only open access but also contain signs of confidentiality. The issue of information security is important and should be regulated by legal acts of national and international law. The protection of personal data is a kind of protection of human rights and freedoms. Disclosure of information making the secrecy causes the liability established by law.

According to the provisions of the Constitution of Ukraine Art. 32 "No one can interfere in private and family life of the person. It is not allowed to collect, store, use and distribute confidential information about a person without his/her consent, except in cases specified by law and only in the interests of national security, economic welfare and human rights" [1]. Article 15 "Personal data protection" of the Part 3 of the Association Agreement between Ukraine and the European Union, the European Atomic Energy Community and the Member States on the other hand provides an opportunity to review cooperation on personal data protection in accordance with the highest European and international standards [2].

The International Covenant on Civil and Political Rights states that no one shall be subjected to arbitrary or unlawful interference with his or her private and family life, arbitrary or unlawful encroachments on the integrity of his home or the secrecy of his correspondence or illegal encroachments on honor and reputation. Everyone has the right to protection from such interference or such encroachment [3]. The Convention for the Protection of Human Rights and Fundamental Freedoms states that everyone has the right for respect of his/her private and family life, home and correspondence [4].

In accordance with the Law of Ukraine "On Personal Data Protection", personal data is a data or a set of information about an individual that is identified or can be specifically identified. The law provides that the processing of personal data on racial, ethnic origin, political, religious or ideological beliefs, membership in political parties and trade unions, sentencing to criminal penalties, as well as data relating to health, sexual life, biometric or genetic data.

The Law of Ukraine "On Personal Data Protection" provides for the possibility not to apply the above-mentioned prohibition if the processing of personal data is necessary for the purpose of protecting health, establishing a medical diagnosis, for the provision of care or treatment or the provision of the medical services, the functioning of the electronic health system provided that such data are processed by a healthcare worker or other person of a health care establishment or a sole proprietor who has received the license to practice medicine and its employees, empowered for ensuring the protection

of personal data and which are the subject to the legislation on medical secrecy, employees of the central executive authority implementing the state policy in the field of public financial guarantees of medical care of the population, which are obliged to protect personal data (pos. 6 of the Part 2, article 7) [5].

The Law of Ukraine "On Information" defines the protection of information as a set of legal, administrative, organizational, technical and other measures ensuring the preservation, integrity of information and proper access to it. Everyone has the right to information that provides for free access, use, distribution, storage and protection of information necessary for the exercise of their rights, freedoms and legitimate interests.

Personal information is a collection of documented or publicly disclosed personal information. The basic personal data (personal data) includes nationality, education, marital status, religion, state of health, as well as address, date and place of birth [6].

There are personal (private) and professional (professionally trusted) secrets. Personal secrets include family secrets, the secret of correspondence, the secret of telephone conversations, telegraph and other messages, the secret of postal items, the secret of voting; the professional secrets include the lawyer's secrecy, notarial secrecy, medical secrecy, confidentiality of confession, journalistic secrecy, secret of the consultative room, bank secrecy, commercial secret, secret of insurance, etc. [7, c. 18].

Medical secrecy is the information being not the subject to disclosure of illness, medical examination, review and results, intimate and family aspects of citizen's life (art. 40 of the Fundamentals of Health Care). Medical secrecy is one of the types of professional secrets and is an independent form of confidential information. The separation of medical secrecy into a group contributes to the establishment of a unified legal regime for the protection of information contained in it that is not identical to any other legal regime of confidential information.

All information that collectively constitutes a medical secret can be divided into two types: medical - information about the patient's health; non-medical - information about his intimate and family life. Information about the patient's health status is fixed in the medical records, and information about his intimate and family life of the patient is communicated to the orally medical officer. If information about intimate and family life does not relate to the diagnosis, the information is a medical secret and must be kept by a healthcare professional.

Disclosure of medical secrecy is the unlawful disclosure of information constituting a medical secret, a medical or other employee who has obtained them in connection with the performance of professional or official duties, providing the access to this information to the unauthorized persons [7, c. 31].

The personal data of each person need to be properly protected and require a mechanism for bringing to justice the persons who have disclosed

such data. The Criminal Code of Ukraine (hereinafter referred to as the Criminal Code), art. 163 provides for liability for breaking the secrecy of correspondence, telephone conversations, telegraphic or other correspondence provided by means of communication or through a computer.

In addition, art. 182 of the Criminal Code of Ukraine determines the illegal gathering, storage, use and distribution of confidential information about a person without his/her consent or distribution of this information in a public statement, a piece of work that is publicly displayed or in the media [8].

The Civil Code of Ukraine (hereinafter referred to as the Civil Code) refers personal data to personal non-property rights and provides for judicial protection against unlawful encroachments. A natural person has the right to a secret about his/her health, the fact of applying for medical assistance, diagnosis, as well as the information received during his/her medical examination (article 286 of the Civil Code) [9]. In addition, the Central Committee provides that it is prohibited to require and present at the place of work or education the information on the diagnosis and methods of treatment of a person. In turn, an individual is obliged to refrain from the dissemination of information (the secret about the state of health, the fact of applying for medical aid, the diagnosis, as well as the information received during his/her medical examination) which became known to him/her in connection with the implementation of the official duties or from other sources [9, c. 103].

According to the art. 301 of the CC "the right to privacy and its secrecy" - an individual has the right to privacy; it defines its own private life and the possibility of familiarizing them with other persons; has the right to keep confidential the circumstances of his/her private life; circumstances of personal life of an individual may be disclosed by other persons provided that they contain signs of an offense confirmed by the judgment, as well as with its consent [9, c. 110].

Ensurance of the preservation of citizens' rights and freedoms, including the right to medical secrecy, is contained in such an international act as the Universal Declaration of Human Rights. The specified international document contains a requirement for freedom from unlawful interference with private and family life: "Everyone has the right to respect his/her private and family life, to housing and to the secret of correspondence; public authorities cannot interfere in the exercise of this right except in cases where the interference is carried out in accordance with the law and is necessary in a democratic society in the interests of the national and social security or economic well-being of the country, in order to prevent disturbances or crimes, to protect health or morals or to protect the rights and freedoms of others" [10].

The Convention on the Protection of Individuals with regard to Automatic Processing of Personal Data by the basic provisions introduced the international legal regime for the protection of personal data, their safety, and

the guarantee of adequate security in the transboundary transmission of information data. The Convention stipulates that information relating to medical secrecy falls into a special category of data (personal data conferring racial affiliation, political, religious or other beliefs, as well as data relating to health or sexual life) can not be exposed automated processing, unless domestic law provides adequate safeguards. For the protection of personal data, they shall take measures necessary for the unauthorized receipt, destruction or loss of data of the Convention [11].

The normative legal acts of international and national legislation emphasize the importance of protecting personal data provided as the hard copies and in the electronic form. It is important that the preservation of information is an important component of life of every person and citizen since it provides an opportunity to understand that personal data are protected by a number of legal acts. Everyone has the right to ensure the privacy of his or her private life by establishing an effective mechanism for the protection of such rights.

The Art. 46 of the Law "On Information" states that information containing medical secrecy is not subject to disclosure [6]. The issue of compliance with the preservation of medical secrecy has passed the stage of formation and reform into a special kind of professional secrecy that needs protection.

Information that constitutes a medical secrecy can be disclosed in a variety of ways: messages in a conversation, speech, private letter, report; acquainting the unauthorized persons with records of the history of illness or ambulatory card; publication of information without changing the surname of the patient in open scientific research, etc. Disclosure of medical secrets should also be considered cases where the information became known to at least one outsider. Third parties are those who in no way relate to information constituting a medical secret and those who, in accordance with their position or performance of their official duties, should not know the information that is a medical secret [7, p. 37]. The CC notes that the observance of medical secrecy is a direct responsibility of medical workers, for unlawful disclosure of which criminal liability is provided (article 145 of the Criminal Code) - deliberate disclosure of a medical secret by a person whom it became aware of in connection with the performance of professional or official duties, if such an act caused grave consequences, shall be punishable by a fine of up to fifty non-taxable minimum incomes of citizens or public works for a term up to two hundred and forty hours, or by deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years, or corrective labor for a term up to two years. The object of this offense is the order of preservation of medical secret. The subject of the offense, respectively, is information about illness; medical examination; review and their results; intimate and family life.

Art. 387 of the Criminal Code provides for criminal liability for disclosure without the permission of the prosecutor, investigator or person who carried out operational and search activity of these operational and search activities or pre-trial investigation by a person prevented by the procedure established by law about the obligation not to disclose such data. These data may be disclosed not only by the participants in the criminal proceedings but also by those conducting pre-trial investigations (investigator, prosecutor, investigator, employee of the operative and investigative body). The disclosure of such data by these persons provides for criminal liability [8].

Note that confidential information may be distributed at the request (consent) of the relevant person in the order specified by it in accordance with the stipulated conditions, as well as other cases provided for by law. Based on the foregoing, we can say that personal data not covered by the notion of confidential information can be considered as a kind of open information. In turn, confidential data can only be processed with the appropriate consent. The main reasons for disclosure of medical secrecy include: neglect of employees of a medical institution by their official duties; violation of the ethical component; not a high professional culture of doctors; inadequate material support for the activities of doctors, etc. The list of grounds for personal data can be varied and dependent on the situation, so it remains a huge problem requiring legal regulation. At present, the issue is acutely sharp, because each person appreciates the preservation of their personal data, especially when they relate to personal life. Distribution of information about a diagnosis, its treatment and a state of health of the patient can harm the latter. It is important, when applying for medical assistance, to understand that the information will be confidential, and the doctor and other health personnel will keep the information secret. It should be noted that the international legal acts directly containing the requirements for the preservation of medical secrecy include the Geneva Declaration of the World Medical Association of 1948, the Lisbon Declaration of the Rights of the Patient in 1981, the 1991 Declaration on the Policy of the Patient's Patience. The Geneva Declaration of the World Medical Association raised the issue of compliance with medical secrets not only during the life of the patient, but also after his death. The Lisbon Declaration on Patient Rights proclaimed that a physician should act in the interests of his patient and in accordance with his conscience. The patient's basic rights were attributed: the patient has the right to choose his own doctor on his own; the patient has the right to expect that his doctor will respect the confidential nature of the medical and personal information regarding him, etc. In turn, the Declaration on the policy of ensuring the rights of the patient consolidated the rights of patients to protect their personal data during treatment, namely: the patient's health, diagnosis, prognosis and prescribed treatment and other information that may concern the patient's treatment and is known to the persons through

the performance of their professional duties. The Declaration mentions the provision of an adequate level of protection of the patient's personal data as an element of preservation of such data [12, 13].

Protection of personal data and its improvement are subject to state regulation and should be inextricably treated in conjunction with the protection of human rights and freedoms, including the protection of the right to respect the private life.

The European Court of Human Rights (hereinafter referred to as the ECHR) has consolidated in its decisions the position on preservation of personal data in the field of medical secrecy protection. In the decision of the ECHR in the case dated January 25, 1997 "Z. v. Finland" the Court emphasized that the protection of the medical personal data is of fundamental importance for the person to exercise his right to private and family life. It was found that the Finnish Court of Appeal disclosed information about the plaintiff's health without consent in the criminal proceedings. Information about personal data was provided, despite the direct prohibition of their disclosure [14].

By the decision of the ECHR dated August 27, 1997 "M.S. v. Sweden» stipulated the provision that the transfer of medical information about a person to a hospital on a public orgative request does not contain violations. By the decision of July 17, 2008 "I. v. Finland " it was found the violation of the dissemination of personal data of a person. The lack of records of the facts in the medical facility regarding the grant of access to the medical records of the applicant has led to the impossibility of establishing the person who allegedly disseminated the information contained therein.

In the decision of the ECHR of November 6, 2009 "K.H. and others v. Slovakia" violates the rights of the applicants by failing to provide the medical records to the hospital. The applicant turned to the hospitals through authorized persons for the purpose of obtaining photocopies of medical records, but was refused.

In the case dated 06/06/2013, "Avilkina and others v. Russia "violations of the collection of excessive amount of medical information by the prosecutor's office. Subject to legislative uncertainty, the authority to collect information about a person. The prosecutor's office conducted an examination of the activities of a religious organization and found that some people refused to transfusions and caused complications during the course of the disease. That is why the prosecutor's office was obliged to inform about such cases of refusal.

In the case of "L. v. Latviya" dated April 29, 2014, the applicant appealed to the Court in connection with the fact that the collection of his/her personal medical data by the state institution violated his/her right to privacy. The court found that the collected medical data of the applicants contained unsystematic nature but the law of the state did not clearly establish the amount of rights granted to public authorities in collecting such data [15].

The decisions of the ECHR concerning the restoration of the rights of the patients to the medical secrecy are important in the study of the subject matter and may concern wide variety of aspects of the preservation of medical secrecy (the dissemination of personal data, the collection of excessive amount of medical information, failure to provide medical records documentation, etc.).

At the request of a pre-trial investigation body or court, a medical institution may provide information that constitutes medical secrecy. By sending personal data (in the form of a response to a request, an expert's opinion) but in the context of a pre-trial investigation in criminal proceedings, the data will constitute the secret of a pre-trial investigation. The secret of pre-trial investigation is the rule of criminal procedural law of Ukraine according to which pre-trial investigation data can be declared only with the permission of the investigator or prosecutor and to the extent that they consider it possible [7, c. 25].

The Criminal Procedural Code of Ukraine (hereinafter referred to as the CPC) referred medical workers and other persons who became aware of illness, medical examination, review and their results, intimate and family aspects of a person's life in connection with performance of professional duties - information that constitutes medical secrecy, to persons who cannot be blamed as witnesses (Clause 4, Part 2, Article 65, CPC). The art. 258 of the CPC provides general provisions on interference with private communication: "A person may not interfere with private communication without the order of an investigating judge."

During the investigation of the criminal proceedings, interrogation is a form of investigative (search) action, which is the most effective means of gathering evidence to prove the person's fault. The questioning can provide information about circumstances relevant to criminal proceedings. A person who has a medical secret and became known to her as a result of performing professional duties may be divulged during interrogation only if a written consent is given on the notification of personal data. Such consent must be fixed in writing and enclosed with the materials of the criminal proceedings. Ct. 224 CPC notes that a person has the right not to answer the question about the circumstances in respect of which provision is expressly prohibited by law (confidentiality of confession, medical secret, professional secret of a lawyer, secret of a public room, etc.) or which may be grounds for suspicion, prosecution in the commission of her, close relatives or members of their family of a criminal offense, as well as officials who carry out secret investigative (search) actions, and those who cooperate in confidence with the authorities of pre-trial investigation. An authorized official conducting a pre-trial investigation (investigator, prosecutor) should ensure the preservation of medical secrecy. The measures that an investigator may apply in order to preserve the privacy of citizens is the prevention of witnesses, the victim, civil defendant, lawyer, expert, expert, translator, interpreter, witnesses and other

persons present during the conduct of investigative (search) actions, It is not allowed to disclose without its permission or permission of the prosecutor for pre-trial investigation data (Article 222 of the CPC) [16].

The general principles of ensuring the protection of medical secrecy in the criminal proceedings include: legality; respect for honor and dignity of the individual, non-interference in her personal and family life; ethics; individuality. Special principles include: non disclosure of information constituting a medical secret; Ensuring the right of the medical officer to preserve the medical secret; observance of medical standards by medical professionals in the protection of medical secrecy; establishing a relationship between a healthcare worker and a patient; the interaction of health workers with each other, and the interaction of medical workers with law enforcement agencies [7, p. 81].

Information to the bodies of the pre-trial investigation or the court of the persons that constitute medical secret may be essential for the proper resolution of criminal proceedings. An investigator/prosecutor may receive medical secrecy in the form of requesting a medical facility and corresponding response to a specified request. In addition, another means of obtaining documents that may contain medical secrecy is temporary access to documents. An investigator together with the prosecutor has the right to file a petition to an investigating judge regarding access to the documents. In this case, the petition must indicate that the information to be removed is confidential and belongs to a kind of professional secrecy. The investigating judge, in turn, will be able to decide on the granting of access or denial of access to the documents that constitute medical secrecy.

Conclusions. Personal data protection is an important task facing the state at the present stage of building a democratic society. A large number of the normative legal acts (national and international) deal with the processing of personal data and their protection. Such acts include: the Constitution of Ukraine, the Law on Personal Data Protection, the Law on Information, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Association Agreement between Ukraine and the European Union, the European Atomic Energy Community and the Member States, the Convention for the Protection of Human Rights and Fundamental Freedoms, the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data. The normative and legal acts that contain requirements for the preservation of medical secrecy include the Geneva Declaration of the World Medical Association of 1948, the Lisbon Declaration of the Rights of the Patient in 1981, the 1991 Declaration on the Policy of the Patient's Patience.

Personal data is a data or aggregate of information about an individual that is identified or can be specifically identified. Personal information is a collection of documented or publicly disclosed personal information. The basic personal data (personal data) is nationality, education, marital status,

religion, state of health, as well as address, date and place of birth. Consequently, the information on the state of health of a person is related to personal data and requires the proper protection of such data. Medical secret is information that is not subject to disclosure of illness, medical examination, review and their results, intimate and family life aspects of a citizen. In turn, the disclosure of medical secrets implies the unlawful disclosure of information constituting a medical secret, a medical or other employee who has learned them in connection with the performance of professional or official duties which resulted in the receipt of such information by the unauthorized persons. That is why one of the duties of medical workers is the preservation of confidential secrets; establishing a relationship between a physician and a patient; Reflection of troubles regarding disclosure of secrecy in various procedural documents.

Disclosure of medical secret is expressed in an illegal communication to another person (s) of this information. It can be transmitted in conversation, including telephone, in letters, reports, and presentations, lectures, on television, radio or in periodicals. A person must be aware that the information she discloses is a medical secret and she has no right to disclose it, to understand the unlawfulness of her act and to wish or deliberately to allow her to be disclosed. If an outsider is familiar with the medical secret - this is disclosure.

An important means of protecting human and civil rights and freedoms is the establishment of an effective mechanism that will ensure the actual implementation of the protection of medical secrets. In the criminal proceedings there are exceptions to the disclosure of confidential information to investigate criminal proceedings. The information that a healthcare professional has may have an important role in proving the person's guilt and truth in the criminal proceedings. Such data can be obtained as a result of a request, a questioning (if appropriate, permission), expert opinion, temporary access to documents that constitute medical secrecy.

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## Paternity Applying Assisted Reproduction Post-Mortem

The acknowledgement of the paternity of a child born under the conditions of assisted reproduction is legislatively fixed, and is applicable with any of the paternity presumptions regulated in Art. 61 of the currently operating Family Code of the Republic of Bulgaria (FCRB). The husband of the mother is acknowledged as the father of the child if the child was born during the marriage, or prior to the expiry of three hundred days as of its termination (par. 1, in relation to par. 4), as long as the mother has not entered into a new marriage before the expiry of that period (par. 2, in relation to par. 4), as well as in the cases when the three hundred days as of the date of the last notice of the husband have not expired with his declared absence, respectively – as of the date of the presumed death with declared death (par. 3, in relation to par. 4). A specific case of assisted reproduction is the posthumous one, which is prohibited in Bulgaria. It is not allowed in a number of other countries either, for example in Italy or France, while in Germany there is even penal liability envisaged for that. In Australia and Israel, the post-mortem reproduction is partially allowed, while it is applied in Russia and in some states of the USA, where the first registered cases of posthumous spermatozoon extraction date back as early as 1980.

The issue of assisted reproduction post-mortem has become increasingly relevant also in relation to the development of technologies and the achievements of medicine.

It presupposes also many sub-issues, to which medicine has had answers for a long time now. However, those answers are still not accepted by law and ethics.

Obstacles to the application of posthumous reproduction in Bulgaria are the Bulgarian traditions and the established legal theory and practice, as well as considerations of most diverse nature: socio-economic, biological, ethical, psychological, etc.

Such reproduction is not accepted by the Bulgarian Orthodox Church (BOC) either, moreover the latter is generally against any methods of assisted reproduction.

The position of the church is quite extreme: that this is „ultimately a theological and existential issue“, that „the powers of authority of science, and, in particular, of medicine, are not unconditional or unlimited, especially when they refer to the apex of creation – the man“, and that “only God may determine the physical and spiritual parameters of human existence“.

Nevertheless, the Bulgarian society has to solve a number of problems with an increasingly global nature, although there are no definitive solutions for them.

Such is the nature also of the problem for allowing the post-mortem assisted reproduction through the use of gametes from a deceased person, or of zygotes, created from the gametes of the latter.

Over the last year, the case of a widow has been publicly discussed at length. She had started an in vitro procedure with her husband, but they did not complete it because of his sudden death.

With the legislation observed, nothing was done any further, but that woman engaged the government, represented by various authorities and institutions, as well as some non-governmental organizations, to be allowed to give birth to a child from her late husband.

This case, though not isolated in practice, has given rise to various reactions in the society, including some diametrically opposite positions about the solution of the raised issue.

On the one hand, legislation has envisaged regulations, which prohibit the posthumous assisted reproduction.

The prohibition is upheld by the supporters of the thesis that it is selfish to have a child created only by the surviving wife, since that child will be deprived of a father, and in that sense – a half-orphan, such as the case in question, and that this factual situation cannot be compared with the cases when the child has already been either conceived or born before the death of his/her father.

This first thesis is also subjected to the concerns about any misuse of gametes or zygotes.

On the other hand, the supporters of the opposite thesis point out as an argument the practices in some foreign countries.

They consider that posthumous assisted reproduction should be allowed in Bulgaria as well, in case of an explicit statement made by the deceased person in his lifetime, whereby expressing his wish/consent to have his gametes or zygotes used after his death.

The second thesis is also based on the right of every human being to have a child, as well as on the right of every human being to continue one's lineage after death.

The Bulgarian legal regulations concerning assisted reproduction are presented in the eponymous Section III of the Health Act (HA), as well as in the issued on the basis of Art. 130, par. 3 of the same act, Ordinance No 28 of 20 June 2007 on the activities related to assisted reproduction (OARAR), which defines the medical standards for assisted reproduction.

According to those standards, death is a prerequisite both for blocking, and for extracting and destroying ova, spermatozoa and zygotes, nevertheless whether there is a wish declared by the wife/husband/partner in his/her lifetime, or not, in respect to oocytes, respectively – spermatozoa or zygotes. Furthermore, the OARAR prohibits taking (obtaining) gametes from dead or brain dead persons.

Besides, hereditary law does not envisage explicit regulations, which would either acknowledge or prohibit the right to inherit gametes/zygotes.

On the basis of the imperative legal norms, even if the deceased person may have declared in his lifetime his wish/consent to have his gametes or zygotes used for assisted reproduction, and though it is not admissible (however, theoretically and technically, it is still possible to obtain gametes posthumously as well), it may be concluded that the presumption for paternity post-mortem should be acknowledged only if the assisted reproduction was done while the father was still alive.

That means that the medical intervention itself, nevertheless which method of assisted reproduction is applied (extracting gametes, intrauterine insemination, transfer of gametes in the fallopian tubes, transfer of a zygote in the fallopian tube or in vitro fertilization), should be done prior to the father's death, and with observation of the rules for the validity of the intervention itself.

Furthermore, for acknowledging paternity it would be unimportant what genetic material was used for the assisted reproduction – of the one, or of both spouses, with donor oocyte and/or donor spermatozoon, respectively – what the zygotes were created from – genetic material of both spouses, or of one of them, and/or with donor material.

It would be important only if there was a marriage, during which the child was conceived with the assistance of any of the methods of assisted reproduction, and if the three hundred days as of terminating the marriage have not expired.

It has to be further established whether the late husband had explicitly given his informed consent for each specific procedure, or in particular – for the procedure that the child was conceived and born of.

In the other cases, when, for example, the child was conceived before the marriage and assisted reproduction was done with two unmarried partners, paternity shall be acknowledged only if the partners concluded marriage afterwards and three hundred days as of the termination of the marriage with the father's death have not expired at the time of the child's birth, as well as provided that the deceased person had declared his wish/consent for any of the activities in assisted reproduction.

There is also the possibility to apply any of the other methods for establishing paternity – through recognizing the child by the deceased partner of the mother in his lifetime, or possibly – with an establishment claim, filed by the mother or the child against the heirs of the deceased person

In the last case, however, it will be necessary to prove the genetic relation between the deceased man and the child.

Finally, it may be concluded that law is significantly lagging behind the development of the social relations and science, most of all medical science.

Nevertheless, there are standards adopted for assisted reproduction, some issues beyond their scope remain unsolved.

Using foreign countries' experience, Bulgaria could introduce some regulations, which would provide an imperative solution to posthumous reproduction in a clear and definitive way, while undoubtedly taking into account the potential risks of abuse.

This, however, suggests conducting an in-depth analysis of assisted reproduction post-mortem from various perspectives with the involvement of competent specialists from different fields of science and practice.

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## The Innovation Methodic Card at the Teaching of the Criminal Procedure

The article analyzes the current state of legal education in Ukraine, its connection with the development of society. The author pays particular attention to the need for the development of innovative educational technologies aimed at ensuring that Ukrainian legal education is competitive, would be in line with European integration in a situation, where more Ukrainian entrants choose their education abroad.

The author, having many years of teaching in the discipline "Criminal Procedure", is constantly searching for an optimal methodological map for constructing a lesson, that would allow the student to meet the student's needs in the formation of theoretical knowledge and practical skills and competencies in such a specific field of law as a criminal procedure. The accumulated experience has allowed drawing a methodic card, that covers several stages of working with students in the study of all topics, except for the subject "Trial", for which the format of the business game is proposed. Approbation of the methodic card showed a stable high result compared with the use of other methods of teaching this discipline. Already at the end of the first semester of studying the discipline "Criminal Procedure", students can quickly formulate and freely express their own legal position on various procedural issues, both in writing and verbally.

The high motivation of students, supported by significant learning outcomes, stimulates them to in-depth study of the discipline and engage in scientific activities not only at the level of participation in scientific conferences, but also the writing of articles in professional journals.

As a result of the application of the methodic card, each student makes the most practical use of the lesson while working with normative material without any restrictions. In the process of self-training for lesson, students prepare procedural documents for a pre-selected plot that develops both the skills of applying procedural legal language and the ability to apply the right rules to a particular situation.

Particular attention is required in the teaching of the discipline "Criminal Procedure", the issue of the application of generally accepted standards and principles of international law, the practice of the European Court of Human Rights.

Education is the basis for the formation of personality, development of its mentality, culture and outlook and, as a consequence, formation of the mentality of the whole civil society.

An analysis of the application of educational technologies in the process of professional training of the future lawyers has allowed to reveal certain contradictions between the increase of the volume of legal information and the lack of the students' academic hours; need to apply pedagogical technologies in the process of professional training of the future lawyers and

insufficient level of methodological support; increase of the requirements of the society for professional knowledge, proficiency, lawyers' skills and imperfection of the existing system of professional training of the future lawyers in the law schools<sup>1</sup>. Thus, the search for innovative methods of teaching law sciences is essential.

Integration into European educational space proves the need for modernization of students' knowledge of the criminal law sciences in order to maximally use the period of study to form the necessary competences of the future judges, prosecutors, investigators, lawyers in order to teach the students a fundamental legal position with any any issue arising in practice. A separate aspect in this problem is the teaching methodology of Criminal Procedure.

The issue of improving the teaching methodology for teaching the lawyers as a component of educational technology and the course of Criminal Procedure in particular, we consider relevant during the entire stage of the formation and development of legal professional education.

The educational technologies were explored by A. Aleksyuk, Yu. Babanskyi, D. Bruner, H. Hrace, J. Carol, V. Coscarelli, L. Landa, I. Pidlasyi, O. Rivin, N. Talyzina, N. Shchurkova and others.

Different aspects of the methodology of teaching disciplines for lawyers were described in the works of Antoniuk O., Artikutsa N., Bandurka O., Volobuieva A., Danshyna M., Dumka F., Lykhova S., Maltsya O., Medynskyi Ye., Mykytiuk S., Slyvka S., Sopilko I., Tatsiia V.,

Tykhomyrova H., Khomiachenko S., Khotsianovska N., Chasova T., Cherevatiuk V., Chuzhykova V., Yavorska H. and other scientists. The foreign scholars having devoted their work to the study of the methodological problems of teaching legal disciplines are Howard Kats, Susan Becker, Douglas Wailey, Gerald F. Hess, Stephen Friedland, and others.

The application of educational technologies during the professional training of the future lawyers in general has been given insufficient attention. In the aspect of the criminal and legal disciplines, the scientists pay significant attention to the methods of teaching "Criminology"; at the same time, the issues related to the methods of teaching "Criminal proceeding" are almost not covered in scientific sources. The purpose of the article is to justify a new methodological map of the construction of educational activities during the workshop in "Criminal proceeding" in the context of the European integration.

Improving the quality of higher legal education in Ukraine in the context of the European integration is a topical issue of the modern Higher School. Creation of the effective educational space in higher educational establishments takes place through pedagogical innovations, introduction of

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<sup>1</sup> Rybachuk, A.V. (2010) *Application of pedagogical technologies in professional training of future lawyers* (PhD thesis) Received from URL <http://library.vspu.net/jspui/handle/123456789/727?locale=ru>

modern educational technologies and educational models, in particular new methods of teaching of legal disciplines.

The global system of higher education has not yet developed the intellectualization of the main emerging factors<sup>2</sup>.

European education norms and standards are being implemented in Ukraine, while domestic scientific developments in this field are actively disseminating in the European Union, leading to the mutual enrichment and expansion of cultural and scientific achievements both in Ukraine and in the EU, integration into the Trans-European intellectual and educational environment.

According to international education documents (the Bologna Declaration of 19 June 1999, the global strategies of the educational development in the 21st century, developed by UNESCO), the most important functions of the educational institutions are "learning to learn", "learn to do," "learn to live," taken for the basis by the Council of Europe to identify five key competencies to be formed by the graduates of the higher education institutions:

- 1) social and political;
- 2) intercultural;
- 3) communicative - oral and written communication in native and foreign languages;
- 4) free orientation in the information society;
- 5) ability to study throughout life in the context of their professional activities<sup>3</sup>.

Having adopted the European form of education, Ukraine chose the creative type of education, focused on the creative side of consciousness instead of retransmission of educational material. The student is motivated to work directly with the scientific and legislative sources, to use reference material, Internet resources, additional literature in the libraries, developing ability to analysis, independent thinking, systematization of educational material.

At the same time, the system of reproductive education is still actively used in the training of the lawyers. It is characterized by the illustrative and reproductive teaching method of the teaching material, based on the mastering of educational material during the lectures in order to further

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<sup>2</sup> Stepanov, V.I. (2012) Quality Assurance Features of Higher Education in the Bologna Process. *World Applied Sciences Journal*, 20, 07-12, <http://dx.doi.org/10.5829/idosi.wasj.2012.20.10002>

<sup>3</sup> Andrusyshyn, B.I. (2013) New methods of teaching in law school as the means of improving legal education. *Scientific journal of NPU named after M.P. Drahomanov. Series 18: Economy and law*, 22, 104-115 [http://nbuv.gov.ua/UJRN/Nchnpu\\_018\\_2013\\_22\\_16](http://nbuv.gov.ua/UJRN/Nchnpu_018_2013_22_16)

<sup>4</sup> Tymoshenko I.I. et al. (2004) *Problems of modernization of Ukrainian education in the context of the Bologna process*. Kyiv, Publishing House of the European Institute.

<sup>5</sup> Sopilko I.M., Cherevatiuk V.B. (2013) Trends in the development of legal education at a higher educational institution. *Legal Bulletin* (27), 161-165.

<sup>6</sup> Rybachuk, A.V. (2010) Application of pedagogical technologies in the professional training of future lawyers (PhD thesis) Received from URL <http://library.vspu.net/jspui/handle/123456789/727?locale=ru>

reproduce it and consolidate it in the practical classes. At the end of the study, an examination or a test is passed that shows the degree of mastering the material by the student. Scientific experiments showed the low efficiency of this method<sup>4</sup>.

We should agree with I.M. Sopilko and V.B. Cherevatiuk who state that the modern labor market requires from the graduate not only deep theoretical knowledge, but also the ability to independently apply them in non-standard, constantly changing life situations<sup>5</sup>. And this necessitates the development and application of the innovative methods in the teaching for the future specialists, in particular the development of new methodical maps as an element of educational technology, in particular, at the Higher School.

The educational technology means a holistic system of interrelated educational processes of essentially innovative nature with a high degree of integrability, selectivity and structuring, allowing to optimize the process of transfer of knowledge, skills and abilities to those who study, while receiving significant synergistic advantages (additional effect)<sup>6</sup>.

While using educational technologies there is an opportunity to more effectively solve a number of didactic tasks:

- 1) to intensify the educational process;
- 2) to expand the cognitive activity of the students;
- 3) to introduce various forms and methods of educational work;
- 4) to help overcome informational and psychological barriers;
- 5) to form stable motivation of the students based on the use of modern materials, topical issues<sup>7</sup>.

The methodological map as an element of the educational technology should be considered as a consistent, step-by-step description of the teaching process, approaches, actions, methods, tools used by the teacher and the student to achieve the educational goal.

The main strategic task of the development of educational systems in the world practice is the learning that develops, first and foremost, the student's personality. It is based on the formation of the thinking mechanisms (critical and creative in particular) and not on the operation of memory and accordingly transforms the student into a subject of cognitive activity<sup>8</sup>.

It is also important to develop specific skills in working with procedural information, focusing on the ability to formulate reasoned conclusions and to build a system of consistent evidence based on selected, analyzed and systematic information.

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<sup>7</sup> Rybachuk, A.V. (2010) Application of pedagogical technologies in the professional training of future lawyers (PhD thesis) Received from URL <http://library.vspu.net/jspui/handle/123456789/727?locale=ru>

<sup>8</sup> Chuzhykova, V.H. (2009) *Methodology of teaching law*. Kyiv, KNEU.

<sup>9</sup> Zadoianyi, M., Okciom I. (2012) Modern approaches to modernizing legal education in Ukraine. *Public law*, 4(8), 276–284.

Constructed in accordance with the established view of the lawyer's role in society, the educational process of higher legal education in Ukraine is overwhelmed by normative and theoretical studies, poorly oriented to practical activity. Curriculums do not always take into account such areas of the lawyer's activity as business communication, tactics, constructive analysis, simulation of situations, etc., constituting an important pragmatic component of the daily activity of a specialist in law<sup>9</sup>.

As noted by N.V. Kolomiiets, today the very skills of information processing by a person, and not its amount in the memory of a person, determine the professional societality, because it knows the methods of processing various information, able to solve any problem in the context of the surrounding contexts, that is has the skills of processing information and does not act as a carrier of a certain number of information blocks, systematically placed in memory; because today the quantity and systematic information may well be provided with the memory of the machines accessible to everyone and the monopoly on professional knowledge no longer exists as it was 50 years ago<sup>10</sup>.

We agree with M.V. Danshyn stating that the teaching methodology of any discipline is subject to the general laws of the modern educational process, while the teaching methodology of any particular science depends on the specifics of its content<sup>11</sup>.

The scientists include to the functions of the methodology of studying legal educational disciplines the following:

1. the practical and organizational function, defining specific recommendations to the teachers regarding the correct construction of a system of teaching legal disciplines;
2. the ideological function, ensuring the formation of certain persistent views of the students on legal reality, understanding of the value of law and its guidelines;
3. the heuristic function, allowing to identify certain problems in studying legal issues and, if necessary, fill them with new ideas for understanding the legal life;
4. the prognostic function, allowing to predict the possible result of the training process in the form of training models and to adjust ways to achieve them<sup>12</sup>.

Undoubtedly, the key issue of the teaching methodology is the optimal choice of appropriate teaching methods, the criteria of which are: the present

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<sup>10</sup> Kolomiiets, N.V. (2013) Competent approach in the studying and teaching of law: the method of Socratic Dialogue. *Bulletin of Chernihiv National Pedagogical University. Pedagogical sciences*, 108.2 [http://nbuv.gov.ua/UJRN/VchdpuP\\_2013\\_2\\_108\\_38](http://nbuv.gov.ua/UJRN/VchdpuP_2013_2_108_38)

<sup>11</sup> Danshyn, M.V. (2015) Criminology: the problem of optimizing of the curriculum in the current conditions of combating crime in Ukraine. *Legal scientific electronic journal*, 4, 240-243.

<sup>12</sup> Pevtsova E.A. (2003) *Theory and methodology of teaching law*. Moscoe, Vldos.

state of legal science being studied; goals and tasks of each topic, especially of the legal material, etc.<sup>13</sup>.

The notion of "the method" (in Greek "methodos" - a way of cognition, the path to truth) can be considered as a set of the regulations, requirements, principles that determine the process of solving a particular task.

Accordingly, the term "methodology" is specified by the scientists as the specific principles, forms and means of using the methods that provide in-depth knowledge of the pedagogical problems and proposes their solutions.

Comparing to the methodology, the method solves the tactical problems namely it develops certain algorithms of the research activity in specific conditions with a particular pedagogical object, using a certain system of tools, etc.<sup>14</sup>.

Historically, the methodology of education in a law school was developed at the scientific level for quite a long time, therefore, the several dozen methods of teaching law were developed (Bologna law school, Socratic Dialogue, etc.).

Particular attention was paid to the practical classes by the scientists in the late nineteenth - early twentieth century. For example, in the period from 1860-1879 of the XIX century, the board of the Imperial Kharkiv University adopted the Regulations on practical classes, having established the following methods for conducting them: the students' reports, writing the documents, studying and explaining the sources in the conversations led by the teacher. Namely, the use of teaching methods depended on the peculiarities of science and was determined by the faculty. At the Law Department, as a rule, the practical classes on civil law and criminal justice were conducted, consisting of the studying and explaining of the sources of law, solving of the practical incidents<sup>15</sup>.

The use of the innovative methods for teaching lawyers became the subject of the scientific discussion of the recent years, which, according to N. Artykutsa, is due to the fact that the innovations, i.e. novelties based on the achievements of science, education, advanced pedagogical and managerial experience, are intended to stimulate the development of progressive and highly effective educational technologies. In particular, the scientist refers to such innovative methods:

- analysis of the errors, collisions, incidents;
- audiovisual teaching method;
- brainstorming;

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<sup>13</sup> Damirli, M.A. (2011) *Teaching of educational disciplines of comparative legal cycle: determinants of changes and ways of improvement*. Comparative Law: Experience and Problems of Teaching (pages 99-109). Kyiv, manufacturing and printing plane of the University «Ukraine».

<sup>14</sup> Honcharov, S.M. (2011) *Methods, forms and interactive learning technologies in the credit and module system of educational process organization*. Integration into the European educational space: achievements, problems, perspectives (pages 353-362). Uzhhorod, ZakDU.

<sup>15</sup> Chubynskyi, M.P. (2007) *The Law Department of Kharkiv University for the first hundred years of its existence (1805 – 1905)* <http://escriptorium.univer.kharkov.ua/handle/1237075002/2133>

- "tree of solutions";
- business (role) game (students are in the role of the legislator, expert, legal adviser, notary, client, judge, prosecutor, lawyer, investigator);
- "borrowing position";
- commenting, evaluation (or self-assessment) of participants' actions;
- master classes;
- method of the interview (interview);
- PRES formula (from English Position - Reason - Explanation or Example - Summary);
- public speaking;
- work in the small groups;
- individual and group training (both individual and complex skills) and others<sup>16</sup>.

We believe that scientific and pedagogical specialists should fully master the whole spectrum of modern educational methods and apply them depending on the specifics of the discipline they teach and the potential of the audience. The criminal process as the discipline has taken shape and is improved due to the achievements of the scientific field of the criminal process. The formation of the criminal process as an independent legal science largely determined the place of criminal procedural knowledge in the educational process, especially taking into account the new impetus to its development with the adoption of the Criminal Procedural Code of Ukraine in 2012. The task of the teacher, in our opinion, is the orientation of the students to the theoretical knowledge in "Criminal Procedure" they learned to use so that they meet the requirements of practical activity, which is constantly emphasized by such customers of legal education service as the employers.

We support N.A. Myroshnychenko who states that the teaching activity is an art where, depending on the depth and breadth of pedagogical thinking, professional ethics, pedagogical techniques and general level of teaching professionalism, it is possible to distinguish five levels:

- reproductive - the teacher can only retell what he knows and in the sequence that has been preserved in his memory;
- adaptive - the teacher can not only transmit information, but also lay it out in the light of the specifics of the situation and the object of pedagogical influence;
- local modeling - the teacher is able not only to provide and transform information, but also to simulate some aspects of the students' training system;-
- systematic and modeling at the level of separate blocks of activities - the teacher is able to model the most important components of the subsystem of their activities, ensuring the achievement of its individual goals;

<sup>16</sup> Artykutsa N.V. (2005) Innovative methods of teaching disciplines in higher law education. *Innovative Technologies in Higher Legal Education*, 3–15.

- systematic and modeling at the level of all activities - the teacher can model the entire system of the activities that provides for the achievement of the educational, teaching, training and developmental tasks and complex ultimate goals<sup>17</sup>.

Thus, the modern requirements to the teaching process make the teacher to not only teach the students the scientific facts, a set of ready-made truths and behavior stamps, but to shape the very critical thinking, ability to compare facts, analyze them, reasonably defend your opinion, analyze multidimensionality in phenomena, create tolerant, open civic consciousness, be able to act effectively in the world of information, develop their creative abilities, learn to understand other people and co-operate for participation in certain projects<sup>18</sup>.

Qualifying existing program on special subjects, skillfully attract component comprises the development of skills for additional sources of information, freely operate with the analysis and synthesis, where a special role acquires the concepts, find their own solutions to a generalization of qualities of thinking, as criticality, breadth, flexibility<sup>19</sup>.

The peculiarities of teaching "Criminal Procedure" should include sufficiently large amount of normative and theoretical material, requiring both the teacher and the students to deviate from the traditional forms of constructing practical classes and switch to the level of work with the motivation of the students, as much as possible, to be interested in the independent study of this discipline.

While studying "Criminal Procedure" we consider it necessary to form such special skills and knowledge, the most important of which are described by S.O. Morozova:

- to be able to explain the meaning of legal terms;
- to identify the most important features of the legal concepts;
- to be able to comment on the legal texts;
- to be able to apply legal knowledge to analyze specific life situations;
- to be able to formulate and argue their opinion in solving the problem from the standpoint of law;
- to be able to execute the procedural documents;
- to be able to plan legitimate behavior in legally important situations<sup>20</sup>.

Considering the above, we have tested various methods, approaches to the organization of the practical classes for the students taking into account the specifics of this discipline, both positive and negative experience, and we concluded that it is necessary to construct such a methodological map of cooperation of the teacher and the student, which on a systematic basis allows to achieve maximum efficiency. Having applied it for conducting practical

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<sup>17</sup> Myroshnychenko N.A. (2003) *To help the young teacher*. Odesa, Legal literature.

<sup>18</sup> Chuzhykova, B.H. (2009) *Methodology of teaching law*. Kyiv, KNEU.

<sup>19</sup> Mambetalina, A.S. (2012) The Study of the Students' Cognitive Activity in Training in High School. *World Applied Sciences Journal*, 20, 24-28, <http://dx.doi.org/10.5829/idosi.wasj.2012.20.10006>

<sup>20</sup> Czuzhykova V.H. (2009) *Methodology of reaching law*. Kyiv. KNEU.

classes in "Criminal Procedure" in different groups and having obtained the same results we can conclude that this method should be used in the future.

The methodic map covers the following stages of working with the students (in the study of all topics, except for the subject "Trial"):

1. Colloquium - oral questioning (1-2 questions) of each student on the material that was studied, starting with the first topic. The purpose of the stage is to activate long-term memory, to address the legal thesaurus, to identify the gaps in students' theoretical knowledge in order to eliminate them in the future, to develop a systematic approach to perceiving the topics of the training course, taught in a certain logical sequence. Operational thinking is formed from the whole and its components, as well as the polystyrene ties between them, and it is the opposite of reductionism, that is, the idea of a whole as the sum of its components<sup>21</sup>.

2. Tests - the students in writing answer the questions built on the task of the topic of a practical class. The questions are put in order to give sufficient time to respond, depending on the complexity of the question. The list of the questions includes the questions of light, medium complexity and increased complexity. If we propose 10 questions on the topic, then theoretical knowledge on the topic can be considered to be properly obtained by the student if it correctly answered at least 6 questions. The feedback of the teacher on the test results is provided on the same lesson using the method of error analysis. This stage practically motivates the student, who under normal circumstances has a low motivation, to independently actively prepare the theoretical material, which has such a specificity as a very large volume on each topic. Also, such form of communication of the teacher and the student avoids spending time practicing the repetition of theoretical material and prepares the student for the fact that the study of the theoretical material is not an end in studying this discipline, because it is needed specifically for use in the third stage of the methodological map.

3. Solving tasks on a given topic, offered to the students during the practical class. In addition, each student must provide a full oral answer to each problem with the method of critical thinking.

As a result of the application of the methodical map, each student is maximally involved in the work on the practical class during the entire class. A prerequisite is the student's ability to work with normative material without any restrictions. During the self-preparation for the practical classes, the students execute the procedural documents for a pre-selected theory that develops both the skills of applying procedural legal language and ability to apply the right rules to a particular situation.

It was noted that the students learned to express their own opinion on the issues considered at the practical class using the correct procedural terminology, to answer in a concise manner in writing, to ask complicated

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<sup>21</sup> Chuzhykova V.H. (2009) *Methodology of teaching law*. Kyiv, KNEU..

questions to the teacher, to intensify the student's scientific work, as it increases both the interest to the subject and its understanding, correctness of the tasks reaches 90%.

Among the educational technologies in the educational process of the future lawyers, the most frequently used are those focused on teamwork, cooperation, active cognitive process, and work with various sources of information. It is these technologies that envisage widespread use of research, problem-based methods, application of knowledge gained in joint or individual activities, development of not only critical thinking, but also the culture of communication, ability to perform various social roles in common practice. The students get real opportunity according to individual skills to achieve high results in various spheres of knowledge, to obtain theoretical knowledge; as a result, they have the opportunity to form their own reasoned point of view on many problems of being<sup>22</sup>.

Thus, when studying such a subject in the course "Criminal procedure" as "Trial" we apply the proven method of business game, when during several practical classes the students independently prepare court debates on various plots. In particular, when creating a situation that is as close as possible to the real one, the task of the student is to perform the necessary professional actions through the correct use of the acquired theoretical knowledge and ability to work with normative documents. The stages of the business game are: preparation for the game (the teacher offers a plot, the students independently distribute and prepare the roles); conducting the game (the students simulate a court session on a practical class); the final evaluation stage (the teacher gives feedback to the work performed, analysis of the strengths and weaknesses of the participants' actions, in turn, the students express their wishes for improvement of further work).

As a result of a business game the students develop skills of team work, experience individual and collective responsibility, experience in solving typical problems. Enhanced emotional state, the creative orientation of such a practical class actively influences the consolidation of theoretical material in memory, promotes the active formation of legal thesaurus of the students.

It has been scientifically proven that a person remembers 90% of what is said or written during the performance, simulation of real activity, and real action. As a result of such actions it is able to analyze, develop, create and evaluate, therefore, the most effective are interactive teaching methods<sup>23</sup>.

In particular, the business game helps to realize the following pedagogical functions:

- formation in the future specialists of the notion of professional activity in its dynamics;

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<sup>22</sup> Sherman, M. I. (2008) *Professional computer and informational training of future investigators in higher educational institutions of the Ministry of Internal Affairs of Ukraine*. Kherson, Oldi-plus.

<sup>23</sup> Antoniuk, O.I. (2017) Interactive methods of teaching law students at the Law Department of DONNU named after Vasyl Stus. *Innovations in the educational process*, 146-157.

- acquisition of both professional and social experience, including decision-making experience;
- development of professional, theoretical and practical thinking;
- formation of cognitive motivation, provision of the conditions for the identification of professional motivation<sup>24</sup>

Moreover, the skills of working with procedural information at the basic stage of the criminal process are actively formed. Performing different roles in the court session the internally professional orientation of the student is formed in order to choose future certain sphere of legal activity: in court, in the prosecutor's office, as the attorneys, etc.

Special attention in teaching of "Criminal procedure" must be paid to the application of generally accepted standards and principles of international law, the practice of the European Court of Human Rights, comparative analysis of the criminal process in foreign countries, analogous to the comparative analysis of the criminal law of foreign countries as a part of "Criminal Law"<sup>25</sup>.

Ukraine has ratified the Convention for the Protection of Human Rights and Fundamental Freedoms in 1997 already, having recognized the mandatory jurisdiction of the European Court of Human Rights but the issue of proper methodological training of the specialists in criminal proceedings that could freely apply judicial precedents remains open. Therefore, in our opinion, there is urgent need to allocate in a separate special course the issue of applying the European Court of Human Rights practice, which can cover both the general provisions of work with the court precedents, as well as certain peculiarities of different branches of law that use such precedents.

In particular, in this aspect, the following professional skills need to be developed: the correct interpretation and application of the norms of the Convention for the Protection of Human Rights and Fundamental Freedoms; the ability to independently find relevant judgments of the European Court of Human Rights, including those issued against other countries, to use the practice of the European Court of Human Rights in professional activities.

Nowadays it is extremely important to update the teacher-student communication. As teaching nowadays only to the process of teaching but also to the way of interacting<sup>26</sup>.

The transfer of knowledge to the society as a new stage of civilization development is characterized by qualitatively new requirements for the development of education, and hence its methodological support, continuous improvement of the quality of scientific and pedagogical composition.

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<sup>24</sup> Verbytskyi, A.A. (1991) *Active learning in higher education: a context-based approach*. Moscow, Higher school.

<sup>25</sup> Lykhova, S.Ya. (2013) Comparative criminal law: methodology of teaching and application in scientific researches. *Comparative Law*, 1-2, 486-494.

<sup>26</sup> Romanova K.A., Lyshenko M.S. (2012) A Participative Approach to Teaching and Learning in Higher School. *World Applied Sciences Journal*, 20, 84-89, <http://dx.doi.org/10.5829/idosi.wasj.2012.20.10017>

The task of higher legal education in Ukraine is to adapt European standards while preserving and developing national traditions of quality of education, which will help to meet the educational needs of our citizens fully and to be employed both on the domestic and foreign labor markets.

Since one of the main problems of the modern high school is to increase the motivation of cognitive activity of the students, the introduction of the methods directed on improving the teaching in such a way as to increase professional motivation and the needs of the students in studying a particular discipline require special attention.

When teaching "Criminal Procedure" it is necessary to use methods that encourage students to act, form their own legal position, motivate to apply to the legislation for its verification, actively prepare for future professional activities in the field of criminal justice.

Creation of the European space of higher legal education will promote the mobility and competitiveness of the Ukrainian graduates' knowledge and skills.

PART IV

**TRADE AND TRADE-  
RELATED MATTERS**

*Association agreement: driving integrational changes*

**Accent Graphics Communications  
2019**

## **Financial Resources of Public Sector of Economy in Ensuring Realization of Financial Policy of the Country**

Social-economic development of a country depends on the level and efficiency of state regulation of the economy, in particular, creation of proper circumstances for optimal coexistence of state and private sectors, performance of operation of which is one of the indicators of development of the national economy. The state sector of the economy is the basis for economic development of the country. That is why priorities of the national management are supposed to provide activation of performance of its basic social economic functions. Despite the fact that this segment hasn't been given much attention within the programs of complex development of Ukraine, that leads to decrease in the scale of its use, the state sector of economy will always have the key part in the processes of formation, distribution and use of financial resources of Ukraine. Financial resources of the state sector of economy make the biggest part among the state financial resources. In the conditions of reforming the country's economy attracting the proper amount of financial resources is the determining factor in completing the needs of objects of social infrastructure, the effectiveness of state regulation of economic entities, the level of material and spiritual well-being of the population, the pace of development of the innovation-investment sphere and growth of the financial potential of the country as a whole. Effective functioning of financial system is tightly connected with efficient management of the county's resources, most of which are concentrated in the budget system. Its effectiveness determines efficiency of the governmental policy in the sphere of finance, creates preconditions for assuring stability of the country's economy.

Financial Policy of a country is the main component of its economic policy. This ensures a multilateral and regulatory impact on market relations and the process of expanded reproduction. Financial policy of a county is an important factor in realizing the country's functions, connected with economic management, increase of efficient development of national production, improvement of well-being of the population. The most important goal of financial policy is to increase the level of social welfare through optimal distribution of the gross domestic product (hereinafter - GDP) between social groups of the population, branches of the economy, separate territories.

The most important indicators of determining the effectiveness of the state financial policy include: GDP dynamics, the implementation of the consolidated budget for income and expenditure, the amount of public debt, income, the volume and structure of investment in the economy, the volume

of bank lending, the level of inflation, financial performance of enterprises [1, p. 49].

By regulating social and economic processes, the state, with the help of financial policy instruments, can contribute to creating conditions for the development of priority areas of the economy, stimulating investment and innovation activity and entrepreneurial activity. In the process of expanded reproduction, the impact of finance begins with the transformation of GDP into relevant funds. Thus, finance begins to act as a component of the state's economic mechanism. At the same time, financial resources are the material carrier of financial relations. This, in its turn, allocates finances from a set of economic categories. Finances as a set of economic relations find their concrete expression in the financial resources, where funds are the form of their movement.

Financial resources are an essential condition for the process of reproduction at all its stages, but the formation of the final structure of reproduction is achieved at the stage of distribution, where proportions are formed between consumption and accumulation funds, the distribution of income between elements of social production, industries, social groups, direct producers material goods [2, p.156]

It should be noted that there are a number of approaches to the interpretation of the essence of financial resources of the economy, taking into account the priorities of the society, in particular: ensuring economic growth and freedom, full employment and social justice.

According to S. Yuriy, financial resources of the macro level are money funds that are created in the process of distribution and use of GDP for a certain period, and the micro level is the cash accumulated by the enterprise from different sources which is in circulation and intended to cover its needs [3, p. 28]. Such a view is adhered by S. Mocherniy, who highlighted financial resources as monetary funds, created in the process of distribution, redistribution and use of gross domestic product of the country [4, p. 821].

O. Vasylyk believed that financial resources are money accumulation and income generated in the process of distribution and redistribution of gross domestic product and are concentrated in appropriate funds to ensure the continuity of expanded reproduction and satisfaction of other social needs [5, p. 17]. According to the scientist, monetary means become financial resources when they concentrate in appropriate funds, for which the order of creation and use is established [5, p. 84].

Different views of scientists regarding understanding of the essence of financial resources of the national economy suggest the following definition: this is the value expression of the sources of formation of assets of the state, business entities and households, formed in the process of distribution and redistribution of GDP and national wealth, used to meet the needs of production and socio- economic development of the society. Financial resources are expressed in the form of money.

The sources of formation of financial resources of the state are tax and non-tax revenues, income from capital operations, trust funds, government borrowing; business entities - own and borrowed capital, accounts payable; households - donation and inheritance, wages, business income and organized savings, state social security, labor contribution of household members, credit and loans, subsidies, grants, etc.

Next, let`s consider the financial resources of the state sector of the economy in more detail. The definition of V. Fedosov is worth noting: "State financial resources - is an integral system of social relations associated with formation, distribution and use of centralized and decentralized funds in order to fulfill the tasks and functions of the state" [6, p. 6]. The scientist emphasized not only the material aspect of this concept, but also on the other one - relations that arise in the process of formation, distribution and use of financial resources. This ensures a more comprehensive look at this term.

Finance of the state sector of the economy is a system of economic relations concerning formation and distribution of financial resources of the public sector entities for ensuring their effective development, meeting socio-economic needs of the society and adhering to the proper level of national security [7].

When investigating the main purpose of public sector finance, it should be noted that its purpose is serving the public finance sector in order to enhance Ukraine's financial security and ensure further development of the strategic and basic sectors of the economy, structuring of the national economy as a whole and social guarantees to the population.

Financing of the social development process requires consideration of many factors, in particular the financial base of the economic entity, availability of accounts payable or accounts receivable, credit ratings and ability of economic entities to accumulate the necessary resources, which is closely linked to the socio-economic and political situation in the country and the world, the state of development of financial markets, investment climate, etc. The financial potential of the state sector of the economy is determinative in ensuring economic development of the economy, as it affects formation and accumulation of wealth of the state through the process of social reproduction, allows the government to finance and implement various types of regulatory and stimulating measures for all sectors of the economy, including administrative methods of management [8, p.185].

In terms of limited financial resources, it is extremely important to increase the efficiency and effectiveness of use of financial resources of the state sector of the economy and to increase the influence of its financial potential on development of the economy.

The financial resources of the state sector of the economy are important for ensuring economic development of the economy, as they affect the formation and accumulation of wealth of the state through the process of social reproduction. Significant role in this is played by the state, which, in the

process of developing and implementing financial policy, redistributes GDP between different levels and parts of the budget system. The Government of the country provides funding and takes appropriate measures to regulate and stimulate the impact on all sectors of the economy, using certain management methods.

State financial resources are formed by central and local authorities and management from budgets, extra budgetary funds and borrowed funds, as well as state enterprises, institutions or organizations at the expense of their own or borrowed funds. They are an integral system of social relations related to formation, distribution and use of centralized and decentralized funds in order to fulfill the tasks and functions of the state.

The financial resources of the state are represented in two forms [9]:

- centralized, which are formed at the state level in the process of its financial activity;
- decentralized, mobilized by business entities to provide their activities and households with the goal of creating decent living conditions and reproduction of the population.

Financial resources serve as the material carrier of finance of any economic system that has its own distinct methods for the creation and use of financial resources. The effective financial system of the country contributes to the growth of economic indicators in the three main areas. The first direction is to ensure long-term economic growth by stimulating the inflow of capital investments. The second direction is raising the level and quality of life of the population and the third - the impact of finance on the stabilization of economic activity in the country [10].

The issue of the theoretical justification of providing economic growth with financial resources is very relevant, in particular, study of the structure of sources, optimal conditions for formation of financial resources, their size and the acquisition of signs of long-term use. An integral system of providing financial resources also requires study of the basic elements of the financial mechanism which include levers, instruments, etc. The components of financial support for economic growth in the country are sources, tools and forms, methods of financial support, each of which performs its functions.

Table 1 presents financial instruments of formation and methods of using the financial resources of the state sector of the economy.

It should be noted that the basis of fiscal policy of the state is the budget policy, which is related to formation and implementation of budgets of all levels. Economic instability and decline in production negatively affect formation of revenues and financing of budget expenditures. Determination the optimal limits of functioning of budgets of all levels and insurance of their qualitative and rhythmic performance while maintaining the leading role of the state budget of Ukraine remains an important problem. The optimal allocation of powers between central government and local self-government is an essential condition for effective functioning of the financial system as a

whole [11, p. 95].

Table 1.

**Financial instruments of formation and methods of using financial resources of the state sector of the economy**

<b>The sphere of public finance</b>	<b>Financial instruments of formation</b>	<b>Methods of use</b>
Budget system	Taxes, deductions, fees, pays, etc.	Financing, Lending, Investing
State trust funds	Fees	Financing, investing
State Loan	Loans	Financing, Lending, Investing

The state budget serves as the main national fund of centralized financial resources, which expresses the financial relations of the state in the process of distribution and redistribution of GDP and national income, and the main sources of filling the state budget are the finances of enterprises and organizations of state and communal forms of ownership, as well as tax revenues. Let`s consider the main macroeconomic indicators that characterize the state of financial resources of the state sector of Ukraine's economy for 2010-2017 (Table 2).

Thus, the data given in Table 2 shows that the nominal GDP in the hryvnia equivalent during the period under study tended to grow annually, in particular in 2017 it increased by UAH 1900351 million compared to 2010 . In dollar terms this indicator is characterized by certain fluctuations, which is explained by fluctuations of the official exchange rate of the National Bank of Ukraine. Its largest value was recorded in 2013 and amounted to \$ 183,310 million US dollars and the smallest - in 2015, in particular, the volume of GDP amounted to 90615 million US dollars that is 41190 UAH million or 26,3 % less than in 2014.

Such a positive dynamics of GDP in hryvnia equivalent in a stable level of prices could point to the growth of the Ukrainian economy. However, in recent years, such a rise in nominal GDP is due to the artificial increase in this indicator, which is not supported by the actual produced (sold) goods or services. At the same time, the government gains some benefit from the effect of such an "inflation tax", as there is an increase in income due to the growth of nominal value of goods (tax bases), while the standard of living of the population drops sharply. Those groups of the population (for example, employees of budget institutions, students, pensioners) who receive a fixed income - wages or other social payments and state aid - suffer most.

Table 2

**Macroeconomic indicators characterizing the state of financial resources of the state sector of Ukraine's economy for 2010-2017**

<b>Indexes</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Gross domestic product, UAH million	1 082 569	1 316 600	1 408 889	1 454 931	1 566 728	1 979 458	2 383 182	2 982 920
Gross Domestic Product, USD million USA	136 419	163 160	175 781	183 310	131 805	90 615	93 270	112 154
Gross Domestic Product, %	4,1	5,5	0,2	0,0	-6,8	-9,8	2,4	2,5
Unemployment rate, %	8,8	8,6	8,1	7,7	9,7	9,5	9,7	9,9
<b>Consolidated budget of Ukraine, UAH million</b>								
Income	314 391	398 554	445 525	442 789	456 067	652 031	782 749	1 016 788
including tax revenues	234 448	334 692	360 567	353 968	367 512	507 636	650 781	828 159
Share of revenues in the structure of GDP, %	29,0	30,3	31,6	30,4	29,1	32,9	32,8	34,1
The share of tax revenues in the budget revenues, %	74,6	83,9	80,9	79,9	80,6	77,9	83,1	81,5
<b>State budget of Ukraine, UAH million (excluding intergovernmental transfers)</b>								
Income	233 991	311 898	344 711	337 618	354 966	531 551	612 111	787 474
including tax revenues	166 872	261 605	274 715	262 777	280 178	409 418	503 879	627 153
Share of revenues in the structure of GDP, %	22,2	23,9	24,6	23,3	22,8	27,0	25,9	26,6

Share of tax revenues in the state budget revenues, %	71,3	83,9	79,7	77,8	78,9	77,0	82,3	79,6
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Source: compiled by the authors according to the Ministry of Finance of Ukraine [12].

In addition, there is also a deterioration of the macroeconomic situation in the country, namely falling domestic and retail trade volumes, reducing the purchasing power of the population and its business activity (through the investment component), etc. All these phenomena adversely affect the pace of economic growth, the social and political environment in the country, disorganize its foreign economic relations, make a significant speculative element to them, constrain the inflow of foreign capital, worsen the balance of payments of the country, its currency position, undermine its position on the world the market, which leads to lower confidence in government activities, planned programs and reforms [13, p.136].

Redistribution of GDP between sectors, branches or entities of the country's economic system is a consequence of implementation of the fiscal policy of the state, which affects the financial potential of economic entities, budgets of different levels, the public sector and their financial capacity and stability and the level of tax burden. Budgetary financing of various spheres and sectors of the economy should provide a stimulating and progressive development of the country.

According to the official data of the Ministry of Finance of Ukraine, in 2010-2011 the GDP indicator shows some positive dynamics. In 2012-2013 GDP growth was zero. The military actions taking place in the East of Ukraine, in which industrial enterprises are located on the uncontrolled territory, led to a decline in GDP at the end of 2014 by 6.8% compared with the previous year after two years of zero growth, and in 2015 to -9.9% compared to 2014. However, it should be noted that there is a positive dynamics of GDP in 2016-2017.

The negative tendency of increase of unemployment is also worth noting. The unemployment rate in Ukraine, calculated according to the methodology of the International Labor Organization at the end of 2015-2017 amounted to 9.5-9.9% of the economically active population (Table 2).

Next, we will analyze the dynamics and structure of the consolidated and state budgets of Ukraine in 2010-2017. Thus, incomes of the consolidated budget of Ukraine tend to increase, including the share of revenues in GDP (in 2017 it increased by 5.1 % (from 34.1 to 29.0%) compared to 2010. The state budget revenues of Ukraine (excluding intergovernmental transfers) also increased during the analyzed period, for example, the share of revenues in the structure of GDP increased by 4.4 % in 2017 compared to 2010 (from 22.2 to 26.6%).

The concentration of funds in the state budget is run through tax and non-tax revenues. The greater the amount of these revenues accumulates, the more difficult it becomes to manage these funds. Indicators of the dynamics of revenues of the budget system of Ukraine during 2010-2017 indicate its significant dependence on tax revenues, the share of which on average on consolidated and state budget revenues is 80.3% and 78.8% respectively. In the structure of the revenue part of the state budget of Ukraine, the share of tax revenues fluctuated at the level of 71-83%. The main tax revenues are income from value added tax, personal income tax and corporate profit tax, which amounts to 76.8% on average in 2010-2017.

The use of state financial resources enables the formation of expenditures for the main functions and tasks performed by the state. Expenditures reflect costs. Structure, and dynamics of budget expenditures show the state priorities of social and economic development. It should be noted that important indicators are the mechanism of budget execution commitments and management of public debt.

At the current stage of Ukraine's economic development, there is a significant shortage of financial resources, which is accompanied by an increase in the budget deficit and inadequate implementation of the socio-economic functions of the state. It is the finances of the state sector of the economy that is a potential source of increasing financial resources of the state and one of the tools to overcome the consequences of the financial crisis in the country.

The emergence and growth of the budget deficit is conditioned by economic instability, economic crises, uncontrollable growth of expenditures for administrative purposes, etc.

At the state level, the budget deficit is covered by state domestic and external loans, as well as by means of monetary emission. A constant accumulation of debt becomes a public debt. The presence of deficit in the state budget leads to an increase in inflationary processes, a crisis in public finances, the monetary system, an increase in dependence on borrowers and, consequently, a deterioration of the socio-economic situation in society.

The main reasons for the budget deficit include: a certain policy of the government, which conducts significant structural changes in the national economy; negative, devastating consequences of unforeseen events such as war, disaster, natural disasters; economic crisis [14, p. 530].

Table 3 presents the dynamics of the deficit of the State Budget of Ukraine for 2010-2017.

Table 3 shows that the largest amount of the state budget deficit was received in 2014, which indicates an ineffective policy on managing the formation of revenues and expenditures of the budget. A somewhat smaller deficit of the state budget was observed in 2015, however in 2016 the growth of its amount rises again and in 2017 it decreases. To stabilize the situation, public authorities should take measures to balance the budget by increasing

revenues and reducing expenditures. In order to achieve this, there must be a well-established budget management system that could ensure the efficient use of budgetary resources.

It should also be noted that in Ukraine the main reasons for the formation of the budget deficit are:

- decline of production and decrease in overall efficiency of its work;
- imbalance and crisis phenomena in the economy;
- inflation processes;
- imbalance of budget revenues and expenditures, excessive state expenditures;
- unstable political and economic situation;
- frequent changes in domestic legislation;
- significant level of shadow economy;
- low investment attractiveness.

Table 3

**The dynamics of the deficit of the state budget of Ukraine for 2010-2017, UAH million**

Year	Income	Expenditures	Lending	Balance (budget deficit)
2010	240615	303589	1292	-64266
2011	314617	333459	4715	-23557
2012	346054	395682	3818	-53446
2013	339180	403403	485	-64708
2014	357084	430218	4919	-78053
2015	534695	576911	2951	-45167
2016	616275	684743	1662	-70130
2017	793265	839244	1871	-47850

Source: compiled by the authors according to the Ministry of Finance of Ukraine [12].

In turn, the budget deficit is a major instrument of public finance policy, and can have a significant impact on the socio-economic country, and also be a factor in deterrence or acceleration of the country's development.

In terms of the market economy, it is possible to ensure the development of the economic system of the state through state regulation through a financial mechanism, in particular: the normative-legal provision of the processes of GDP redistribution, formation, accumulation and use of financial assets in the state, external financial and investment flows, as well as directly through the financial mechanism affecting the financial position and financial capacity of state bodies and authorities, local communities, state and communal property entities, that in its turn affects other participants in social production, regardless of their form of ownership and management level and scope.

Taking into account the structural interrelationships between the formation, distribution and use of financial resources that affect the growth of financial capacity, it is important to consider the following aspects: the effectiveness of use of resources through the prism of innovation potential, the degree of use of financial resources (financial capacity-building: current potential, potential involved, financial development potential, strategic potential), according to the mechanism of development: extensive (traditional), intensive, extensively intensive, according to the sources of formation of financial resources: internal, external, own, borrowed and other sources [8, p. 186].

Perfection of planning and forecasting tendencies in formation of financial resources of the state sector of the economy ensures accuracy of calculating the size of the financial state, the state financial reserves, the need for growth in tax and credit revenues, effectiveness and efficiency of the use of financial and credit resources, reserves. Identifying opportunities for using untapped financial potential requires development and implementation of relevant components of the country's financial and credit policy, taking into account availability of sufficient amounts of financial and credit resources on the market, opportunities and ability to quickly attract the necessary resources with the use of financial innovations, ensuring the efficiency and effectiveness of their attraction and use.

For a long time the main emphasis on use of financial resources in the investment process was made on budget or foreign investments, considering their scale, and only in recent years significant attention has been paid to the risks and threats that they bring with them, not fully considering the hidden potential of national participants as it requires the formation of an appropriate regulatory framework, adoption of economic and financial decisions. But using this source will improve access to investment resources and will have a positive impact on reduction of budget financing of needs of development expenditures, will enable use of financial instruments necessary for the implementation of state programs and achievement of public priorities [15, p. 17].

Implementation of project financing allows to solve complex local, regional and interregional problems of development, to ensure optimal use of budget funds taking into account the mechanism of public-private partnership and population savings, which will have a positive impact on development of the financial market and investment potential of both the territorial community and the state as a whole.

Financial resources of the state sector of the economy are of particular importance in formation, accumulation and use of financial potential of the population. Development of the market economy and democratization of public life form favorable conditions for activating the activities of households, private entrepreneurs, small businesses and others. Their role in the national economic system is ambiguous. On one hand, they serve as a

means of "survival for the poor", a way of diversifying people employed in agriculture, on the other - the driving force behind the development of economic systems, taking into account their share (income, deposits), as well as the fact that certain types of work do not provide for payment remuneration or wages (for example, self-employment, work on a private plot, etc.) or payments are carried out unofficially [8, p.187].

Ensuring development of regions and the whole state is determined not only by the increased use of financial resources of the state sector of the economy, but also by combination of efforts with the private sector, definition of common interests, priorities, active implementation of measures related to the development of mechanisms for financial provision of measures in the field of public-private partnership and the use of appropriate financial instruments [16, p.110].

Financial support from the state, using a certain set of financial instruments, will ensure comprehensive financing of state and regional development projects and stimulate development of various spheres and sectors of the economy that will ensure growth of gross domestic product [17, p. 23].

In the process of socio-economic development the role and place of finance of the state sector of the economy is changing. It should be noted that the public sector is an integral part of the economy of all industrialized countries. But in many countries, including in Ukraine, implementation of transformation processes aimed at denationalizing the national economy leads to a reduction of size of the state sector of the economy. In addition, this is facilitated by development of the private sector, which is increasingly involved in implementation of social and economic objectives. Analysis of the current state of financial resources of the public sector of the Ukrainian economy is undoubtedly an important element as it serves as the basis for assessing the relative scales and effectiveness of implementation of the country's financial policy. Further development of public sector finance is one of the priorities of the implementation of the country's financial policy, which requires adjustment of this segment to the current conditions of social development, which is possible only regarding the optimal sectoral structure of the national economy.

Thus, financial resources of the state sector of the economy are a precondition, source and result of social reproduction, reflecting the processes of distribution and redistribution of GDP. The state funding of social development and socio-economic projects in the state directly depends on their availability and hence - implementation of the financial policy of the country as a whole. Effectiveness and efficiency of their use also depends on accumulation, growth of financial potential as separate subjects of economic relations, the state sector of the economy and the whole country. Implementation of an integrated approach to effective use of financial resources of the state sector of the economy makes it possible to actively

influence the process of building up the financial potential of the country, to implement measures and tools for improving efficiency of the financial regulation mechanism of the country's economic development.

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## **Transit freight Transport by Railways in the System of the European Integration Policy of Ukraine**

The foreign economic priorities of Ukraine lie in the sphere of European integration policy. The deepening of the relationship between Ukraine and the European Union (EU) requires a combination of principles of economic integration and political association. The ratification of the Association Agreement (Ratification of the Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their Member States, on the other hand, 2014), is the bridge that not only strengthens relations, but also the basis for carrying out strategic and systemic reforms in Ukraine. Important strategic importance in such cooperation is provided to the transport link between Ukraine and the EU. The leading role in transportation is played by Ukraine's rail transport, because the share of rail freight transport accounts for a significant share of all the transport. The deepening of the free trade zone between Ukraine and the EU will facilitate the creation of new opportunities for the free movement of goods, and, consequently, the gradual entry of the economy of our country into the European market.

In order to integrate the enterprises of the railway transport of Ukraine into the pan-European transport system, one of the main conditions is the implementation of the EU Directives. With a view to accessing the market and infrastructure of the rail transport it is necessary to ensure the implementation of the Council Directive 91/440/EEC of July 29, 1991 on the development of the Community's railways, Council Directive 95/18/EC of June 19, 1995 on the licensing of railway undertakings, and Directive 2001/14/EC of the European Parliament and of the Council of February 26, 2001 on the allocation of railway infrastructure capacity, charging for the use of railway infrastructure and safety certification. Technical conditions and safety precautions are laid down in the Directive 2004/49/EC of the European Parliament and of the Council of April 29, 2004 on the safety of Community railways, amending the Council Directive 95/18/EC of June 19, 1995 on the licensing of railway undertakings, and Directive 2001/14/EC of the European Parliament and of the Council of February 26, 2001 on the allocation of railway infrastructure capacity and charging for the use of railway infrastructure and safety certification, on the separation of rail infrastructure capacity and charges for the use of railway infrastructure and on the certification of safety (Railway Safety Directive) and Directive 2007/59/EC of the European Parliament and of the Council of the European Parliament and of the Council of October 23, 2007 on the certification of train drivers operating locomotives and trains on the Community railway system on the certification of locomotive and train drivers in the Community's rail system. Interoperability should ensure the implementation of the Directive

2008/57/EC of the European Parliament and of the Council of June 17, 2008 on the interoperability of the rail system in the Community on the compatibility/interoperability of rail systems within the Community (Amended). The combined transport is provided for in Council Directive 92/106/EEC of December 7, 1992 on the establishment of common rules for certain types of combined transport of goods between Member States.

In order to achieve a proper balance between the interests of users of the financial reporting and the desire of enterprises to avoid excessive encumbrance with reporting requirements, the Joint Stock Company “Ukrainian Railways” (hereinafter referred to as JSC “Ukrainian Railways”) uses the Directive 2013/34/EU of the European Parliament and of the Council of June 26, 2013 on annual financial statements, consolidated financial statements and related reports of certain types of undertakings. In order to implement Ukrainian legislation in the European Union in early 2018 amendments to the Law of Ukraine “On Accounting and Financial Reporting in Ukraine” were introduced. According to which large public joint stock companies compile and submit financial statements according to international financial reporting standards. Ukraine is in the process of joining the Convention on Facilitation of Trade in Goods and the Convention on a Single Transit Scheme (Convention on Facilitation of Trade in Goods, 2006).

Transit transportation is one of the most profitable articles for JSC “Ukrainian Railways”. Such transportation in October 2018 compared with September of the same year showed a growth of more by 17%. The increase of this indicator is evidence of positive changes that occurred in the growth of transit traffic for certain nomenclature items of goods; a significant increase in the volume of transit of high-yielding freights and an improvement of the tariff policy of railways of Ukraine. In particular, there was an increase in the transit of cars, ferrous metals, mineral construction materials by almost 50%; chemical fertilizers and stone coal - more than by 25%.

JSC “Ukrainian Railways” in 2017 reached the value of the indicator of transit traffic at the level of 339.5 million tons. During 2017 six international container trains across the territory of Ukraine followed, and from the middle of this year there was also a container train along the route: China - Mongolia - Russia - Ukraine - Slovakia - Hungary. On the Ukrainian railways transit traffic is carried out in the combined train “Viking” on the route Lithuania - Belarus - Ukraine - Moldova/Bulgaria/Romania/Georgia - Azerbaijan and the “Zubr” container train on the route Estonia - Latvia - Belarus - Ukraine - Moldova in the opposite direction. Volumes of transportation in the trains “Viking” and “Zubr”. For the growth of volumes of freight transportation on Ukrainian railways there are constantly 5 transit trains. For many years the container trains run along the routes Romania - Ukraine - Russia and Slovakia - Ukraine - Russia.

In June 2017 a container train on the route China - Mongolia - Russia - Ukraine - Slovakia was organized in which the containers with prefabricated freight were transported. This train crosses the distance of 8631 km on this route, on average 12 days, while over 700 kilometers per day. It should be noted that it follows the territory of Ukraine within two days, taking into account the time at the border operations. In the 2nd half of 2017 2410 TFE (twenty-foot equivalent) were transported within the aforementioned train. According to JSC “Ukrainian Railways” the volume of freight transportation in 2017 with the use of the unified CIM/SMGS invoice amounted to 67161 shipments, of which 28749 shipments in transit. The main freight for this invoice was the transit of timber from the Republic of Belarus to Romania, Hungary; from the Russian Federation to Romania - empty containers, wooden packaging, paper, cardboard, sodium sulfate, and in the opposite direction empty wagons (Official site Organisation for co-operation between railways, 2018).

It should be noted that the management of JSC “Ukrainian Railways”, as a subject of international relations, is pursuing a rather active policy on participation in the international rail transport organizations and joining the relevant conventions and agreements, but there is a lot of time between the signing of these documents and their entry into force in Ukraine, which negatively affects the efficient use of the transit potential of Ukraine by the railway companies.

In previous studies (Shpak, N., Dvulit, Z., Luchnikova, T., & Sroka, W., 2018), comparisons were made between the growth rates of freight transport by all the modes of transport and the growth rates of freight rail traffic according to official statistics (State Statistics Service of Ukraine, 2018). This made it possible to draw the following conclusions about their tendencies for the period from 2005 to 2017.

During 2005-2016 there was an uneven rate for these two comparable indicators. Moreover, according to the coefficient of advance, their growth and decrease occurred at the same rate with the difference between -0.01 and +0.03 including till 2015. The next 2016 was characterized by reduction of volumes of rail freight traffic by 5.9 million tons, while the growth of freight transport by all the types of transport of Ukraine by 23.5 million tons.

In 2016 the volume of freight transportation by rail enterprises decreased by 1.7% compared to 2015 and amounted to 344.1 million tons of freight. At the same time the volume of transit decreased by 30% and amounted to 16.93 million tons. In the total volume of transported freights by railway enterprises the share of transit freights in 2016 and 2017 was 4.92%, which is the smallest value for the period of 2005-2017, the highest level of this indicator reached in 2007 and was 19.48%. It should be noted that in 2007 the volume of transit freight transport by railways of Ukraine amounted to almost 100 million tons of freight, which is six times more than in the current 2017.

With the efficient use of transit potential, the JSC “Ukrainian Railways” can take a prominent position in the international freight transport market and ensure its strategic orientation as an important transit carrier in the European freight transport market.

In order to evaluate the system of transit freight transport by railways of Ukraine its retrospective analysis was carried out during the period from 2005 to 2017. This made it possible to systematize the volumes of transit traffic by railways of Ukraine (Table 1) in terms of 18 types of freight categories, according to official data of JSC “Ukrainian Railways” in the dynamics of 13 years studied (Transportation of Freight by Railways of Ukraine, 2017).

In 2005 the volume of transit traffic amounted to 51878533 tons, the largest share of this year in the structure of various types of freight fell on stone coal, iron and manganese ores, chemical and mineral fertilizers and ferrous metals. The smallest share was the positions “Cars” and “Cement”.

The transit traffic for 2006 showed the same structure for the names of the genera of cargoes for the largest volumes of transportation, which was characteristic of the previous year. In general, 2016 was characterized by an increase in the transit traffic as compared to 2015 at 4.85 million tons and amounted to 56731673 tons. The three indicators for the smallest specific weights during this year included such cargoes as cars, cement, non-ferrous metals and their products.

In 2007 through the territory of Ukraine 68574231 tons of transit cargoes were transported by enterprises of railway transport. There was a tendency for their growth compared to the previous two years. In the structure of freight the largest share was occupied by stone coal, iron and manganese ores, chemical and mineral fertilizers (correspondingly 0,2609; 0,2444; 0,0922), the smallest - cement (0,0001), non-ferrous metals and their products (0.00072) and cars (0.00074).

By the volumes of transit freights by railways of Ukraine for the 13 research years in the period from 2005 to 2017, 2008 was characterized by their greatest value. It should be noted that this year has changed the top three leaders in the structure of names by kind of freight. According to the calculations they included the following types of cargoes: stone coal, iron and manganese ores, oil and petroleum products that in total accounted for approximately 60% of all the transit by rail in 2008.

It should be noted that during 2008-2017 the same trend persisted every year. It is these three names of the kind of freight in the overall structure of this type of transportation occupied the largest share. At the same time their shares for the given period also changed in different ways. All of them had inherent spin-off trends over the years. However, their share remained the largest and totaled from 59.36% in 2008 to 75.18% in 2017. The volumes of transportation of non-ferrous metals and their products and cars

accounted for the smallest share in the structure of the railway transit and amounted respectively to 0.0014 and 0.0015 or 94825 tons and 103696 tons.

The next year 2009 showed a sharp decline of 24.34 million tons of freight transit traffic and amounted to 45450626 tons. The calculations made showed that the least transits during this year were transported cement (7364 tons or 0.02 percent), coke (14439 tons or 0.03 percent) and ferrous metals and their products (21238 tons or 0.05 percent).

A slight increase of 1.224 million tons of transit by rail took place in 2010. Their total volume amounted to 46675010 tons this year. In the structure of the names of freight cement, ferrous metals and their products and cars were the smallest of their shares. This is evidenced by official data on insignificant volumes of their transit traffic, namely: 7850 t (0.02%), 17676 t (0.04%) and 49333 t (0.11%) respectively.

During the next four years, from 2011 to 2014, only cement and non-ferrous metals and articles from them were characterized by the lowest values of transit traffic. Their share varied and showed a value from 0.05% in 2011 to 0.03% in 2014 for cement and from 0.01% in 2011 to 0.001% in 2014 for non-ferrous metals and their products.

The total volume of transit freight transportation by railways of Ukraine in 2011 amounted to 50992838 tons, which is 4317828 tons more than in 2010, but already since 2012 there has been a steady reduction of such transportation. It was 2012 that showed the largest decline amounting to 9.1 million tons.

The conducted calculations showed a decrease in the volumes of transit freight in 2013 compared with the previous by 7.9 million tons. In turn, data for 2014 also illustrate a decline of 4.5 million tones compared to 2013. Thus, in 2012-2014 there was a declining trend in the volume of transit traffic, but in the structure of such transportation there was originally growth, then decrease and again increase in the volume of stone coal; first decrease, then growth and again reduction of volumes of oil and petroleum products and a constant increase in the share of iron and manganese ores while simultaneously preserving their values of the indicators of the largest shares among 18 types of cargoes by kind.

The enterprises of the rail transport in 2015 transported 24.17 million tons of transit freight, which is 7.24 million tons less than in 2014. This year was characterized by the absence of ferrous metal scrap in the structure of cargoes. Also, small volumes of non-ferrous metals and their products and the ore of coloured ore, sulfuric raw materials were transported. In physical terms, these two freights were 78 tons and 1950 tons respectively. During this year most of the iron and manganese ores transported was transited and amounting to 6.9 million tons.

Indicators of volumes of freight transportation by railways of Ukraine in transit in 2016 show their worst value for the period under investigation from 2005 to 2017. Such a decline in the volumes of transportation had a negative

impact on the implementation of the European integration policy of Ukraine, as the position of the JSC “Ukrainian Railways” as a strategic transit carrier deteriorated. It should be noted that for this year there were such peculiarities. Two of the eighteen names of cargoes were not transported at all: non-ferrous metals and their products and ferrous metal scrap. There have been changes in the structure of the genera of such freight compared to 2015. In particular, the share of iron and manganese ores has increased from 28.44% in 2015 to 39.03% in 2016. The growth trend was also characterized by the following cargoes, such as: timber cargoes, cars, grain and grinding products, coke, cement, salt, construction materials and other cargoes. The remaining 8 names showed a decrease in the share in the overall structure of rail freight transit traffic in 2016 compared to 2015. The transportation by transit of ferrous metal scrap during 2015-2016 was not carried out by rail transit at all.

The distribution of cargoes by kind in 2017 indicates a significant increase of almost twice the share of stone coal that amounted to 40.7% of the total; a significant reduction in the volumes of oil and petroleum products and iron and manganese ores (according to static data: the volume of oil and petroleum products decreased by about 0.5 million tons, and iron and manganese ores by almost 2 million tons compared with 2016).

During 2015-2016 ferrous metal scrap and during 2016-2017 non-ferrous metals and their products were absent among the names of cargoes transported by rail transit through Ukraine.

Consequently, a structured-dynamic analysis of the volumes of transit traffic by railways of JSC “Ukrainian Railways” made it possible to draw conclusions about the unevenness of their nature during the investigated period. For one part of the names of the kind of freight stable indicators have taken place. The structure of their distribution by years was characterized by minor changes in their specific weights. The share of forest cargoes, other cargoes and chemicals in the period under study increased from 3 to 3.5 times during the period under investigation, from 0.17% in 2010 to 3.66% in 2017; from 3.17% in 2017 to 6.13% in 2015; from 4.36% in 2016 to 7.29% in 2013.

Reducing the volume of freight transportation by transit was also due to the reorientation of such shipments to the ports of the Russian Federation (RF), which was the main transit country for Ukraine (Figure 1). It was in Russia that was formed from 62.5% to 81% of transit in the period from 2007 to 2017 (Transportation of Freight by railways of Ukraine, 2017).

Consequently, the rapid decline in transit traffic was influenced by the fact that the Russian economy has been in a state of stagnation in recent years due to the imposition of sanctions on individual Russian products in world markets. Also, due to the intensification of the relations between Russia and Turkey, the volume of transit traffic from the Russian Federation to Turkey in the territory of Ukraine decreased by 59%. At the moment, negotiations are under way to restore the economic cooperation between the countries, since

supplies from the Russian Federation provide 55% of Turkey's natural gas needs, 15% oil and 40% coal (Transportation of Freight by railways of Ukraine, 2017).

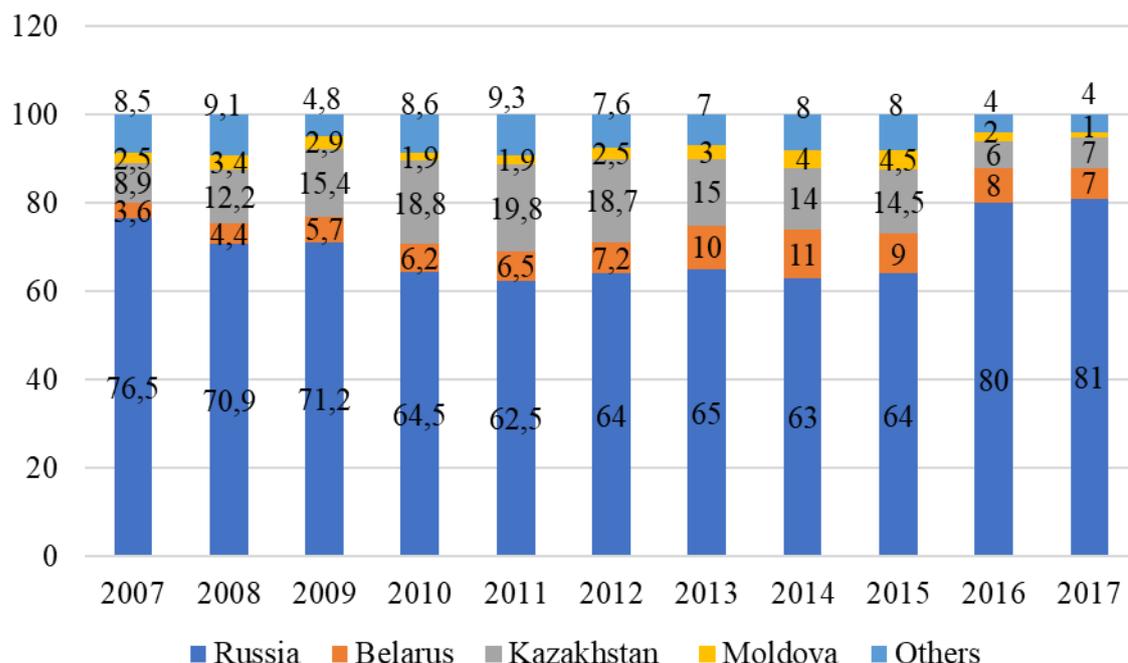


Fig.1: Structure of transit freight transport by rail enterprises by country of departure, %

Source: systematized and presented by the authors on the basis of data (Transportation of Freight by railways of Ukraine, 2017)

Taking into account the significant reduction of freight traffic flows of the JSC “Ukrainian Railways” on the one hand, and the considerable unrealized potential in the field of transit freight transport on the other hand, there is a need for additional detailed study of this problem. In connection with this there is a need for structurally-dynamic analysis of the revenues of JSC “Ukrainian Railways” from transit freight transportation. Data for this analysis are used from the Financial Results Statement (Cumulative Income Statement) of the JSC “Ukrainian Railways” (Annual Financial Statements of JSC “Ukrainian Railways”, 2004-2017) and the Statement of Income and Expense of Main Types of Economic Activity of the Railway Transport of Ukraine (Sectoral Statistical Reporting, form 10-zal, 2004-2017).

Such research was carried out on the basis of data of JSC “Ukrainian Railways” that is systematically presented in the Table 2. For comparability of data and the possibility of their comparison, the indicators of incomes from transit freight transport by railways of Ukraine by years are represented by specific weights.

The structure of annual revenues from transit of oil and petroleum products was characterized by the following shares: their largest share was in 2011 and amounted to more than one third of all the revenues (0.3810), and in 2006 this figure was the lowest and was 0.1233.

Regarding such goods as iron and manganese ores, its share in the structure of distribution from 2005 to 2017 did not exceed 22.3% of the total revenue from transit traffic of all the types of cargoes. Thus, their largest share (0.2230) fell to 2007, and the smallest - to 0.1085 in 2010.

It should be noted that approximately the same structure was characterized by the “Other cargoes” indicator for maximum and minimum values, only its highest value (0.2378) was achieved in 2016 and the minimum (0.1096) in 2007.

Revenues from transport of coloured ores, sulfuric raw materials; non-ferrous metals and their products; cars; machines and equipment; cement; salt in the index of maximum fraction in any of the 13 study years did not reach the value of 0.1. This means that these transit freights during 2005-2017 were less than 1% of their maximum value in the structure of total revenues.

The revenues from transportation of non-ferrous metals and their products during the period 2016-2017 were zero because of the absence of this kind of freight in the volume of transit traffic for the specified 2 years. The structure of annual revenues from transit transportation of ferrous metals by railways was characterized by considerable fluctuations. The confirmation of this is the calculated structure of distribution of their shares by years. The JSC “Ukrainian Railways” received the largest revenue from their transit in 2006, which was 0.1116, and the smallest in 2016. Their share more than tripled in 2016 and amounted to 0.0350 or 3.5%.

The structure of the share of income of Ukrainian railways from the transit of chemical and mineral fertilizers during 2005-2017 varied from 0.0322 to 0.0966. Consequently, almost 10% of the revenues from the transit of these fertilizers were received in 2009, and the least in 2017. The most stable structure of income distribution was characterized by the transit of chemicals. The variation on this indicator was insignificant and ranged from 4.5% in 2009 to 7.6% in 2013.

In terms of revenues from the transit of grain and grinding products, they were the most intermittent fluctuations in the distribution structure.

This is evidenced by the significant rapid growth of almost three times the transit of this freight in 2007 compared to 2006. It was in 2007 that its maximum value was reached by this indicator, and from 2010 there was a linear downtrend that reached its minimum in 2017 and was 0.0032 or 0.32%.

Almost 70% of all the revenues from transit in 2005 were received by the railways from the transport of stone coal, oil and petroleum products, iron and manganese ores and other cargoes. The next 2006 demonstrated a change in income distribution structure. Transit of stone coal, iron and manganese ores and other cargoes in total gave more than 50% of all the incomes.

In 2007 the three leaders included such cargoes as stone coal, oil and petroleum products and iron and manganese ores. The transit under the “Other cargoes“ position was approximately 11% of the amount of revenues from transit freight transport by railways of Ukraine. It should be noted that only this year the value of this indicator was the smallest for this type of freight. Other 12 years were characterized by large specific weight in the structure of income. In 2008 65% of the transit revenues came from transportation of stone coal, oil and petroleum products, iron and manganese ores and other cargoes. Their shares ranged from 0.1481 to 0.1921.

One third of the revenues from the transit of cargoes in 2009 came from oil and petroleum products. Two other names of the genera of cargoes (stone coal and other cargoes) together were 30%. This year was characterized by a significant increase in revenues from the transit of oil and petroleum products. The same tendency to increase the share of this freight remained in 2010. Together with the indicator “Other cargoes“ they accounted for more than half of such income.

During 2011-2014 almost 2/3 of the revenues of the JSC “Ukrainian Railways” had from the transit of 3 kinds of freight: oil and petroleum products, iron and manganese ores and other cargoes. It should be noted that comparing the structures of their shares during these four years made it possible to establish changes in the rating of TOP-3. Thus, the leader was stable transit of oil and petroleum products; the second place in 2011-2012 was the share of other cargoes; in 2014 iron and manganese ores, and in 2013 there was approximately the same structure for iron and manganese ores and other cargoes - 0.16 or 16%. Nevertheless, in 2015, the leaders in the structure of incomes were the transit transportation of oil and petroleum products and other cargoes. They gave in total more than half of the incomes.

The next 2016 was characterized by an increase in the share of other cargoes and a decrease in the share of oil and petroleum products. In total, they together with the revenues from transit of iron and manganese ores reached the level of 71.56%. The last year of research has fundamentally changed the structure of incomes. There has been a double increase in the share of stone coal in 2017 compared to 2016 which was 0.2314. Almost this value was inherent in other cargoes (0.2367). The transit of oil and petroleum products gave 21.47% of revenues from all the freight transit traffic.

It should be noted that during 2016-2017 the tendency of dependence of the volumes of transit freight transportation on 75-76% of the 3 main categories of cargoes continued: stone coal; oil and petroleum products; iron and manganese ores.

The conducted research on the problem of transit freight transport by railways in the system of European integration policy of Ukraine made it possible to distinguish the following key issues, among which:

- a declining trend in the volume of transit of goods across Ukraine by rail, the cause of which is, first of all, military operations in eastern Ukraine;
- significant growth of port dues in Ukrainian harbours;
- high fees and excessive border controls, unofficial checks of control services;
- inconsistency of the level of service of transit transportation to the established tariffs;
- the rapid pace of development of the road freight transit traffic that creates significant competition for rail transit;
- a small share of container transportations from the total volumes of freight transportation;
- not enough developed freight infrastructure at the stations;
- inconsistency of transport infrastructure objects with European standards;
- insufficient number of logistics centers;
- unsatisfactory condition of railway tracking;
- operational incompatibility of the railways of Ukraine and the EU countries (need to adjust the track from 1520 mm to 1435 mm);
- unbalanced development of port facilities and railway infrastructure;
- low speed of transit freight delivery;
- unsatisfactory condition and insufficient throughput of border checkpoints;
- imperfect freight transportation planning system;
- inefficient system of accounting for incomes from transit freight transportation;
- the lack of disclosure of all the risks and prospects in the forms of financial and non-financial reporting to investors, counterparties and partners of the JSC “Ukrainian Railways”;
- imperfect regulatory and legal framework regulating the transit traffic.

The aforementioned bottlenecks directly or indirectly affect the incomplete use of transit potential of Ukraine, resulting in a significant lack of revenue from this type of transportation. As noted above, in order to deepen the relationship between Ukraine and the European countries, an Association Agreement between Ukraine, on the one hand, and the European Union was signed. This was the first step towards the entry of the Ukrainian transport network into the European one. However, it is still necessary to carry out a series of measures that are directly related to the solution of the problems we have named in the field of transit freight rail transport. In particular, this concerns the approximation of Ukrainian transport legislation to the requirements of the European Union through the implementation of EU directives in the field of rail transport. The successful implementation of these measures will ensure transparency and free access to the infrastructure of the railway enterprises of Ukraine, improve the quality of rail transit freight

services and promote the integration of Ukrainian railways into the European railway system.

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Table 1

## Volumes of transportation of transit freight by railways of Ukraine for 2005-2017

Name of cargo	Years												
	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Total for kind of cargo	51878533	56731673	68574231	69788756	45450626	46675010	50992838	41885264	34028724	29505866	24169982	16930040	19554130
Stone coal	16514494	16781560	17890445	16321604	10844208	8952035	8829525	7849798	5286303	4997905	5460329	3700153	7958608
Oil and petroleum products	4775863	4074772	6787087	11655366	11846616	14830182	15820946	11245511	9421045	7299469	5094801	2578535	2081007
Iron and manganese ores	11484768	15046185	16758377	13451283	7637686	7231556	10809226	10161521	8300536	8459770	6874886	6608373	4662068
Coloured ore, crumbled raw materials	96511	52619	98880	359117	157967	315890	261198	68156	24673	13797	1950	1338	708
Ferrous metals	4442063	5763434	6182418	7013983	4212217	3314831	2990212	3285001	2009315	2431071	1948387	698120	788213
Non-ferrous metals and their products	32680	40652	42147	94825	21238	17676	7194	6100	6828	316	78	0	0
Forest cargo	374948	560451	313881	297681	108887	79889	100036	115839	212901	163399	200644	390710	715980
Chemical and mineral fertilizers	4784906	5388050	6321435	6829835	5044866	4842994	5249139	3003879	2763984	1921849	1808649	871569	877342
Chemicals	2858526	2493709	3444051	3891668	2058027	3069286	2804420	2564379	2480194	1762714	1298684	737596	1028621
Cars	25573	41755	91153	103696	27330	49333	80270	103208	163765	141558	53762	65545	56930
Machines and equipment	68437	80486	104 491	147 627	61511	66748	82445	66510	45879	15049	18775	9173	5228
Grain and grinding products	1193782	1348588	4244648	2760592	772086	937702	907134	693664	724149	689658	184944	254304	384586
Coke	608974	504364	817863	695145	14439	121823	159223	55886	146139	63208	42042	34835	80225
Ferrous metal scrap	577329	446336	744276	730842	91384	57529	99412	45427	115338	23188	0	0	225
Mineral building materials	734121	946654	1085757	1223840	446696	500307	537067	588259	637400	476538	401541	335511	285187
Cement	4941	7584	253697	878315	7364	7850	27794	13491	8694	8515	6306	7160	6352
Salt	118500	160628	93245	142547	195814	256661	213261	97611	100762	8630	2104	1965	3119
Other cargoes	3182117	2993846	3300380	3190790	1902290	2022718	2014336	1921024	1580819	1029232	772100	635153	619731

Source: systematized by the authors on the basis of (Transportation of Freight by Railways of Ukraine, 2017)

Table 2

## Specific weights of revenues from transit freight by railways of Ukraine for 2005-2017, %

Name of cargo	Years												
	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Total for kind of cargo	100,00	100,00	100,00	100,00	100,00	100,00	100,00	100,00	100,00	100,00	100,00	100,00	100,00
Stone coal	21,63	19,80	16,24	14,94	15,09	10,31	8,69	9,22	7,37	8,46	11,90	11,47	23,14
Oil and petroleum products	15,41	12,33	14,40	19,21	29,58	36,00	38,10	35,24	37,72	35,21	32,91	29,10	21,47
Iron and manganese ores	14,86	18,33	22,30	15,86	12,74	10,85	14,20	16,46	16,09	19,79	13,85	18,69	12,94
Coloured ore, crumbled raw materials	0,18	0,08	0,12	0,48	0,30	0,52	0,40	0,14	0,06	0,04	0,01	0,01	0,00
Ferrous metals	8,73	11,16	9,40	10,15	8,13	6,14	4,80	6,20	4,45	6,05	5,62	3,50	3,57
Non-ferrous metals and their products	0,20	0,25	0,18	0,34	0,11	0,09	0,03	0,03	0,04	0,00	0,00	0,00	0,00
Forest cargo	0,88	1,24	0,56	0,53	0,40	0,30	0,29	0,34	0,63	0,56	0,73	1,88	3,43
Chemical and mineral fertilizers	8,44	8,82	7,99	8,30	9,66	8,33	8,08	5,57	5,93	4,84	4,30	3,42	3,22
Chemicals	6,23	5,87	5,34	5,63	4,50	5,78	5,14	6,26	7,65	6,65	5,71	5,66	6,10
Cars	0,39	0,50	0,59	0,66	0,18	0,26	0,36	0,50	0,64	0,57	0,29	0,50	0,36
Machines and equipment	0,60	0,59	0,49	0,70	0,44	0,42	0,49	0,41	0,28	0,13	0,16	0,11	0,08
Grain and grinding products	2,23	2,41	6,91	3,54	0,69	1,19	0,88	0,93	0,52	0,54	0,32	0,33	0,32
Coke	1,30	0,94	1,36	1,15	0,04	0,36	0,33	0,16	0,40	0,25	0,22	0,24	0,53
Ferrous metal scrap	1,11	0,81	1,01	0,97	0,19	0,09	0,07	0,05	0,07	0,03	0,00	0,00	0,00
Mineral building materials	2,00	2,28	1,78	1,86	1,02	1,11	1,18	1,27	1,31	1,12	1,11	1,30	1,15
Cement	0,01	0,01	0,25	0,74	0,01	0,01	0,04	0,02	0,01	0,02	0,02	0,03	0,02
Salt	0,14	0,21	0,10	0,12	0,20	0,22	0,22	0,11	0,15	0,03	0,01	0,01	0,01
Other cargoes	15,67	14,37	10,96	14,81	16,73	18,01	16,68	17,08	16,69	15,72	22,84	23,78	23,65

Source: systematized by the authors on the basis of (Official website of the Joint Stock Company "Ukrainian Railways", 2018)

## Directions for Improving the System of Prevention and Counteraction to Customs Offenses in Ukraine: Public and Government Context

The emergence of threats to national security and the task of significant losses to the national economy through the systematic commission of customs offenses is one of the most urgent problems of the Ukrainian present. Goods-subjects of a customs offense, penetrating the market, have a negative impact on the domestic economy: they create preconditions for unfair competition, destroy internal production, which naturally leads to a reduction of jobs and budget social programs, leads to a lack of adequate state budgets, statutory payments established by law, etc. Certain categories of goods moving across the customs border of Ukraine in violation of customs rules (for example, tobacco and alcohol products), along with economic ones, provoke a number of social threats. The purpose of the article is to develop areas for the improvement of the Ukrainian system of prevention and counteraction of customs offenses in the public and government context. General scientific methods of analysis and synthesis, systematization and interpretation of facts, legal analysis and elements of content analysis are used in the process of research.

Taking into account the above-mentioned problems, one can assert the urgent need to improve the functioning of the current system of prevention and counteraction of violation of customs rules, which will provide protection and realization of economic interests as a set of objective economic needs of our state. The primary finding of the reasons for the actualization of the problem of illegal movement of goods and vehicles through the customs border of Ukraine is given logical for this. We believe that the reasons for violations of customs rules to the main and characteristic of Ukrainian realities include:

- *economic* (tax evasion and non-tariff measures, unjustified reimbursement of taxes, obtaining unlawful advantages in commercial activities in order to obtain financial benefits and advantages in trade, relieving pressure from competitors [1, p. 219]; high level of unemployment, unequal tax press on business entities; the presence of a significant difference between world and domestic prices for individual product groups [2, pp. 11-12], mainly low income and poverty of the population living in the border areas, insufficient level of investment attractiveness of the border areas, underdevelopment of their financial, market, household infrastructure [3, pp. 58-59]);
- *social* (high level of corruption of officials, representatives of the law-enforcement system and society as a whole, high level of labour

- migration in the border areas [3, p. 57], inadequate level of social security, development of social services, assistance to the poor people, development of health care, accessibility and the quality of education, access of citizens to cultural values, etc. [4, pp. 98]);
- *legal* (legal nihilism and authorities and citizens; low level of general and legal culture of citizens; insecurity of physical as well as legal persons – subjects of foreign economic activity from illegal oppression, abuse, extortion by customs officials of all levels [2, p. 11-12]);
  - *geographical* (geographical location of Ukraine, passing through its territory of main trunk roads connecting East and West [3, p. 57]);
  - *international* (transnational character of development of criminogenic structures [3, p. 59]);
  - *ideological* (low level of legal consciousness and legal culture in society, in particular, officials of the state and subjects of foreign economic activity, inadequate state of ensuring ideological pluralism in the state, efficiency and the prevalence of the “rule of law” principle over the principle of “political expediency”, ensuring equality of all before the law, the inevitability of liability for the offense, the organization of legal education, the level of awareness of the population, ensuring freedom of speech [4, pp. 98]).

It is logical to assume given the wide-ranging nature of the above-mentioned causes of large-scale violations of customs rules that the solution of this problem cannot lie solely in one plane: let's say, only economic or just legal. Obviously, the solution of the problem issue of violation of customs rules requires simultaneous and concerted actions of the subjects authorized to solve the problem under study, in all possible areas – economic, social, legal and ideological, international relations, etc. Outside the influence of these subjects, let us note that, as a matter of fact, the area of geographical reasons will remain, since the geographical position of Ukraine is an objective phenomenon.

There is an objective need for an integrated approach to its solution given these considerations and taking into account the above-mentioned problems, which is the subject of this study. So, there is the need to improve the system of prevention and counteraction to customs offenses. This will ensure understanding of the problem not from the formal, technical, procedural side, but from the content, qualitative, ideological.

An integrated approach will provide consideration of various aspects of the existence of the problem in their interconnection and will help to determine the basic directions of improving the functioning of the system of prevention and counteraction to customs offenses in order to effectively use existing potential. Thus, an integrated approach should become a fundamental principle in solving the problem of improving the system of prevention and counteraction to customs offenses.

It seems quite logical to analyze the scientific discourse on possible areas in this context for improving the system of prevention and counteraction to customs offenses, since a detailed preparation of already existing scientifically substantiated proposals aimed at solving the studied problem will enable to formulate and develop a conceptual vision of elements of a complex of processes and measures that should be aimed at improving the system of prevention and counteraction to customs offenses.

The review of scientific sources carried out by us provided an opportunity to create a list of the most urgent areas in the current trends for improving the system of prevention and counteraction to customs offenses. Thus, customs offenses appear in the relevant scientific sources as a subject of research.

According to the results of the analysis of the national scientific discussion such areas include: transformation of economic measures in the field of prevention and counteraction to customs offenses; improvement of the legal and regulatory framework, which is regulated by the customs sphere; structural and organizational changes in the field of implementation of the state fiscal policy; improvement of the functional load of the customs of the State Fiscal Service of Ukraine; improvement and development of cooperation between customs authorities and other state authorities authorized to facilitate the prevention and counteraction of customs offenses.

Let's expand and detail the nature and content of these events. The necessity of applying *the transformation of economic measures in the field of prevention and counteraction to customs offenses* as a direction of improvement of the system of prevention and counteraction to customs offenses is stipulated, first of all, by the fact that economic reasons for committing customs offenses are among the dominant ones. Therefore, the use of more adequate, than current, economic measures to prevent and counteract customs offenses is on time. In addition, such scientists as O.V.Diachenko, T.L. Vyshynska, S.M. Litvin noted that "the fight against customs offenses ... can be effective and efficient only if it is also carried out by measures of an economic nature" [1, p. 226-227].

The same researchers, developing the previous judgment, emphasize that the main measure of economic nature in the fight against customs offenses is to optimize the taxation of imports of goods and create appropriate tax conditions for the development of domestic producers [1, p. 226-227].

Fundamentally agreeing with this position, we cannot fail to note that the transformation of economic measures to prevent and combat customs offenses should concern not only the subjects of foreign economic activity but also ordinary citizens, especially residents of border areas, and officials SFS, which are authorized to perform the functions of the state in the customs sphere.

The fact is that residents of border areas, as has been repeatedly mentioned, mostly resort to a violation of customs rules for objective reasons

– mass unemployment, impoverishment and lack of livelihood. It is on the elimination of these economic and largely social and economic reasons, that the state economic policy should be directed. Creating a sufficient number of jobs, on which citizens could legitimately earn a decent salary, seems to us, would in some cases reduce the scope of customs offenses

The creation of proper economic support for SFS officials authorized to carry out the functions of the state in the customs sphere (meaning proper wages and the use of additional motivational-stimulating economic instruments) would reduce the corruption risks in the work of customs, and thus significantly reduce the facts of their involvement in schemes of illegal movement of goods and vehicles through the customs border of Ukraine. However, it is more expedient to talk about the use of advanced social and economic measures in this sense, as they create more guarantees to prevent the involvement of customs officers in corruption schemes and schemes of illegal movement of customs rules across the customs border of Ukraine.

The point is that proper, decent economic provision can only temporarily play the role of a fence for SFS officials in the process of contributing to the violation of customs rules, since over time the economic law generates greater needs with greater opportunities. Active use of social security measures should be used together with the use of economic instruments, such as the introduction of social guarantees for the worker and his family, the transformation of the service in the SFS organs into the prestigious and status kind of the labor activity, etc. Only under such conditions, the officials of the SFS bodies will have more internal, mental and moral safeguards for participation in the schemes of customs offenses.

It is not possible to disagree that the change of any processes of social and public life is impossible without adequate support of normative and legal support. That is why *improvement of regulatory and legal support, which regulates the customs sphere as a whole and the sphere of prevention and counteraction to customs offenses*, appears in the national scientific discourse as one of the most priority directions of the improvement of the system of prevention and counteraction to customs offenses. At the same time, within this direction, two sub-directions can be distinguished: 1) *improvement of domestic legislation by making appropriate amendments and additions to it*; and 2) *improvement of domestic legislation by its adaptation to the international legal and regulatory framework and EU legislation*.

Researchers who focused on finding optimal ways to improve customs legislation in terms of effectively preventing and counteracting customs offenses within the first sub-focus focus on a few of the most acute moments that we think are most relevant in the context of this study. First of all, it is a question of the need for a clear demarcation of the normative definitions of the concepts of “tax offense” and “violation of customs rules” [5].

Indeed, the present moment is relevant today, because, as practice shows, the tax component of the SFS has almost completely absorbed and

leveled the customs component, resulting in certain inconsistencies both in the practice of customs institutions and in the theoretical and methodological provision of this activity. At an angle of normative and legal provision, this problem acquires such manifestations as the definition of a normative and legal act, according to which the person should be held liable for violation of customs or tax rules.

Thus, in the Customs Code of Ukraine, namely in the first paragraph of Article 458 states that, since violation of customs rules is an administrative offense, in the event that cases brought in cases of violation of customs rules arise issues that are not regulated by the Customs Code of Ukraine, the Codex of Ukraine on administrative violations should be guided. In accordance with the second paragraph of Article 458 of the Customs Code of Ukraine, administrative liability for the offense occurs if these violations by their nature are not prosecuted in accordance with the current legislation on criminal liability.

It is worth focusing on the need to harmonize the terminology of the normative legal acts regulating such activities in accordance with the theoretically determined unified approach in defining the prospects for solving the problems of counteracting the violation of tax and customs rules. Also, on the agenda has long been the issue of improving the legislation on administrative liability for offenses in the tax and customs fields and its coordination with the provisions of the Tax Code of Ukraine and the Customs Code of Ukraine with a view to clearly differentiating the grounds and procedures for bringing a person to financial and administrative liability [5].

Increasingly, researchers, searching for ways to improve the system of prevention and counteraction to customs offenses, suggest the expediency of improving legislation in terms of implementation of preventive measures. Among other issues is the improvement of regulatory and legal regulation of administrative and legal measures for the prevention of offenses by developing and adopting a single normative act that would regulate all preventive activities in the country – the Law of Ukraine “On the Prevention of Offenses in Ukraine”. This law should regulate the tasks and basic principles of preventive activities, the rights and responsibilities of all actors for the prevention of offenses, its main levels and areas, legally significant forms, administrative and legal measures and means of preventing offenses and other issues [6, p. 155-156].

Today, the issue of returning of the operational and investigative powers to the customs within the framework of law-enforcement activity is the most acute, given the scale of offenses at the customs border of Ukraine and the actual failure of the bodies of the State fiscal service in the customs sphere to fully deal with this state of affairs due to lack of authority.

In the context of improving the legal and regulatory framework for preventing and counteracting a customs offense, resolving this problem is

seen in the introduction of a separate rule in the Customs Code of Ukraine in the following wording:

“Operational and search activity is carried out with the purpose of identifying persons who prepare, commit or committed an unlawful act, the responsibility for which is provided for in the Criminal Code of Ukraine, as well as at the request of the competent authorities of foreign states in accordance with international treaties of Ukraine on customs issues” [7, p. 128]. In addition, the relevant changes should also be made to Article 5 of the Law of Ukraine “On Operational and Search Activity”.

Scientists whose researches reveal the essence of possible ways to improve national legislation within the second sub-direction of improving the domestic legal and regulatory framework for preventing and counteracting customs offenses, emphasize that the adaptation of Ukrainian legislation to EU legislation will enable: 1) to increase the effectiveness of national customs policy in the field providing urgent response to external threats; 2) to counteract the possible negative consequences of such threats; 3) to ensure the economic interests of the state; 4) use as much as possible international rules and requirements in the national regulatory system [8, p. 220].

Consequently, the improvement of the legal and regulatory framework as a direction of improvement of the system of prevention and counteraction to customs offenses involves two already mentioned sub-destinations. It should be noted that their delineation is rather arbitrary because internal state processes to improve the national legal framework in the current conditions of globalization cannot fail to take into account international tendencies and standards, especially since the official course of further state-building Ukraine has chosen the Euro-integration direction.

The same cannot be said about the adaptation of domestic legislation to the legal and regulatory framework of the EU without a thorough analysis of national realities and interests, since any international legal and regulatory act, as a rule, always contains a provision that the norms contained in it, none cannot be against the national interests of the participating States.

The next direction is the improvement of the system for prevention and counteraction to the illegal movement of tobacco products through the customs border of Ukraine, which is focused not only by scientists but also, in the light of current political and state-management processes, *there are structural and organizational changes in the area of implementation of the state fiscal politics*. The necessity and importance of the implementation of such changes is conditioned by the fact that the formation of the structure of the State fiscal service of Ukraine is currently carried out in accordance with the principle of the inferiority of the customs component. This is evidence of ignoring other than the filling of the State Budget, tasks [9], in particular, the law enforcement function.

Such a set of priorities in practice led to the structural absorption of the customs component of the State Tax Service's fiscal service, as already noted

above. Such state of affairs has caused a number of negative consequences in the customs sphere, in particular, in the area of prevention and counteraction to customs offenses. The following negative consequences can be attributed to:

- persistent tendencies in the growth of corruption risks in the customs sphere, caused by the dominant human factor in the processes of customs control and customs clearance, as automation and informatization of these processes did not take place within the limits of positive dynamics;
- unreasonable classification of secondary key and classical functions of customs bodies, with corresponding insufficient and limited organizational and personnel support on the residual principle: functions of control of the application of non-tariff regulation measures, functions of organization and control of transit transportation, functions of export control, functions of protection of intellectual property and etc.;
- lack of adequate analytical work, a significant reduction in the effectiveness of counteracting customs offenses and manifestations of smuggling, including interactions at the international level;
- loss of positive dynamics of the exchange of information at the international level with the customs authorities of other countries, both internationally and nationally, with carriers and other bodies and institutions, whose activities are directly related to the operation of goods under customs control;
- loss of positive dynamics for development of international contacts and contacts in the field of customs and international customs cooperation;
- total loss of dynamics and initiative in the field of improving the legal and regulatory framework for customs;
- staff instability and a sense of impunity and temporality of being in office and performing official duties and functions;
- absence of a systematic approach to the use of technical means of customs control as one of the effective tools for minimizing the influence of the human factor on the results of customs control;
- artificial division of procedures and powers within the framework of the implementation of one key function for customs authorities between different departments at both central and regional levels (between customs and main departments), which led to a significant reduction in efficiency, effectiveness, organizational level and controllability (for example: control of customs value, collection of customs payments, and so on);
- lack of due attention to the implementation of material and technical support for the activities of the customs authorities, taking into account the specifics of the performance of functions at checkpoints at the state border [9].

It is necessary to displace the current priorities of the state fiscal policy to overcome the tax component to ensure equality and balance between the tax

and customs components in order to eliminate these negative effects. It is possible to achieve such a shift of priorities in favour of the customs component only in one way: creation of the National Customs Service of Ukraine, an executive body that will provide protection of customs interests and customs security of Ukraine, regulation of foreign trade, protection of the domestic market, development of the Ukrainian economy and its integration into the world economy, filling of the state budget, counteraction to customs offenses [9].

Such approach will ensure the possibility of renovating and activating the law enforcement function of the customs, which in turn will lead to the expansion of their powers and practical capabilities in the area of prevention and counteraction to customs offenses.

However, structural and organizational changes are a long process that requires significant time and material, technical, financial, human, etc. resources. Therefore, this way for improving the system of prevention and counteraction to customs offenses should be considered only as a perspective. At the same time, the problem of violation of customs rules requires urgent solution. Therefore, an alternative preliminary direction of improvement of the system of prevention and counteraction to customs offenses may be considered *improvement of the functional load of customs*.

Within this direction, first of all, it is necessary to emphasize the obvious practical need to reorient the activities of customs from the fiscal function as the main one for law enforcement. We have already articulated some of the arguments in this regard in our study, but we consider it appropriate to develop and detail them. Therefore, we support O.V. Komarov's position that the fiscal component of the activities of the customs should be a logical consequence of the law-enforcement rather than the main objective of the customs authorities, which determines the priorities of the customs policy of the state [10, p. 65]. Only such a prioritization will ensure non-conflict and balance of tasks and functions of the customs authorities.

Implementation of the prevailing law-enforcement function over fiscal will create the preconditions for the return of customs authorities to carry out operative and search activities. Such powers today are more than ever, because:

- both physical and legal persons during the movement of goods across the customs border of Ukraine can perform actions containing signs of criminal acts. Therefore, there is a need for operatively-search information concerning physical and legal persons. A legal entity is always a specific individual, which must be established when there are reasons to believe that there are signs of an offense in its actions;
- the bodies of the State fiscal service need operatively-search information both in relation to criminal (smuggling, etc.) and administrative (customs) offenses. This is explained by the fact that within the framework of

the case on violation of customs rules criminal offenses committed by a concrete person can be discovered;

- customs of SFS have a powerful, virtually inaccessible, intelligence-analytical potential associated with the functioning of the automated system of analysis and risk management [7, p. 128-129];
- there is a certain array of imperative experience regarding the effective and successful execution of operational and investigative functions by the customs authorities of foreign countries. As a rule, customs authorities are one of the main law enforcement agencies involved in countering the illegal movement of tobacco through the customs border and illegal trade in tobacco products in the EU countries. Most customs authorities can investigate any customs offenses related to the illicit trade in tobacco products [11, p. 323].

Today, the need for informative, operational, transparent, timely analytics that objectively reflects the processes of prevention and counteraction to customs offenses, as well as the dynamics of these processes and the correlation links between them, seems to be quite relevant in the context of improving the functional load of customs. It is possible to provide such an analytical array only with the help of customs statistics, which today, unfortunately, exists only formally.

In connection with the optimization of the staffing of the customs and the apparatus of the State Fiscal Service of Ukraine, statistical accounting and analytical work in the customs field went back to the background. However, if we take into account that customs statistics as a science contains three divisions, one of which is the statistics of customs offenses, it can be assumed that customs statistics can become a powerful tool for preventing and counteracting customs offenses. It is possible not only to objectively and impartially estimate the real state of affairs with regard to the number of detected customs offenses with this tool, but also to predict the trends of their development, to determine the causal relationships between customs offenses and factors of different nature.

However, today, if the first two types of customs statistics are enshrined in the national legislation (in the Customs Code of Ukraine and a number of subordinate legal acts) then statistics of customs offenses is not mentioned there in general. This is somewhat weird because of the fact that according to this particular sub-area of customs statistics, you can get the most complete picture of the state of crime and criminalization when crossing the customs border, draw up a criminological picture of the commission of offenses and crimes and, as a result, develop certain proposals for combating and preventing them. The main purpose of the special customs statistics on customs offenses is to provide the management of the customs authority and the higher customs authorities with data on the state of law-enforcement activity for making decisions on improving its organizational and legal basis [12, p. 15-16].

The latest in the above list, but not the last in importance, in the direction of improving the system of prevention and counteraction to illegal movement across the customs border of Ukraine is *the improvement and development of cooperation of customs bodies with other state authorities authorized to facilitate the prevention and counteraction of customs offenses*.

This direction, as well as the normative and legal direction for improvement of the system of prevention and counteraction to customs offenses, the subject of which there are tobacco products, can be divided into two sub-targets: 1) improvement of interagency cooperation of customs bodies within Ukraine; 2) improvement of cooperation of domestic customs institutions with customs authorities of foreign countries.

I.I. Khlebnikova presented one of the possible variants for the implementation of the model of the first sub-direction in the scientific work. The scientist proved the possibility, efficiency and expediency of establishing inter-governmental interagency cooperation in the customs sphere on the example of Lithuania. The researcher noted that “...there is a high level government commission on economic and financial control and coordination of interaction between law enforcement bodies in Lithuania. At the same time, the main responsibilities for combating illegal trade are assigned to the Customs Department of the Ministry of Finance” [11, p. 323-324].

In 2011, the Police Department, the Customs Department and the State Border Guard Service of Lithuania signed a memorandum of understanding regulating the cooperation of these structures in the field of combating customs offenses. Seven permanent working groups have been set up to coordinate the actions of these agencies in regions bordering non-member countries of the European Union according to this document. A joint investigation team has been set up from among the employees of the Criminal Service of the Customs Department, the Operational Department of the State Border Protection Service, the Financial Crime Investigation Service, the Bureau of Criminal Police and the Department of State Security to stop the activities of identified organized criminal gangs.

Consequently, foreign experience demonstrates possible scenarios for establishing cooperation between different bodies for the prevention and counteraction of customs offenses and confirms the practical possibility of such cooperation. However, it should be noted that such cooperation is based on the understanding of its subjects of the common goal – to overcome such a negative phenomenon as customs offenses, which leads to a number of negative social and economic consequences, and therefore – poses a certain social danger.

In addition, in our opinion, a prerequisite for such interagency cooperation should be strong political will. Unfortunately, there are significant mental differences in Ukraine today in the perception of officials of the law enforcement and customs authorities of the prospects of interagency cooperation. There is unhealthy competition between state authorities, the

desire to capture the leading positions in one area or another is dominated by common sense and the sense of expediency of joint actions. Moreover, obviously, there is no political will in our country to solve the problem of illegal movement of tobacco products across the customs border.

Therefore, interdepartmental cooperation between customs authorities and other law enforcement agencies, although it is a potentially powerful area for improving the system of prevention and counteraction to customs offenses, in practice continues to remain only a declarative tool in solving the problem under investigation.

The second sub-direction – improvement of cooperation of domestic customs institutions with customs authorities of foreign countries – in scientific studies is represented as one of the most important components in the direction of effective elimination of channels of illegal movement of goods and vehicles through the customs border of Ukraine [13, p. 63]. Particular emphasis is placed on the need for cooperation with the customs and law enforcement agencies of the Republic of Belarus, Moldova and Poland.

Thus, the five main areas for improvement of the system of prevention and counteraction to customs offenses were formulated based on the analysis of the most common reasons for the commission of customs offenses in Ukraine.

These areas include: improving economic activities; improvement of regulatory and legal framework of the customs sphere covering two sub-targets – improvement of domestic legislation by introducing appropriate changes and improvement of domestic legislation by its adaptation to the norms of international and European legal and regulatory provision; structural and organizational changes in the sphere of implementation of the state fiscal policy; improvement of functional load of customs; improvement and development of cooperation between customs authorities and other bodies of state power both at the national and international levels.

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## Formation of the Enterprise Production Program on the Basis of Economic-Mathematical Modeling

In today's economic conditions, which are characterized by a high level of risk and uncertainty and increased competition, the formation of an effective industrial program of an industrial enterprise is one of the means of increasing competitiveness, a guarantee of obtaining high economic results and a prerequisite for market success. As the age-old practice of economic relations shows, the effectiveness of production planning is determined primarily by the level of understanding of the market situation, the degree of study of the main market problems and opportunities, the ability to avoid direct and indirect losses associated with risks and uncertainty, and success is achieved by enterprises that the process of economic activity is guided by market priorities.

Enterprise Modeling Issues not a lot of work is devoted, we give the main ones. The paper [1] presents a concept for a fuzzy inference model to evaluate production programs for short- and mid-term production planning according to sustainable indicators. For this approach, the paper presents criteria to select applicable measurements for sustainable production planning, three categories of sustainable indicators to evaluate production programs, a procedure to develop the fuzzy inference model, and possible actions for optimizing production programs to increase the degree of sustainability. In [2], a fuzzy linear programming enterprise input–output model is developed to determine optimal adjustments in production levels of multi-product systems when a crisis is induced by a loss of resource inputs. The model allows for adjustments that are equitable for different decision-makers that may comprise an industrial complex or a supply chain. Capabilities of the model are illustrated with a case study on the effect of water shortage on an aluminum production system. In paper [3], propose a new mathematical programming model for integrating production and procurement transport planning decisions in manufacturing systems in a unique optimization model. This problem was introduced conceptually and dubbed as MRP IV to extend the current MRP (material requirement planning) systems. This proposal simultaneously considers material, production resources capacities and procurement transport planning decisions with different shipping modes (such as full-truckload, less-than-truckload and milk-run) in the supply chain to avoid suboptimal results, which are usually generated due to sequential and independent plans. Authors considered an industrial automobile company to validate the proposed model using real world data. The results obtained by the MRP IV proposed model, in terms of total planning costs and

transport efficiency indicators, are better than those obtained in the current heuristic procedures followed in the company under study. Enterprise-wide Optimization (EWO) [4] has become a major goal in the process industries due to the increasing pressures for remaining competitive in the global marketplace. EWO involves optimizing the supply, manufacturing and distribution activities of a company to reduce costs, inventories and environmental impact, and to maximize profits and responsiveness. Major operational items include planning, scheduling, real-time optimization and control. Provide an overview of EWO in terms of a mathematical programming framework. First provide a brief overview of mathematical programming techniques (mixed-integer linear and nonlinear optimization methods), as well as decomposition methods, stochastic programming and modeling systems. Then address some of the major issues involved in the modeling and solution of these problems. Finally, based on the EWO program at the Center of Advanced Process Decision-making at Carnegie Mellon, describe several applications to show the potential of this area. Paper [5] focuses on simulation modeling of production systems. Author describes how to use PFEP (Plan for Every Part) to automate building of simulation models of production systems. The main contribution of this paper is to explain how to use the PFEP for simulation modeling. The paper [6] suggests an assessment tool for production innovation, a way of assessing innovation aspects in production development projects. The tool captures innovation as “new and value-added change of a production related activity”. The tool was tested through a questionnaire survey sent to 30 research and innovation (R&I) projects funded by the Swedish Strategic Innovation Program Produktion2030, involving research institutions and industrial organizations. Results point at a varied distribution programme impact through resulting change activities. Identified areas for innovation were materials, decision support, tools, methods, and solutions estimated as new to industry and to the global business community.

When developing the budget, the purchase of materials, the disappearance of their needs in order to support the continuous process of production, economic and mathematical models that can optimize the volume and timing of purchasing materials can be applied.

One of the most common is the «Economic Ordering Quantity» (EOQ-model), better known as Wilson's Model (Formula).

In this case it is also relevant when optimizing the production program.

Products are delivered to the warehouse regularly with identical batches of Q-size (in each batch of goods), and from the warehouse it goes out on 1 kg (sold or launched in production).

It is assumed that the quantity of products in the composition decreases evenly from Q to 0, and then there is an instantaneous replenishment of the composition of the new batch (by Q) and so several times during the period

where  $D$  is the demand for the product. Accordingly, replenishment occurs  $D / Q$  times over the period.

In this model, 2 sources of expenditure:

- costs associated with the procurement procedure for the batch of goods;

- costs of storing raw materials in the warehouse.

The cost of the purchase of one lot is fixed and equal to  $K$ , it includes the costs of loading, unloading, delivery, etc. Then, the total cost of all parties during the period:

$$\text{The total cost of all parties during the period} = K \cdot \frac{D}{Q} \quad (1)$$

The cost of storing one product for a certain period =  $h$  (including holding of the warehouse, insurance, etc.). The average number of items stored in the warehouse =  $Q / 2$  (because the number is evenly diminished from  $Q$  to 0). Hence, the cost of storing products:

$$\text{The cost of storing products} = h \cdot \frac{Q}{2} \quad (2)$$

Total Storage and Purchase Costs (TC):

$$TC = K \cdot \frac{D}{Q} + h \cdot \frac{Q}{2} \quad (3)$$

After the differentiation by  $Q$ , we define  $Q^*$  - the size of the lot in which TC is minimal.

$$Q^* = \sqrt{2 \cdot D \cdot \frac{K}{h}} - \text{Wilson's formula} \quad (4)$$

In fig. 1 – 4 calculations and graphs of cost of production, cost of storage and total costs are presented.

The larger the party's production of material resources, the less operational costs of placing goods in a given period. That is, the more we manufacture, the less is the import of materials, the lower the cost of transportation, acceptance, and so on. Thus, on the basis of the EOQ model, it is grounded that the optimal batch size at which TC is minimal is 4 tons of finished products. The optimal number of deliveries per unit time is 25.

Planning of production and sales is the main part of the plan, on the basis of which is the production program of the enterprise. One of the tasks of effective planning is to optimize the production capacity of the enterprise. In the calculation of the production capacity of the enterprise included all available equipment of the main production (in particular, ineffective due to repair, malfunction and modernization), with the exception (within the limits of the standard) of the reserve equipment and equipment of pilot experimental and specialized areas for vocational training [1].

Grain-cleaning machines, the work of which is based on the use of different properties of grain and impurities, is essential in the technological process of flour-mill production.

In the modern market there are many types of this equipment. Therefore, one of the priority tasks of forming a production program is the calculation of the capacity of grain processing.

Q	K×D/G cost of production	h×Q/2 storage cost	TC general expenses
1	2000	125	2125
2	1000	250	1250
3	666,7	375	1041,7
4	500	500	1000
5	400	625	1025
6	333,3	750	1083,3
7	285,7	875	1160,7
8	250	1000	1250
9	222,2	1125	1347,2
10	200	1250	1450
11	181,8	1375	1556,8
12	166,7	1500	1666,7
13	153,8	1625	1778,8
14	142,9	1750	1892,9
15	133,3	1875	2008,3
16	125	2000	2125
17	117,6	2125	2242,6
18	111,1	2250	2361,1
19	105,3	2375	2480,3
20	100	2500	2600

Given	
D	100
K	20
h	250
Q *	4
TC min	1000

Fig. 1 – EOQ model

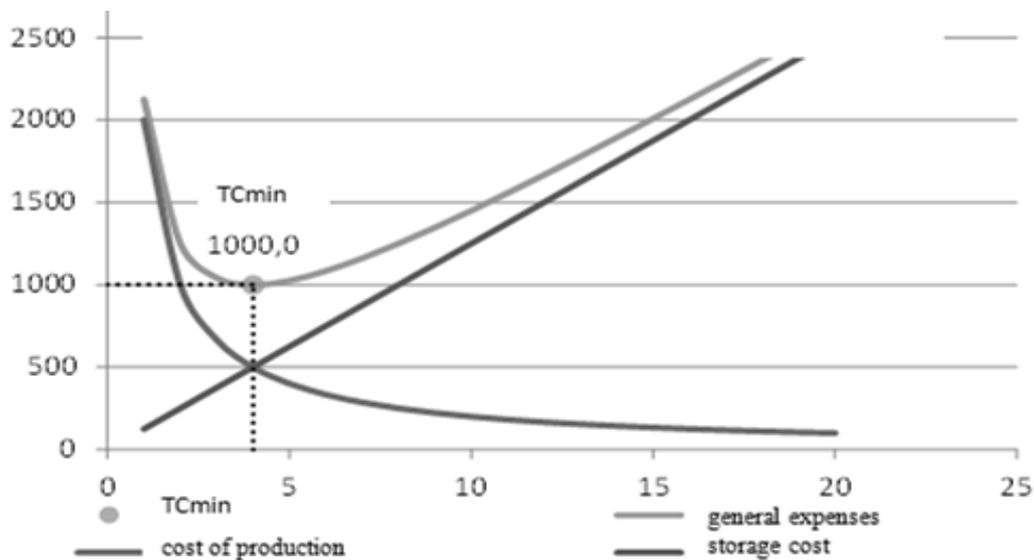


Fig.2 – Graph of the EOQ model

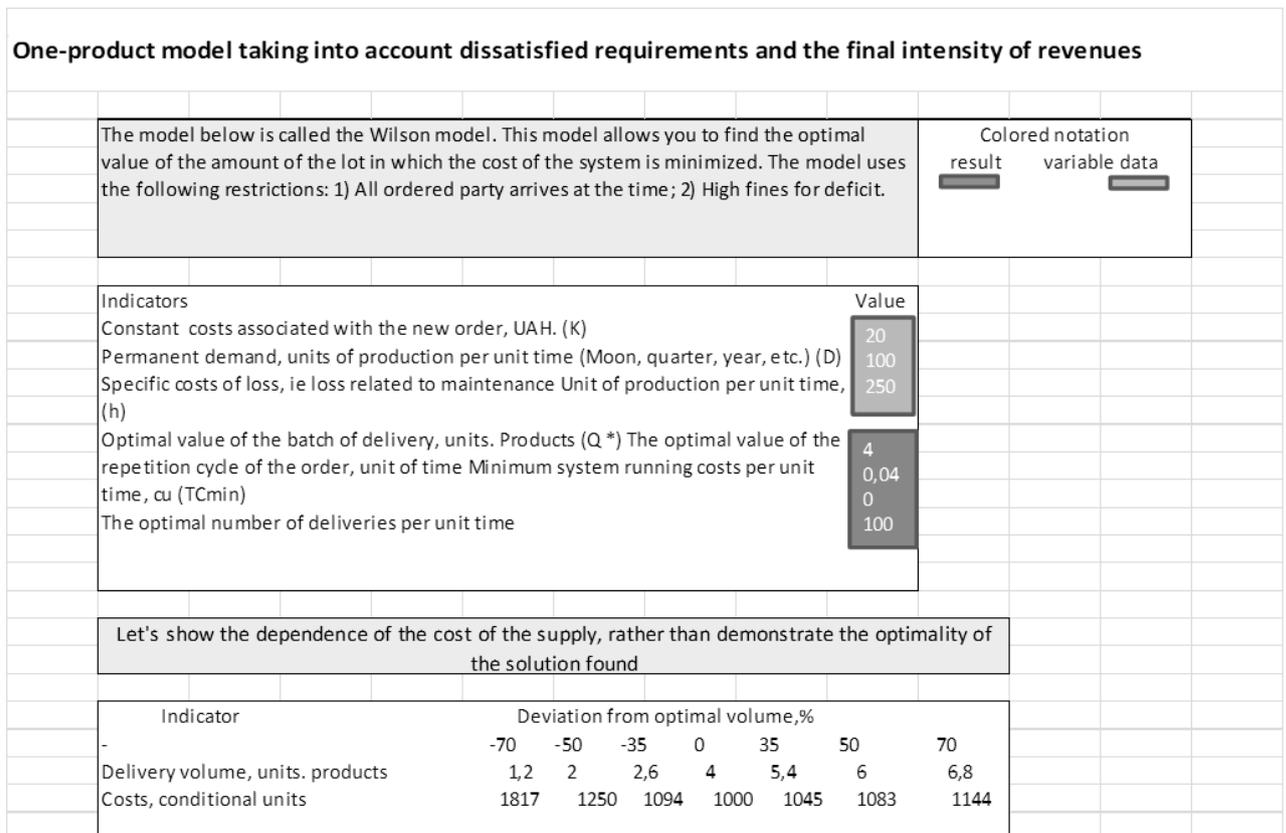


Fig.3 – Wilson Model

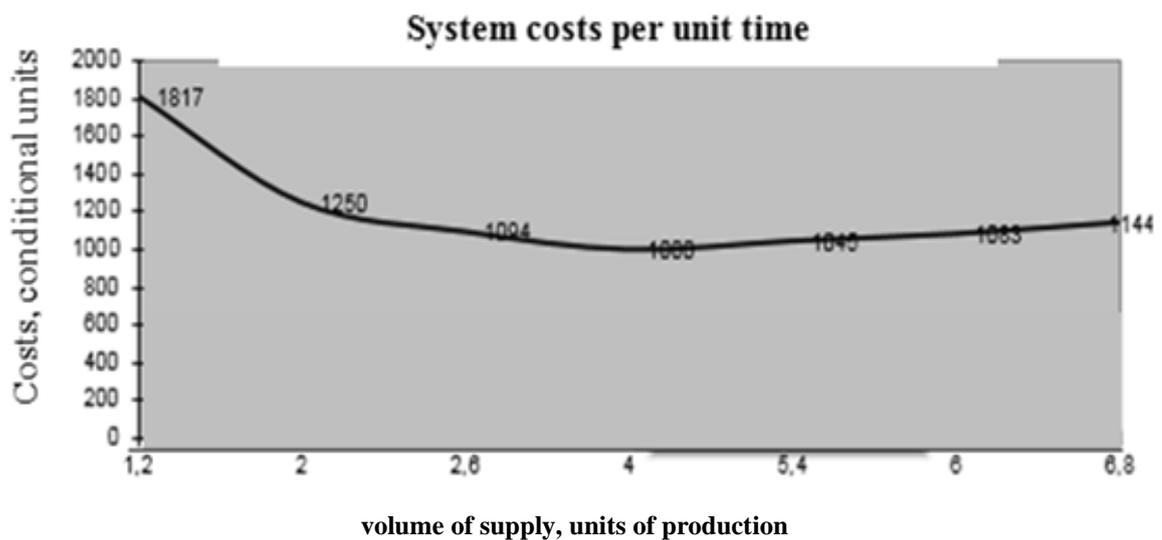


Fig.4 – Graph of the Wilson model

Thus, based on the method of multi-criteria optimization, an optimal type of grain cleaning machine was determined based on performance and cost criteria with an optimization orientation to the maximum and minimum, respectively, for each of the criterion indicators.

Let, type 1 – SIPMA ZZ4020, 2 type – ISM-40, type 3 – OVU-25, type 4 – ACM-10 and type 5 – ACM-5.

Table 1 – Data on types of equipment

Type of grain cleaning machine	1	2	3	4	5
Productivity, t / h	20,000	15,000	10,000	7,000	4,000
Cost, thousand UAH	260,00	215,00	170,00	150,00	125,00

A generalized additive value function has the form:

$$u = \frac{\text{Productivity, t / h } (x)}{16} - \frac{\text{Cost, thousand UAH } (x)}{135\,000} \rightarrow \max \quad (5)$$

At the next stage, the values of the types of equipment are calculated and the admissible plan  $x_1$ , which corresponds to the maximum (5), is determined. The results of calculations are given in Table. 2.

The best value function is the third type of equipment:  $x_1 = 3$ ,  $y_1 = f(x_1) = [10 \text{ t / h}; 170 \text{ thousand UAH}]$ . The results received were sent to ODA (the decision maker).

Table 2 – Values of equipment types

Type of grain cleaning machine	1	2	3	4	5
Productivity, t / h	1,25	0,9375	0,625	0,4375	0,25
Cost, thousand UAH	1,926	1,593	1,259	1,111	0,926
Value (u)	<b>-0,676</b>	<b>-0,655</b>	<b>-0,634</b>	<b>-0,674</b>	<b>-0,676</b>

Since the plan  $x_1$  is not agreed upon by the ODA, it introduces acceptable levels for each target function that it considers to be satisfactory: But equipment with such parameters is absent, therefore the reality of the admissible levels introduced in the previous step was determined.

As a result, the search for an effective plan  $x_2$  satisfies the real levels of the criterion indicators:  $x_2 = 2$ , its estimate  $y_2 = f(x_2) = [15 \text{ t / year}; 215 \text{ thousand UAH}]$ , which the ODA receives.

Therefore, in order to ensure the efficiency of the production program at the expense of the equipment's capacity, the grain-cleaning machine ISM-40 should be used on the grain cleaning line.

The success of the overwhelming majority of managerial tasks depends on the best, most profitable way of using resources such as money, goods, raw materials, equipment, labor, etc. After all, the resources required to perform a certain work, almost always limited. And from what decision will be made regarding the quantitative distribution of these limited resources, the final result of the organization depends on.

LLC «Firm DIAMANT LTD» uses four types of raw materials: cereals, dried fruits, walnuts and chocolate to produce three types of oat flakes «Fitnes» (A1), «Extra» (A2) and «Premium» (A3). The rates of use of raw materials of each species for the production of one ton of flakes of each type,

the total amount of raw materials of each type is also known and the profit from the sale of 1 ton of finished product of this type.

To determine the production plan, which provides maximum profit, an economic-mathematical model has been constructed, which has the form:

*Known parameters:*

$m$  – number of types of raw materials;;

$n$  – number of types of flakes;

$a_{ij}$  – norms of consumption of the  $i$ -th raw material for the production of the  $j$ -th type of flakes;

$c_j$  – profit from the sale of 1 t of products;

$b_i$  – stock of  $i$ -th raw materials.

*Managed Options:*

$x_j$  – is the optimal quantity of products.

*Computational quantities:*

$$\sum_{j=1}^n a_{ij} x_j, (i = \overline{1, m}) \quad (6)$$

– costs  $i$ -th raw materials for the manufacture of each type of product.

*Target function:*

$$f(x) = \sum_{j=1}^n c_j x_j \rightarrow \max \quad (7)$$

– total profit from the sale of all manufactured products.

*Limitation:*

$$\sum_{j=1}^n a_{ij} x_j \leq b_i \quad (i = \overline{1, m}) \quad (8)$$

– the cost of raw materials for the production of optimal quantities of products should not exceed the stock of raw materials:

$$x_j \geq 0 \quad (j = \overline{1, n}) \quad (9)$$

– the quantity of produced products should be greater than 0.

The best plan that you received during the calculations can be seen in Fig. 5.

Thus, a plan for the production of flakes has been defined, which will ensure maximum profits. With the help of «Search for the solution» it was determined that the optimum variant for the confectionery factory is the production of flakes of the species A2. For this kind of products per 1 ton of flakes, the average amount of raw materials is used in almost all types, and the profit from the sale of 1 t of production is the highest. Therefore, for the enterprise it is optimal for the production of flakes of the type A2 – 814,29 tons, from which the company analyzed and will have its total profit from sales in the amount of 2 198,57 thousand UAH.

LTD «Firm DIAMANT LTD» has at its production capacity 4 lines of processing of varieties of different volumes. An enterprise must complete an order: to process a certain number of breeds of three different types. Unfortunately, the total volume of lines is less than the volume of the order.

An unpaid order is subject to a fine, the amount of which is proportional to the amount of the non-executed order.

Type of raw material	Norms of raw material consumption per 1 ton of products			Stock of raw materials
	A1	A2	A3	
Cereals	0,8	0,7	0,65	570
Dried fruit	0,02	0,07	0,1	350
Nuts	0,1	0,12	0,9	500
Sunflower seeds	0,08	0,09	0,12	400
Chocolate	0	0,02	0,04	230
Profit from the sale of 1 ton of products (ths. UAH)	2,6	2,7	2,35	
Optimal quantity of products	0	814,27	0	
Earnings from sales of products	0	2198,6	0	

Consumption of raw materials for the production of optimal quantities of products	Percentage ratio	Reserve (t)
570	100,00%	0
57	16,29%	293
97,71	19,54%	402,28571
73,29	18,32%	326,71429
16,29	7,08%	213,71429

<b>Total profit from sales - max</b>	2199
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Fig.5 – Optimal output

It is necessary to minimize the size of the fine by filling the machine-and-hardware conveyors in the optimal way.

The economic-mathematical model of the task is as follows::

*Known parameters:*

$m$  – the number of production lines that are involved in production;

$n$  – number of species of cereals;

$b_i$  – orders of  $i$ -th groats;

$c_j$  – capacity of the  $j$ -th line of processing;

*Managed Options:*

We introduce the logical variables  $x_{ij}$  - a sign of the availability of processing of the  $i$ -th groats on the  $j$ -th production line.

$$x_{ij} = \{1 \text{ if grower } i \text{ is converted to } j - \text{th equipment } 0, \text{ otherwise}\} \quad (10)$$

As variables of the model was taken and loading of processing lines of various types of cereals –  $d_{ij}$ .

Computational quantities:

$$k_i = (b_i - \sum_{i=1}^m d_{ij}) \quad (i = \overline{1, n}) \tag{11}$$

– the size of the fine for the short supply of the i-th type of cereals.

Target function:

$$f(x) = \sum_{i=1}^m k_i \rightarrow \min \tag{12}$$

– the amount of the fine must be minimal.

Limitation:

$$\sum_{i=1}^m d_{ij} \leq c_j \quad (j = \overline{1, n}) \tag{13}$$

– the volume of processed cereals should not exceed the volume of the capacity of the processing line;

$x_{ij}$  – binary number.

– the sign of the presence of the processing of the i-th groats on the j-th production line can take values of 1 or 0.

$$\sum_{i=1}^m x_{ij} \leq 1 \quad (j = \overline{1, n}) \tag{14}$$

– the amount of line load selection must be less than or equal to 1.

$$\sum_{i=1}^m d_{ij} \leq b_i \quad (j = \overline{1, n}) \tag{15}$$

– the volume of processed cereals should be as close as possible to the number of orders.

The best plan that you received during the calculations can be seen in Fig. 6.

Capacity of processing lines

	Line 1	Line 2	Line 3	Line 4
Capacity	1050	800	1200	700

Loading lines (1 - yes; 2 - no)

	Line 1	Line 2	Line 3	Line 4
Buckwheat	1	0	0	1
Rice	0	0	1	0
Millet	0	1	0	0
	1	1	1	1

Loading Lines (Capacity)

	Line 1	Line 2	Line 3	Line 4	Totally redone	Orders	Losses, UAH
Buckwheat	1050	0	0	700	1750	1800	50
Rice	0	0	1200	0	1200	1500	300
Millet	0	800	0	0	800	1000	200
							550

Loading lines (by type of cereals)

	Line 1	Line 2	Line 3	Line 4
Buckwheat	1050	0	0	700
Rice	0		1200	0
Millet	0	800	0	0

Fig.6 – Optimal loading of processing lines of the enterprise

Consequently, as a result of the calculations, the size of the fine was minimized, filling the processing lines in the best way, taking into account the orders of the buyers. With the help of «Solution Search» it was determined that the best option for the enterprise is the processing of buckwheat on line 1 and line 4, the amount of fine in this warehouse – 50 UAH. The rice should be processed on line 3, with the minimum costs at the same time – 300 UAH. And the wheat must be loaded on line 2, which will be 200 UAH. fine due to lack of supply of products to customers. Hence, the total amount of a fine is minimized – 550 UAH.

In practice, many-stage operations are commonly associated with a reasonable distribution of resources. The task of optimal resource allocation is to find the best distribution of resources, in which either maximizes the result, or minimizes costs.

LLC «Firm DIAMANT LTD» produces flour and it is necessary to fulfill the customer's order. The enterprise has 3 types of equipment. All types of equipment produce the same product. The productivity of each type of equipment is different. Each type of equipment has a constant and variable part of the cost. The variable part of expenses is proportional to the quantity of manufactured products. There is a limited number of units of equipment of each type (but the total amount of equipment is redundant to execute the order).

It is necessary to minimize the cost of equipment upon fulfillment of the order.

The enterprise costs according to the type of equipment: use of the equipment of type Alpha-3000 is the most expensive in operation, but it is also the most productive.

Equipment of the type Alpha-1000 is cheapest in operation, but it is also less productive. The task is to select the cheapest equipment so that the order is executed (Alpha-1000 capacity is not enough to fulfill the order). It should be borne in mind that because of the low productivity of cheap cars, they have to take more, carrying substantial constant costs.

*Known parameters:*

$m$  – number of types of equipment;

$a_i$  – constant costs of the same type of equipment;

$b_i$  – variable costs of the same type of equipment;

$c_i$  – maximum productivity of the type of equipment;

$d_i$  – number of the type of equipment available;

$k$  – quantity of product order.

*Managed Options:*

The variables of the model are the number of units of equipment of each type involved and the total quantity of products issued for each type of equipment (productivity is given not for each unit, but for the type as a whole).

$x_i$  – the number of units involved in each type.

$y_i$  – the quantity of products issued for each type of equipment.

*Computational quantities:*

$$\sum_{i=1}^m c_i \cdot \sum_{i=1}^m x_i, \quad (16)$$

– maximum capacity of the enterprise for the period;

$$a_i / c_i, \quad (17)$$

– constant cost per unit of performance;

$$\sum_{i=1}^m c_i \cdot x_i \quad (18)$$

– constant cost per unit of performance;

*Target function:*

$$f(x) = \sum_{i=1}^m y_i \cdot b_i + \sum_{i=1}^m x_i \cdot a_i \rightarrow \min \quad (19)$$

– total operating expenses should be minimized.

*Limitation:*

$$\sum_{i=1}^m x_i \leq \sum_{i=1}^m d_i, \quad (20)$$

– the number of machines involved in each type should be no more than is available;

$$x_i - \text{whole} \quad (21)$$

– the number of machines involved should be an integer number;

$$\sum_{i=1}^m x_i \leq k, \quad (22)$$

In general, products must be produced at least as much as the order size.

$$y_i \leq \sum_{i=1}^m c_i \cdot x_i, \quad (23)$$

– the quantity of output is not less than the productivity of the equipment involved.

With the help of «Finding Solutions», an optimal set of equipment units by type and performance was found, in which the operating costs would be minimal, and the order was executed.

Consequently, 6 500 Alpha-1000 machines (out of 6 possible), 4 Alpha-2000 machines (out of 4 possible) and 2 Alpha-3000 machines (out of 3 possible) will be used to secure the order of 6,500 kg buyers. Thus, the order is executed, and the minimum expenses at this amount are 5 500 UAH.

In the condition of the task, it is assumed that production is carried out only during one period. For ease of planning of production activity, the best distribution of resources was determined in case of several periods.

From the operational data, production is carried out within 5 days. Shipment order is daily. Moreover, on the day it is possible to produce more products than required on the day of order, the surplus is carried over to the next day.

With the help of «Finding Solutions», an optimal set of equipment units by type and performance was found, in which the operating costs would be minimal, and the order was executed.

In fig. 7. The given model, created for the decision of the given task.

Equipment data					For reference	
Type of equipment	Constant expenses for the period, UAH	Variable costs UAH / kg	Maximum productivity, kg per period	Number of machines available	Maximum capacity of the enterprise for the period	Constant costs per unit of performance
Alpha - 1000	50	0,5	400	6	7350	0,1
Alpha - 2000	75	0,8	600	4		0,1
Alpha - 3000	125	0,9	850	3		0,1

Cars are used to execute the order

Type of equipment	Number
Alpha - 1000	6
Alpha - 2000	4
Alpha - 3000	2

Number of products issued for order fulfillment

Type of equipment	Number	Maximum performance of the machines involved
Alpha - 1000	2400	2400
Alpha - 2000	2400	2400
Alpha - 3000	1700	1700
Totally made	6500	

The order for the product to be executed	6500	The order is complete
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Total Operating Expenses, UAH	5 500,00
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Fig. 7 – Optimal allocation of enterprise resources

In fig. 8. The given model, created for the decision of the given task.

As a result of calculations, the optimal set of equipment units for several periods by type and their performance was obtained, in which the operating expenses would be minimal, and the order was executed.

Thus, the optimal allocation of resources for 5 days, when ordering buyers in the amount of 33 500 kg, has the following structure: on Monday, 6 Alpha-1000 machines (out of 6 possible), 4 Alpha-2000 machines (out of 4 possible) and 3 cars should be used on Monday Alpha-3000 (out of 3 possible). On this day, production will be produced in the quantity of 7 350 kg - the maximum productivity of equipment per day, with an order of 5,500 kg.

Equipment data

Type of equipment	Constant costs, UAH / kg	Variable costs, UAH / kg	Maximum productivity, kg per period	Number of machines available
Alpha - 1000	50	0,5	400	6
Alpha - 2000	75	0,8	600	4
Alpha - 3000	125	0,9	850	3

For reference

The maximum capacity of the enterprise for the period	7350	Maximum power of the company for 5 periods	36750
Order			33500

Cars are used to execute the order

Type of equipment	Monday	Tuesday	Wednesday	Thursday	Friday
Alpha - 1000	6	6	6	6	6
Alpha - 2000	4	4	4	4	3
Alpha - 3000	3	2	3	3	1

Number of products issued by days

Type of equipment	Monday	Tuesday	Wednesday	Thursday	Friday
Alpha - 1000	2400	2400	2400	2400	2400
Alpha - 2000	2400	2400	2400	2400	1800
Alpha - 3000	2550	1650	2550	2550	800
Total released	7350	6450	7350	7350	5000
Moved	0	1850	1800	150	0
Together	7350	8350	9150	7500	5000

An order that needs to be executed	5500	6500	9000	7500	5000	The order is complete
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Maximum performance of the machines involved

Type of equipment	Monday	Tuesday	Wednesday	Thursday	Friday
Alpha - 1000	2400	2400	2400	2400	2400
Alpha - 2000	2400	2400	2400	2400	1800
Alpha - 3000	2550	1700	2550	2550	850

						Total Operating Expenses, UAH	Average transaction costs per day, UAH
Total operating expenses for the period, UAH	6 390,00	5 455,00	6 390,00	390,00	4 010,00	28 635,00	5 727,00

Fig. 8 – Optimal allocation of enterprise resources

On Tuesday, 6 Alpha-1000 machines (out of 6 possible), 4 Alpha-2000 machines (out of 4 possible) and 2 Alpha-3000 machines (out of 3 possible)

should be used. On this day, production will be produced in the quantity of 6 450 kg, at the order of 6 500 kg. And on this day there is a remnant of produced products for the previous period in the amount of 1 850 kg.

On Wednesday, 6 Alpha-1000 machines (out of 6 possible), 4 Alpha-2000 machines (out of 4 possible) and 3 Alpha-3000 machines (out of 3 possible) should be used. On this day, production will be produced in the quantity of 7 350 kg, at the order of 9 000 kg. And on this day there is a remnant of produced products for previous periods in the amount of 1 800 kg.

On Thursday, 6 Alpha-1000 machines (out of 6 possible), 4 Alpha-2000 machines (out of 4 possible) and 3 Alpha-3000 machines (out of 3 possible) should be used.

On this day, production will be produced in the quantity of 7 350 kg, at the order of 7 500 kg. And on this day there is a remnant of produced products for previous periods in the amount of 150 kg, which covers the underproduction.

On Friday, 6 Alpha-1000 machines (out of 6 possible), 3 Alpha-2000 machines (out of 4 possible) and 1 Alpha-3000 (out of 3 possible) machines should be used. On this day, products will be produced in quantities of 5,000 kg, with order of 5,000 kg. Moreover, the balance of produced products in previous periods is not, which shows the effectiveness of the developed program.

Thus, the order is executed, and the minimal expenses for 5 periods make 28 635 UAH.

One of the most difficult tasks of economic management is the preparation of a calendar plan of production in the conditions of a deficit of production capacities. Calculation algorithms of production programs or ERP-systems in most cases form plans only by the nomenclature and enlarged scheduled periods. In the future, these plans are hand-crafted by the scheduler manager, creating daily variable tasks. It is obvious that the quality and optimality of such a plan entirely depends on the experience of the specialist-planner.

The difficulty in finding an optimal work plan is due to many unknowns, which is why it is very difficult to write an algorithm even for a particular customer – in real work there are constantly situations, predict and formalize which in advance was impossible. These complexities increase many times when writing universal programs focused on a particular industry or type of production.

Setting up a task: In the firm «DIAMANT LTD» there is a plan of release for the range of products for a certain period (5 days), the company works in 2 changes. Production can be carried out simultaneously on 3 production lines. The re-adjustment of the line for release from one product to another requires some time, as indicated in the directory.

It is necessary to draw up a timetable for the issue of products by date-

changes and lines, so that the total release was no less than the established nomenclature plan for the period.

It is understood that for algorithmic calculation only those products are used, the preparation of the forecast plan for which presents certain difficulties.

To calculate, we use an overview of the options implemented with the VBA program. Verification of conditions occurs using formulas of the worksheet.

We draw attention to the problem of restrictions on the selection of options. It is necessary to achieve the minimum number of unknowns in the task, and only then run the algorithm.

Thus, search restrictions are:

- Number of days and changes.
- Number of types of products manufactured (nomenclature).
- Number of production lines (sites).
- Possibility of producing certain products in certain areas.
- Time of work and time for equipment re-adjusting.
- Predefined task variables for specific dates and lines.

Guides and restrictions are set up in special tables – the cells are highlighted in green. When setting the time for redirection, you must specify all possible options for products manufactured for each production line.

**Parameters**

Days in plan	5
Change at the bottom	2
	10
Duration of change, h	8
Max duration of adjustment in changes, year	5
Lines	3

**Legend:**

Flour is oatmeal	A
Oatmeal flakes	B
Wheat flour	C
Macaroni	D
Croup is oatmeal	E
Oat bran	F

**Product**

	Line 1, kg / h	Line 2, kg / h	Line 3, kg / h
A	3	1	0
B	0	2	3
C	8	10	0
D	2	2	2
E	0	0	5
F	0	0	10
	ACD	ABCD	BDEF

**ACCESSORY**

**Line 1**

hour	A	B	C	D	E	F
A			3	3		
B						
C	2			3		
D	1		1			
E						
F						

**Line 2**

hour	A	B	C	D	E	F
A		2	2	2		
B	2		1,5	2,5		
C	2	2		3,5		
D	1	1	2			
E						
F						

**Line 3**

hour	A	B	C	D	E	F
A						
B				2	2	3
C						
D		3			4	3
E		2,5		3,5		1
F		4		1	2	

Fig.9 – Formation of a product release calendar

To launch the solution search algorithm, a special «Start» button is assigned.

PLAN

A	180
B	100
C	60
D	80
E	
F	100

PREVIOUSLY INSTALLED PLANS

Date	Change	Line 1	Line 2	Line 3
last state		C	B	B
13.11.18	1		B	
13.11.18	2	A		
14.11.18	14.11.18	1	B	
		2	B	F
15.11.18	1	A		
15.11.18	2			
16.11.18	1			
16.11.18	2			
17.11.18	17.11.18	1	A	
		2		

Fig.10 – Generating a schedule for product release

The results of calculations are shown in the tables «Proposed release plan» and «Issue of products».

## PROPOSED EXPANSION PLAN

Date	Change		Line 1	Line 2	Line 3	Changeover, year	
The last condition			C	B	B		
13.11.18				B	F		
13.11.18	1	2	A		D	3,0	3,0
14.11.18			D	B	D		
14.11.18	1	2	A	B	F	3,0	4,0
15.11.18			A		D		
15.11.18	1	2	D	C	D	1,0	4,5
16.11.18			A	A			
16.11.18	1	2	A	A	B	3,0	3,0
17.11.18			A	A	B		
17.11.18	1	2	A	A	B	0,0	0,0

## RELEASE ON PRODUCTS

	Issue, kg	Excess, kg	Control
A	<b>186</b>	6	0
B	<b>111</b>	11	0
C	<b>65</b>	5	0
D	<b>80</b>	0	0
E	<b>0</b>	0	0
F	<b>100</b>	0	0

Fig.11– Formation of a product release calendar

As a result of calculations, the following optimal production plan was obtained:

– On 13.11.18 for change I planned to use Line 2 for production of products B and line 3 for products F. The total time for adjustment is 3 hours. For the second change, it is planned to use Line 1 for production of products A and line 3 for products D. The total adjustment time is 3 hours.

– On November 14, 17th, for change I planned to use Line 1 for manufacturing products D, line 2 for production of products B and line 3 for products D. The total time for adjustment is 3 hours. For the second change, it is planned to use Line 1 for manufacturing products A, line 2 for the production of products B and line 3 for products F. The total time for adjustment is 4 hours.

– On 15.11.18 for change I planned to use Line 1 for the production of products A and line 3 for products D. The total time for adjustment is 1 hour. For the second change, it is planned to use Line 1 for the production of products D, line 2 for the production of products C and line 3 for products D. The total time for adjustment is 4.5 hours.

– On 16.11.18 for change I planned to use Line 1 and Line 2 for manufacturing products A. The total time for adjustment is 3 hours. For the second change, it is planned to use Line 1 and Line 2 for production of products A and line 3 for products B. The total time for adjustment is 3 hours.

– On 17.11.18 for changes I and II planned to use Line 1 and Line 2 for production of products A and line 3 for products B. The total time for reconfiguring for each change is 0 hours.

The quantity of products released for a period of (5 days) is: for products A - 186 kg, B - 111 kg, C - 65 kg, D - 80 kg, E - 0 kg and F - 100 kg. Consequently, the production plan is completed.

For the economist of the planning department, the use of this algorithm can increase understanding of the problems when compiling the production schedule and will allow replacing or facilitating the work of managers of production sites.

But there are significant drawbacks of the algorithm: Mandatory one-character encoding of the nomenclature. Moreover, it is necessary to use the English letters «A-Z». The search for the nomenclature only in one direction. There is no possibility to search alternative variants without specifying new restrictions. Lack of search time prediction. Approximately imagine the speed of work can only be visually, looking at changing options. The formulas used in the example with standard iterative calculations are very difficult to understand.

### **Conclusions and suggestions**

On the basis of the data of the company LLC «Firm DIAMANT LTD» the models of the formation of the production program at the expense of economic-mathematical modeling were developed, namely:

1. Model of the optimal volume of a party (Wilson's model).
2. Model of multicriteria optimization of production capacity of the enterprise.
3. Model of optimal use of resources in production planning with maximizing the result.
4. Model of combinatorial minimization of losses.
5. Model of optimal allocation of resources (restrictions on the number of equipment, several periods).
6. Model of the formation of the calendar plan for the release of products.

Thus, the optimal decision regarding the choice of a particular version of the enterprise's production program is based on a system of interconnected criteria, among which: demand for products, level and dynamics of prices, own capabilities, that is, availability of production capacity and space, labor and material resources, and also, investment resources. It is not necessary to speak about the definition of any particular model for planning a production program, since each of the analyzed models considers each segment of the planning of the production plan. Implementation of this module will reduce the cost of time for recording, monitoring, searching and entering data, analyzing the flow of documentation. However, the need for the constant input of initial and operational information in a non-Microsoft Office Excel, an infinite search for the necessary data to fill out or view among a large

number of files that store the information needed to work, will facilitate the work of employees of the planning and production departments. The proposed configuration increases the growth rate of productivity and efficiency of the department as a whole.

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## **Improving Bank Capitalization in Terms of Increasing the Competitiveness of the Banking System**

In terms of crisis economy, increasing banking competition, growing requirements of the Basel Accord to ensure the bank capital adequacy, bank capitalization is an objective condition for increasing the banking system stability and reliability. The crisis of the real economy, financial and banking sectors lead to reducing creditworthiness of most borrowers, thus affecting the return of bank loans, and hence the possible development of the real sector of economy. It should be noted that the process of the Ukrainian banks' capitalization significantly lags behind the real needs of the country's economy and does not meet the bank regulator requirements. Increasing bank capital is the main task of Ukraine's banking system because the formation of the financial foundation, the creation of the necessary conditions for the sustainable development of the banking sector, as well as the creation of prerequisites for economic growth in the state depends on its implementation.

Due to its importance and relevance, the issue of bank capitalization was researched by domestic and foreign scientists such as M. Alekseenko, V. Vladychin, O. Dziubliuk, A. Moroz, P. Matvienko, L. Pristostka, N. Sheludko, R. Kotter, E. Reed, P.S. Rose, A. G. Sarkisants and others. At the same time, despite the depth of scientific research in this area, the existing findings and recommendations do not give a holistic view of the need and ways of improving bank capitalization; the problem of equity capital growth in terms of increasing the competitiveness of the Ukrainian banking system is not fully covered.

The objective of the paper is to develop ways of improving bank capitalization and means of their implementation, aimed at increasing the bank's equity to enhance the competitiveness of the banking system.

Methods and theoretical foundations of the research. Methodologically, the paper is based on the scientific works by domestic and foreign scientists, the fundamental theoretical foundations of economics in relation to bank capitalization. In the process of research, the following general scientific methods have been used: the systematic approach – to work out the proposals for the growth of the equity capital of the Ukraine's banking system; formal and dialectical logic, synthesis, logical generalization – to characterize modern approaches to determining the bank's capital adequacy; grouping and factor analysis – to identify the internal and external factors influencing the process of bank capitalization and to determine the features of its manifestation in modern conditions. The comparative method was used to analyze the quantitative indicators in the banking system regarding the

implementation of minimum authorized capital requirements and the development of a scientific and methodical approach to the selection of tools to increase bank capitalization to support the competitive potential of the banking system; using the method of statistical, comparative analysis of economic indicators we revealed features of the capitalization of Ukraine's banking institutions.

**Results.** A critical review of economic literature and own research has proven that a sufficient amount of bank capital enables to expand active operations and provides an appropriate level of competitiveness as an indicator of the sustainability and capacity of each bank, in particular, and of the banking system as a whole.

It has been established that the connection between high competitiveness of the banking system and the mentioned factors is bilateral. Indeed, a high level of stability and reliability of the banking system contributes to increasing its competitiveness and, accordingly, attractiveness for investors and clients. This, in turn, leads to an increase in the efficiency of the activities capitalization of commercial and to the stable and reliable development of the entire banking system.

The commercial banks' capital is the basis of their operation and development of the entire banking system. The inadequate capital of the domestic banking system holds back the country's economic development.

It should be noted that the bank's equity capital consists of the stock pulled by shareholders and formed due to the bank's further activities. Like any other business entity, the bank has its equity capital. However, the equity capital of the bank has a number of specific features, including:

- its share in the bank resources is much less than that of industrial enterprises and other branches of economy;
- equity capital does not form the basis for operational activities of the bank on the market.

The equity capital of the bank performs protective, regulatory and operational functions. But in their activity, banks use outside funds and borrowed capital, which account for a fairly large share in the capital structure of each bank. The bank capital adequacy is the ability of the bank capital to implement its inherent functions fully and effectively, provide the bank's financial stability, profitability, reliability, investors', creditors' and depositors' trust throughout its operation. Consequently, the bank's capital adequacy is an integral characteristic of the bank's level of reliability that is based on understanding the nature and functional purpose of capital as a source of losses and risks. In determining the capital adequacy a number of conditions, the existence of which is conditioned by the functions of the equity of the bank, should be considered. In case of insufficient capital, the bank may:

1) change the structure of its assets, which should reduce the proportion of risk assets or increase the proportion of non-risky and low-risk assets;

2) increase the equity capital at the expense of internal and external sources.

It is established that today in European countries the term “economic capital of a bank”, which a bank should have to cover such main types of bank risk as credit, market, operational, etc., is often used. There are two approaches to determining the size of economic capital, and according to the first one, it is the amount of the capital needed to cover a certain set of risks. In this case, the economic capital may be larger or smaller than the volume of regulatory capital, and if the economic capital is greater than the regulatory one, the bank carries out risk activities. The second approach implies that economic capital is only a part of the regulatory capital able to cover a certain set of specific risks and the result of their complex interaction [William L., Figgins B., Hedengren D., and Daniel B. Klein, 2011, 126 -146].

The Basel Committee that operates with the Bank for International Settlements in Basel made the largest contribution to the development of regulation of banking activities and banking risks.

It should be noted that the Basel I provisions became the basis for the formation of the Ukraine’s banking regulation system. They are still up to date and are enshrined in the Law of Ukraine “On Banks and Banking Activities”, and their application is in the NBU Instruction “On the Procedure for Regulating the Activities of Banks in Ukraine” of 28.08.2001 № 368. In particular, determined is the essence of the concept of “regulatory capital”, its purpose and components [the National Bank of Ukraine, 2001].

Subsequently, the National Bank of Ukraine worked towards the approximation of the Ukrainian banking system to international standards. Thus, the implementation of a new Basel Committee document on Banking Supervision “International Approximation of Capital and Capital Standards: Revised Conceptual Framework” (Basel II) was done. Its main objectives are the transition from the procedure for capital assessment to a more accurate and risk-sensitive process and promoting best practices in managing bank risks.

New banking standards for capital and liquidity (Basel III) were adopted in November 2010 at the G20 Summit in Seoul. Their main objective was to enhance the quality, transparency and improvement of the bank capital structure, expanding capital risk coverage and stimulating measures to create its reserve stocks. These requirements include: a general increase in the level of bank capitalization, capital buffers, short- and medium-term liquidity ratios and leverage ratio, counter-cyclical regulation. Basel III is a supplement to previous documents and improves them, not cancellation.

The standards will be introduced gradually and in an evolutionary way from 2013 to 2019. It should be noted that one of the key distinctions of Basel III is the transition from the recommendatory nature of the previous standards criteria to the more stringent binding requirements. If banks do not meet the updated requirements, central banks are empowered (even obliged)

to impose sanctions on banking institutions in the form of deprivation of the right to pay dividends to shareholders, bonuses and other premiums to managers, etc. [Basel III: international regulatory framework].

Innovative is toughening the requirements for the Tier 1 capital (fixed capital), which is recommended to credit shares and retained earnings only. By 2015 all banks must increase the minimum share capital up to 4.5% of risk-weighted assets. In the case of a significant increase in credit risk due to a significant increase in lending operations, banks will be obliged to form a countercyclical capital buffer based on the model of expected rather than actual losses in the amount of 0 to 2.5% depending on national characteristics [Briginska, L.G]. Moreover, the minimum total capital requirements remain unchanged at 8%, but taking into account buffer capital, they will amount to 10.5% of risk weighted assets.

It is worth mentioning that the activities of system-building banks will be subject to special macro-prudential supervision, which will be determined by 41 primary and secondary indicators [Bank for International Settlements, 2006] or additional supervision measures.

The protection of banks from excessive risks in the Basel Committee updated requirements is provided by establishing a new leverage ratio of 3%, calculated as the ratio of the bank's borrowed funds to its own ones [Tirkalo R.I., 2010, 328].

The analysis of the current state of Ukraine's banking system has shown a low level of commercial banks capitalization. According to this indicator, Ukrainian banks lag behind the foreign ones significantly due to the fact that a major part of banks was created to solve the problems of financial industrial groups. The objective of other banks is to provide trade and intermediary services and currency exchange operations with a rapid turnover of funds. It takes a long time to revive the banking sector, as the system has to re-undergo approbation. Restoration of the enterprises' trust in the banking system is possible only if the NBU will change its approaches to understanding the function of protecting depositors' and creditors' interests, which involves restructuring the ideology, condemning the erroneous technology of "purification" and developing restructuring tools, and professional management.

Let us analyze the main indicators of the Ukraine's banking system. In 2017, the National Bank of Ukraine changed the criteria for the distribution of banks, and the number of bank groups decreased from four to three, and in 2018 the NBU retained 3 bank groups. As is known, 5 financial institutions comprise a group of banks with a state interest: PrivatBank, Ukreximbank, Oschadbank, Ukrgasbank and Settlement Center. The first group comprises banks, over 75% of authorized capital of which directly or indirectly belongs to the state.

In the second group there are 23 banks of foreign banking groups whose controlling interest belongs to foreign banks or foreign financial-banking

groups: Prominvestbank, UkrSotsbank, Raiffeisen Bank Aval, VTB Bank, Kredobank, BTA Bank, UkrSibbank, Idea Bank, Pravex-Bank, Credit Agricole Bank, Piraeus Bank ICB, Alfa-Bank, ING Bank Ukraine, OTP Bank, Citibank, ProCredit Bank, Sberbank, BM Bank, Forward, Credit Europe Bank, Deutsche Bank DBU, SEB Corporate Bank, Kreditvest Bank.

NBU consolidated other 54 banks with equity capital into a bank group, among the ultimate owners of substantial participation of which is one or more private investors, which directly and indirectly hold at least 50% of the bank's authorized capital.

Ukraine suffered from massive bankruptcies in the banking sector in terms of hostilities, the fall in GDP, which resulted in high inflation during 2014-2017. First of all, zombie banks that did not have any assets, and «scheme» banks that existed at the expense of money-laundering left the financial market. Also insolvent banks which lost their liquidity and were unable to serve customers were gradually eliminated.

According to the information on the licensed banks, from 2013 to 2017 their amount fell by 2.25 times. The main reason for this decline was the IMF demands. But, according to specialists, there are other reasons for reducing the number of banks:

- 1) the Ukrainian economy continues to decline, so banks' troubled loan portfolios grow;
- 2) there is a redistribution of property, and people withdraw their assets in favour of foreign banks;
- 3) when banks generate solid losses, their liquidation becomes profitable for the owners themselves, because after that they are actually exempted from obligations to legal entities and have obligations only to the FLVPU.

Owing to significant pre-capitalization of state-owned banks during the year the restructuring of ownership Ukraine's banking system took place. As of January 1, 2018, ownership structure of Ukraine's banking system assets was as follows: banks with private Ukrainian capital account for about 13%, banks of foreign bank groups – 32%, state-owned banks – 55%. The distribution of UAH 163,597 million of total capital of Ukraine's banking system by groups of banks as of the date was as follows: the capital of banks with a state share of property amounted to UAH 77,483 million or 47.36% of the capital base of Ukraine's banking system, foreign bank groups capital – UAH 58,530 million which amounted to 35.78% of the banking system capital, and banks with private capital had UAH 27,584 million or 15.07% respectively [Analytical review of the banking system of Ukraine, 2017].

On February 4, 2016, the Board of the National Bank of Ukraine adopted resolution № 58 “On increase in capital of Ukrainian banks” which have brought changes to the schedules of reducing the statutory and regulatory capital to the minimum size, which is provided by the banking legislation [On increase in capital of Ukrainian banks, 2016]. According to the Law of

Ukraine “On Banks and Banking”, the minimum amount of authorized capital at the bank’s state registration cannot be less than UAH 500 mln. The National Bank of Ukraine has developed a schedule gradual reduction of its size to meet the requirements for already working banks the share capital of which does not meet this requirement. According to the law, the share capital of banks should be not less than 120 million UAH by June 17, 2016 and gradually increase up to 500 million UAH by July 11, 2024. By this decision National Bank had revised the schedule of increasing the share capital of banks within the statutory deadline.

So, since 2017, banks should accelerate the schedule for increasing the minimum capital. The NBU has argued this step as it will give an opportunity to increase their financial stability, ability to withstand risks, an increasing of capital will give an opportunity to begin the restoration of lending to the economy which is one from the factors of accelerating the country’s economic growth. The National Bank of Ukraine has subsequently canceled mentioned resolution № 58 «On increase in capital of Ukrainian banks». The appropriate decision was approved on January 11, 2017, by the same decision of the NBU board № 2 «On increase in capital of Ukrainian banks» [On increase in capital of Ukrainian banks, 2017]. Under the influence of professional participants in the financial market, the National Bank withdrew too late from the forced schedule of bank capitalization softening their demands. After all, the law adopted in 2014 about raising the minimum share capital of banks demanded the developing (for 10 years) of a step-by-step plan which was fixed by the decision of the Board of the National Bank of Ukraine № 464 “On reducing the authorized capital of banks to the minimum size” dated August 6, 2014, in particular: UAH 120 million – by June 17, 2016; UAH 150 million – by July 11, 2017 and so on [On reducing the authorized capital of banks to the minimum size, 2014]. However, the NBU canceled – on unclear grounds – the feasible schedule for increasing the authorized capital of banks, dramatically reducing the terms of capitalization according to a completely disloyal to small banks schedule, and blocked the possibility of capitalization with using the profit of previous periods. In the terms of the country’s economic crisis and insignificant government-planned GDP growth, it was virtually impossible to fulfill the NBU’s demand for Ukrainian shareholders, which would lead to the elimination of most banks with Ukrainian capital in early 2017.

In the end, the NBU relaxed its requirements for capitalization by the resolution № 242 «On Amending Certain Legislative Acts of the National Bank of Ukraine» dated April 07, 2016 [On Amending Certain Legislative Acts of the National Bank of Ukraine, 2016]. The version of Paragraph 1 of the Resolution of the Board of the National Bank of Ukraine dated August 6, 2014 № 464 “On reducing the authorized capital of banks to the minimum size” (with amendments) is as follows: “1. Banks whose authorized capital does not meet the requirements of part one of Article 31 of the Law of Ukraine

“On Banks and Banking”, are obliged to bring its amount into compliance with the requirements of this law, namely to the size not less than:

UAH 120 million - by June 17, 2016;

UAH 200 million - by July 11, 2017;

UAH 300 million - by July 11, 2018;

UAH 400 million - by July 11, 2019;

UAH 450 million - by July 11, 2020;

UAH 500 million - by July 11, 2024”.

We suggest analyzing the quantitative indicators in the banking system regarding the implementation of the minimum size of the authorized capital (Table 1).

**Table 1 - Distribution of banks for paid-up authorized capital in 2015-2017**

<b>The size of the authorized capital</b>	<b>01.01.2015</b>	<b>01.01.2016</b>	<b>01.01.2017</b>	<b>01.01.2018</b>
number of banks that had a banking license, including:	163	120	100	82
the authorized capital less than UAH 120 million.	30	28	1	0
the authorized capital from UAH 120 to 200 million.	46	30	42	1
the authorized capital from UAH 201 to 300 million.	25	18	16	39
the authorized capital from UAH 301 to 500 million.	21	13	11	12
the authorized capital from UAH 501 million and more	41	31	30	30

\* calculated by the authors on the basis of the data [Materials of the official site of the Association of Ukrainian Banks]

As Table 1 shows, in 2015, there were 41 banks that met the norm for over UAH 500 million but in 2017 there were 30 such banks. That is, the difference was 10 banks that met the H1 norms and would be quite powerful competitors in the future. A mirrorlike trend is observed in the group of implementation of the norm for UAH 301-500 million. Thus, in 2015 there were 21 such banks, and 11 in 2017. As for small banks that “survived” on the credit market during 2014-2017, a large group of small banks, including a lion’s share of banks with national private capital, needs overcapitalizing. Under analysis is a group of banks which should increase their capital to UAH 200 million in 2017 and up to UAH 300 million in 2018.

By the end of 2017, the number of banking institutions, the authorized capital of which was less than UAH 200 million was 2. In one of them the amount of the authorized capital, including unregistered, exceeds UAH 200 million. In comparison with the previous year, this group decreased by 40 banking institutions. As of 01.01.2018, 39 banks had the authorized capital less than UAH 300 million. Probably, not all of these banking institutions will be able to stick to the schedule for increasing the authorized capital; some of them are expected to merge with other players on the market, or discontinue their activities and liquidate. At the same time, the key factor in changing the structure of the authorized capital of the banking system as a whole is the overcapitalization of state-owned banks. PJSC Oschadbank and PJSC Ukreximbank, as well as JSC CB PRIVATBANK, were overcapitalized by issuing domestic government bonds and exchanging them for shares of new emissions.

The ability of a bank to maintain a stable competitive position on the market for a long time is determined by its competitive potential, which “reflects the opportunities available to the enterprise’s internal and external environment for its operation and development” [O. V. Krukhmal, O. A., 2014, 168]. Scientists note that competitive potential is a prerequisite for the preservation and development of competitive advantages of the subject of competition; the presence of the necessary components of the competitive potential guarantees the company to achieve high competitive positions. The concept “potential” comes from the Latin “potentia” – ability, concealed possibility that can be manifested in certain conditions [Medvedev M.V., 2013, 38 – 39]. Usually, the potential of an enterprise is understood as the totality of various resources that are at the disposal of this company and are used in business activity. The authors of the paper note that “the competitive potential of an organization is determined by a set of parameters that characterize the potential and the ability of an organization to function effectively on the market in the future”. Competitive potential is a necessary prerequisite for ensuring the competitiveness of the enterprise. So, the competitive potential of the bank can be characterized as the ability to attract and deploy banking resources as a result of the implementation of a wide range of banking products and services on the market that are adequate to the needs of consumers of these services. The existing competitive potential allows the bank to maintain a stable competitive position and increase it due to the implementation of an effective competitive strategy over a specified period of time.

So, increasing competition on the banking market, which has been observed in recent years due to the globalization of financial markets and the expansion of foreign capital into the domestic banking sector, calls for solving a number of tasks aimed at increasing the competitiveness of domestic banks.

The development of conceptual approaches to improving capitalization of banks is the basis for strengthening stability within the framework of a

general strategy for building a stable and efficient financial intermediary, which provides a wide range of services that can satisfy as many clients as possible and maximize its profitability (fig. 1).

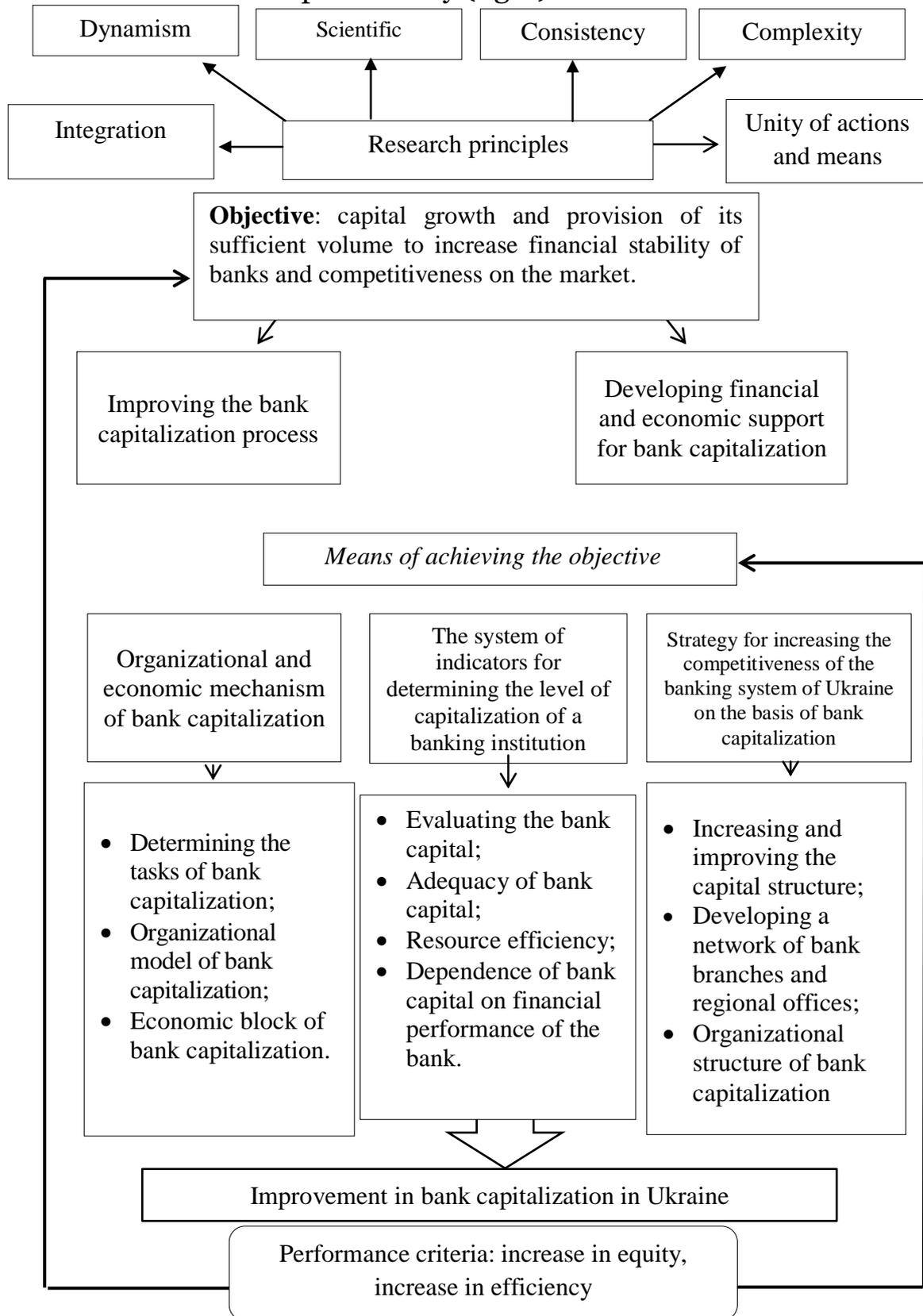


Figure 1 – Conceptual approach to improving bank capitalization in Ukraine

The success of the process of capitalization of banks is based on the following principles:

1. The scientific validity of bank capitalization, which is based on the provisions of the dialectical theory of cognition, requirements of economic laws, using the achievements of scientific and technological progress and the latest methods for economic research.

2. The complexity of bank capitalization means a detailed study of the directions, functions and mechanisms of this process.

3. The dynamism of bank capitalization, which is aimed at continuous accounting of internal and external factors influencing this process.

4. The integration of bank capitalization with the general managerial system indicates that when developed, the main provisions of bank activity for capitalization management should be based on the main objectives and tasks of the bank.

5. The final result-oriented system of bank capitalization, which shows the degree of conformity of the quantitative and qualitative parameters of this process that meet the requirements of the market and reflect the efficiency of managing bank capitalization.

6. The principle of unity of actions and means of achieving the objectives of the subjects of bank's management within the framework of the implementation of this process. This principle also implies the unity of tactics and strategy in the process of capitalization to ensure its continuity.

The objectives and tasks are developed proceeding from the principles of the process of bank capitalization. The objective of bank capitalization is to increase its capital and ensure its sufficiency to enhance the competitiveness of the banking system. To achieve the objective the following tasks of bank capitalization are offered:

- To improve the organization of bank capitalization. The aforementioned objective includes defining the bank's structural units involved in its capitalization; planning the bank's capital stock; applying the methods for assessing the quality of the bank's capital; defining the methods of bank capital regulation.

- To develop financial and economic support for the bank capitalization. This task is aimed at finding direct domestic or foreign investments for a business plan.

We consider it expedient to implement the proposed principles, objectives and tasks in improving the bank capitalization. It should be noted that this approach will be effective only with the full implementation of all management functions in their totality and interconnection. These functions are:

- planning the process of the bank capitalization with a high degree of compliance of the object of management and objective laws with its development, covering all the diversity of methods, forms and means of management. Planning is the process of constructing an algorithm for future

action, which leads to the realization of the set objective and contains the expected results of its implementation;

- organizing the process of the bank capitalization through its interconnected system of services and divisions, which allows analyzing, planning and taking managerial decisions regarding bank capitalization;

- keeping control over the factors influencing the level of bank capitalization. The controlling function in managing bank capitalization determines how effective the managerial influence is directed at regulating the process of bank capitalization and, as a consequence, of making changes to its mechanism;

- analysing the bank capitalization mechanism to obtain a holistic view of this process, taking into account the factors that influence the management results. This function allows carrying out a preliminary analysis of economic processes, identifying negative trends and problems in managing the bank capitalization;

- regulating the process of the bank capitalization involves forming a functional and effective legislation at the macro level, oriented to the bank's long-term objectives, which excludes contradiction between certain legislative and regulatory acts and comprehensively covers the entire legal field of banking activity;

- stimulating the bank capitalization involves improving the scientific approach to the formation of the policy of this process, as well as creating the necessary legal conditions protecting the bank against corruption. It provides an increased financial support from large banks in order to stimulate the stable operation of small banking institutions.

When choosing these functions of managing the bank capitalization we proceed from the following provisions:

- the process of bank capitalization management is a set of mechanisms for implementing the requirements for the implementation of the main functions of this process;

- the essence of the process of bank capitalization management is determined by management functions;

- the content of the functions of bank capitalization management is determined by those management actions that must be performed in order to achieve certain results in accordance with the set targets;

- management functions should reflect the specifics of the directions of management of the capitalization of the bank: increasing the equity capital of the bank; merger or takeover of a bank; bank recapitalization.

Thus, on the basis of the foregoing, we state that the main features of the bank capitalization management are:

- strengthening the impact of the principles of the bank capitalization management on the final result of this process;

- using the functional approach to the bank capitalization management, according to which the entire organization of this process is built on the basis

of the implementation of management functions in three areas: the increase in authorized capital of the bank, mergers or acquisitions of banks, recapitalization of the bank;

- recognising the need in continuous improvement of the mechanisms for managing the bank capitalization to ensure flexibility in implementing the strategy of increasing the competitive advantages of the bank, and ultimately the competitiveness of the banking system.

An important direction of the conceptual approach to improving the capitalization of banks in terms of increasing the creditworthiness of the banking system is the development of a set of means for maintaining the adequacy of the capital base of banks and assessing the effectiveness of their application. One of the most effective measures is the growth model of bank capital, as shown in Figure 2.

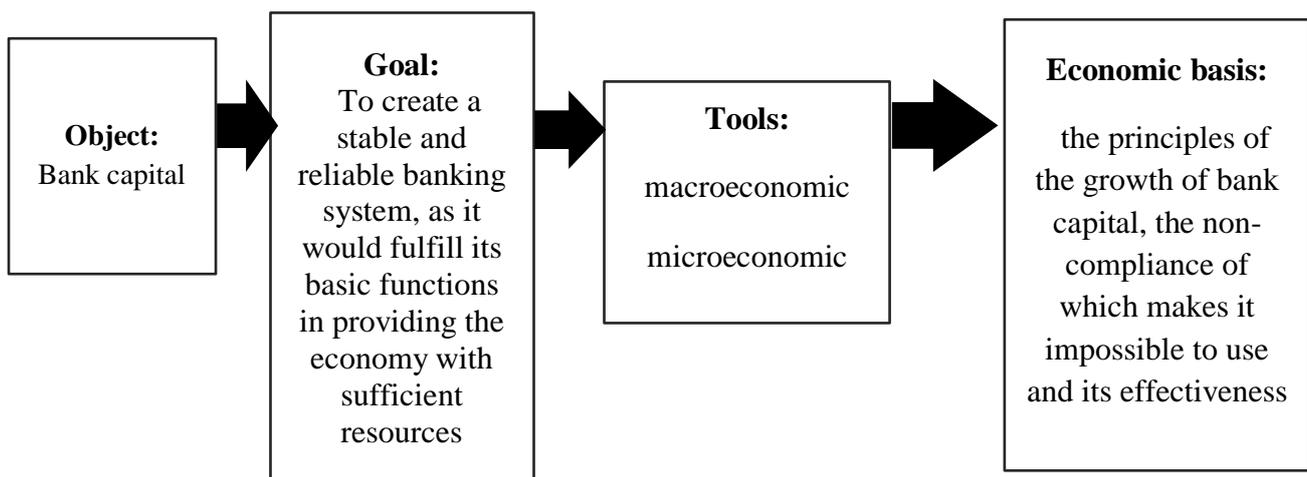


Figure 2 - Model of bank capital growth

Analyzing the proposed model, it should be noted that the object is bank capital since all actions are aimed at increasing its volume. Certain economic levers will help achieve the objective and determine the real and sufficient capital of the bank, and, on this basis, the measures to increase it. Noteworthy is the fact that there is a significant number of indicators that characterize the level of capital adequacy. Some of them are established by the National Bank of Ukraine, others characterize the efficiency of the banking system. We believe that all indicators can be divided into macroeconomic and microeconomic.

**Discussion.** The economic basis of the proposed model of bank capital growth is the principles of bank capital growth. The major ones include:

- compliance of the national banking legislation with the European one, taking into account the global integration processes in as well as the peculiarities of the development of the country's economy;
- adequate bank capital to cover the risks entailing banking activities;
- establishment of general binding conditions for all banks;

- application of strict measures against violators of the established norms;
- simultaneous individual and consolidated control over bank's activity;
- control over the reliability and transparency of information provided by banks;
- restriction of foreign expansion in the banking sector of Ukraine;
- improvement of the regulatory framework regulating the possibilities of the bank capitalization.

The calculation of macroeconomic and microeconomic indicators makes it possible to establish a general level of capitalization of the banking system of Ukraine, compare it with other countries, as well as determine the level of capital base of a separate bank. Noteworthy is the fact that the National Bank of Ukraine, by adopting the relevant regulatory acts, takes measures to increase the level of capitalization of the banking system of Ukraine through the introduction of regulatory requirements for the size and adequacy of capital. In order to increase the resilience of banks during the period of financial and economic instability, creating them a capital reserve to increase the ability to withstand the risks, the NBU sets requirements for banks to form a reserve buffer (conservation) of capital and a countercyclical buffer.

In the world and domestic banking practice, organizational and methodical principles of control over compliance with all requirements for regulatory capital have been fundamentally worked out – from the operational verification of compliance with regulatory requirements on the basis of the bank's current accounts (daily, decadelly, monthly, quarterly) to a comprehensive inspection of the bank's activities using the CAMELS system .

### **Conclusions**

Summarizing the results of the research, it should be noted that for the banking system of Ukraine, which has an acute shortage of capital, to solve this problem the priority is given to the issue of domestic banks' application of modern approaches to increasing bank capitalization in order to support the competitive potential of the banking system. The conducted studies confirmed the theoretical feasibility and practical significance of forming a conceptual view of the process of capitalization of banks, which allows increasing the efficiency of managerial decisions aimed at increasing the bank's own capital. The authors' proposals to improve the capitalization of banks are based on a functional approach that includes principles, goals, tasks implemented through a set of tools: the organizational and economic mechanism for the bank capitalization, a system of indicators for determining the level of capitalization of a banking institution, the strategy of increasing the competitiveness of the banking system of Ukraine on the basis of capitalization of banks. The proposed set of tools will be effective only in the performance of all management functions in their totality and interconnection.

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## Domestic Investments as Basis of Development of Ukraine's Economy

In conditions of financial and political instability, the Ukrainian economy needs significant investments. Ukraine is experiencing an investment crisis today, as the inflow of foreign capital into its economy, according to world standards, is very small and does not meet the country's investment needs. [2, 4] A prerequisite for economic development is high investment activity. It is achieved through increased volumes of realized investment resources and the most effective use of them in the priority spheres of material production and social sphere. Investments have an important role, both at the macro and micro levels. In fact, they determine the future of the country as a whole, a separate entity and a locomotive in the development of the economy. [3] Extremely important for Ukraine are not only foreign but also domestic investments. In the face of growing competition and due to the difficult political and financial situation of domestic producers, the search for sources of investment comes to the fore. Domestic investment depends on the amount of savings deferred by the population for the future, as some of them go to meet needs, and part is directed towards investment. The same applies to the profits of companies and the state, when the funds, having lowered to the budget, exceed the costs. Thus, we can conclude that domestic sources of investment, if we consider the country as a whole, depend on the amount of savings of the population, government and organizations. [1]

Under investments means a set of costs that are realized in the form of purposeful investment of capital for a certain period in different industries and spheres of the economy, in objects of entrepreneurial and other activities to generate profit (income) and achieve both individual goals of investors, as well as positive social effect.

The economic nature of investment consists in mediating the relations that arise between the participants in the investment process regarding the formation and use of investment resources in order to expand and improve production. Therefore, investments as an economic category perform a number of important functions, without which the development of the economy is impossible. They determine the growth of the economy, increase its production potential.

At macro-level, investments are the basis for implementation of the policy of expanded reproduction, acceleration of scientific and technological progress, improvement of quality and competitiveness of domestic products, structural adjustment of the economy and balanced development of all its branches, creation of the necessary raw material base of industry, development of the social sphere, solving problems of the country's defense

capability and her safety, unemployment problems, environmental protection, etc. [5]

Only micro-level investments have an important role. They are necessary for ensuring the normal functioning of the enterprise, a stable financial situation and maximizing the profit of the business entity. Without investments it is impossible to ensure the competitiveness of goods and services provided, to overcome the consequences of moral and physical depreciation of fixed assets, the acquisition of securities and investment in assets of other enterprises, environmental protection measures, etc.

On a regional basis distinguish domestic (domestic) and foreign (overseas) investments. Domestic investments are made into investment objects located inside the country; external investments - in investment objects that are located outside its borders. This also includes the acquisition of various financial instruments: shares of foreign companies or bonds of other states.

Objects of investment activity are, first of all, newly created and modernized production and non-productive fixed assets and working capital in all spheres of the national economy. It is here that the bulk of real capital-investing is directed. It should be emphasized that real investments play an exceptional role in the domestic economy.

The growth and efficiency of the use of real, capital-generating investments, aimed at creating new and modernizing existing fixed assets, on qualitative improvement of working capital, increases the production capacity of the economy and is the material basis for achieving a higher level of economic growth.

Investments in the latest technologies also allow for the preservation of competitive advantages as a separate economic entity, as well as for the national economy as a whole. Other objects of investment activity for the owners of funds are securities, targeted cash deposits. However, these objects of investment are subordinate to investments in the creation of new or modernization of existing fixed assets.

The objects of investment activity are also ready scientific and technical products and their development, property rights and rights to own land, lands, rights to industrial intellectual property, trademarks and certificates, etc.

Investments in scientific and technological developments and scientific and technical products are closely linked with investments in the creation of new and modernization of existing fixed assets. They reflect the state and prospects of innovation, qualitative updating of the material basis of the national economy - fixed assets.

The subjects of investment activity are all participants in the implementation of investment projects: investors, customers, performers of works, users of investment objects, suppliers, banking, insurance and intermediary organizations, exchanges, etc.

Investors - the subjects of investment activity, investing their own, borrowed and borrowed funds in the form of investments and ensure their targeted use.

Domestic investors can be:

- The Government of Ukraine, in the person of the authorities authorized to manage state property or to possess property rights;
- bodies of local government, authorized by law;
- domestic enterprises, as well as business associations, organizations and other legal entities with the necessary statutory rights;
- joint enterprises, organizations and other legal entities.

Investors are primarily in the role of direct investors in financial and other capital and, accordingly, in the role of buyers and users of investment products (built factories, factories, transport facilities, lines and communication facilities, etc.). ) Investors are investment funds, companies; they invest in shares of newly created enterprises (productions) or existing ones, which carry out modernization or diversification of their production on the sale of shares; Investors are individuals and legal entities that invest their funds in the acquisition of shares and other securities of enterprises and organizations, as well as issued by the state, territorial authorities.

To implement various investment projects, it is necessary to develop feasibility studies, engineering research, development of project documentation for the construction and erection of buildings and structures, reconstruction works, contracting with contracting construction and installation organizations for construction, installation, start-up and adjustment works, etc. These customer-investor functions can be performed either by themselves through their respective services, or authorized by intermediary legal or natural persons. To this end, the indicated persons are given from the investor the necessary rights to dispose of investments within the limits specified by the investor. [6]

The company's investments can cover both the complete scientific and technical cycle of product creation and its elements (stages): scientific research, design and development works, reconstruction and expansion of the existing production, creation of new production, organization of sales of the product, etc.

One of the most important problems in investment activity is the organization of its financing. Formation of investment resources is the main condition for the implementation of the investment process.

Sources of investment financing are funds that can be used as investment resources. From the selection of sources of funding depends not only on the viability of investment activity, but also on the distribution of final revenues from it, the efficiency of the use of advanced capital, the financial sustainability of the enterprise investing. The composition and structure of

sources of investment financing depends on the mechanism of management operating in the society.

Domestic investment is a set of measures aimed at attracting own savings of individuals and legal entities that live or carry on business in the territory of Ukraine. Its level is the main indicator of the investment attractiveness of the country for foreign investors.

Own funds of enterprises and organizations that carry out investment projects include:

- depreciation deductions on existing funds (for their renovation);
- profit from production and economic activity, which is directed to industrial development;
- amounts received from insurance companies in the form of compensation for losses incurred as a result of natural disasters and accidents;
- funds from the sale of unnecessary fixed assets and their surpluses, the immobilization of surplus working capital;
- funds from the sale of intangible assets (government securities of other companies, patents, etc.).

Own sources of investment of enterprises and organizations are also funds attracted from various sources. The attracted funds for financing investment projects include:

- funds raised as a result of the issuance and sale by the investor of shares and other securities;
- funds of other enterprises and organizations involved in participation in an investment project on the rights of partners and on the appropriate terms of participation in the distribution of dividends;
- funds provided by holding companies, joint-stock companies, industrial-financial groups on a royalty-free basis;
- state subsidies, various types of cash payments and donations from regional and local budgets, business support funds, etc., which are provided on a royalty-free basis.

It should be noted that Ukraine is a country where investments can bring huge profits, but there is also a high risk of investor losses. There are a large number of factors that negatively affect the attraction of investments into the Ukrainian economy, which significantly reduces the investment attractiveness of our country. The main tasks of the government to date are to improve the investment climate by changing the legislation to protect the rights and interests of investors. Besides that this is not the only, but most important, problem of attracting investments into the Ukrainian economy.

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## Financial Security Management Based on Assessment of the Financial Plan of the Enterprise

The system of economic analysis of financial potential does not form comprehensive information to provide the tactical and strategic objectives of the enterprise without interacting with other information management subsystems, in particular, accounting, internal audit and financial planning. This will detect and prevent various threats to the financial potential of the forest enterprise, as well as determine its relevance for achieving the tactical and strategic goals of economic activity. Particularly acute in today's dynamic conditions is the question of financial planning and relevant economic analysis as a tool for providing and assessing the implementation of the financial plan of the forest enterprise in the context of assessing and forecasting the state of financial capacity. After all, "only if an effective mechanism for managing the financial potential of an enterprise is developed, it is possible to adapt to constant changes in the internal and external environment, based on the provision of production and financial flexibility, justified by a sufficient level of financial capacity and the availability of real prospects for financial development" [11].

This issue is especially actualized in the absence of financial resources to ensure the effective economic activity of the enterprise. On this issue, domestic researchers are also stopping, pointing out that "in the event of a sharp shortage of own revenues for development, lending sources of investment remain hard to reach by the bulk of enterprises. Given this, in a post-crisis environment, an important feature of the formation of financial potential and the system of strategic financial planning becomes the mechanism of adaptation of enterprise plans to changing external conditions of development. In view of this, the construction of an effective system of planning the financial potential of enterprises in the real sector of the economy is becoming very urgent today "[12]. The mentioned actualizes the development of organizational and methodological provisions of the economic analysis of the financial plan of forest enterprises as a result of financial planning.

The questions of financial planning and the place in it of economic analysis were studied by domestic and foreign scientists, which determined its organizational and methodological positions and revealed the directions of application of analytical procedures at all stages of financial planning. in particular: M. Albert, G. M. Azarenka, O.M. Bandura, M.D. Bilyk, I. Blank, O.V. Vasyurenka, O.D. Lovchak, O.M. Kalinichenko, O.M. Kolodizieva, O.A. Crickley, O.V. Krukhmal, SM Lapteva, Cheng F. Lee, N.G. Maslak,

M. Meskon, M. Pomorin, N.P. Pogorelenko, AM Podderiyogina, O.M. Fire, A.V.Horny, B.I. Syurkala, J. Finneret, D. Khan, F. Hedouri.

Multidimensional manifestation of financial potential requires forecasting of its components in the activity of the forestry enterprise. The forecasted state of financial potential will reveal the need for resources of financial resources, possible sources of their attraction and identify opportunities for raising financial performance in the future. Financial planning of economic activity is dependent on the goals provided by the development strategy of the enterprise and is determined by forecasts of the impact of the environment on business processes. In this regard, the economic analysis of the financial potential of a forestry enterprise is one of the components of financial planning and allows both the evaluation of its results and the formation of information support and to identify a reference model of the state of financial potential for the formation of forecasts for the development of economic activity.

"Formation of the strategy of management of financial potential should include the following components: diagnosis and forecasting of financial potential of the enterprise; strategic and tactical planning; selection of effective financial instruments, including within the framework of accepted investment decisions; financial risk management; tax planning; organizational and legal design and further control of financial flows. It should be noted that these elements of the strategy of financial potential management ultimately determine the competitiveness of any enterprise that has the purpose of extracting a positive economic effect. Achievement of this goal should be ensured in the future by the management system as a whole "[11].

Bila O.G. notes that "planning is the process of transforming the goals of the enterprise into forecasts and plans, the process of identifying priorities, means and methods for achieving them. In the theoretical aspect, financial planning is considered as the most important and integral part of the overall planning of the enterprise. The enterprise is almost always affected by instability of the external environment, uncertainty of economic conditions, therefore, the efficiency of the enterprise largely depends on the state of financial planning in the enterprise. The higher the level of uncertainty, the more important the planning takes, and the success or failure of entrepreneurial activity depends on its accuracy and accuracy "[2, c. 15].

The importance of planning as a basis for the development of managerial decisions regarding financial potential is conditioned by modern conditions of management. However, in fact, the planning of economic activity is not a new mechanism for managing economic activity. Table 1 presents the characteristics of the development stages and the importance of financial potential in the countries of the world (Table 1).

Today, financial planning should ensure the formation and implementation of strategic goals of enterprise development. Despite the fact that forest

enterprises have unrestricted access to forest resources, the development of strategy and financial planning on the basis of it is the basis for management of forestry activities. After all, the enterprises of the branch should provide not only logging, but also the restoration of forest resources to ensure continuity of activities.

**Table 1. Stages of financial planning development in the countries of the world**

Stage	Period	Characteristic
I	80s of the XIX century - the beginning of the XX century.	the rapid development of industry in Europe and the United States required the planning of production costs for the selection of economically profitable technologies
II	50-70-ies of the XX century.	the emergence of fierce competition among foreign enterprises in connection with the rapid development of industry leads to the need to plan not only production costs, but also the costs of studying markets and service channels for the promotion of products (services). That is, there is a need to plan the cost of production and sales of products, control the volume of manufactured and sold products. In the early 70's of the twentieth century. the saturation of foreign markets has led to problems with the marketing of products. Companies were not enough to use new tools and channels for product promotion, so there was a need to forecast demand for products not only for a year, but also for longer periods, even up to 10 years. Accordingly, the horizons of planning were expanding, besides, there was an orientation towards the target character. Thus, planning began to change qualitatively: instead of long-term strategic planning with new features aros
III	70s of the XX century-until now	for the successful operation of the company on the market, planning should cover not only functional areas of activity, but also focus on the market's business goals, that is, to be strategic

Source: formed on the basis of [10, c.8-10].

"In world practice, effective management techniques are developed in the company's finances in the long-term and in the short-term: long-term planning and analysis of the financial state on the basis of reliable financial reporting and methods of forecasting economic activity; short-term budgetary management of profitability of activity, money resources and economic potential "[11].

Financial plans serve as a source of information for assessing financial potential from the point of view of factors of internal and external environment. "An important component of conducting an analytical assessment and identifying areas for strengthening financial capacity is information provision. The main requirement for information is its authenticity and how this criterion determines the effectiveness of sound management decisions and their practical application. Particularly relevant is the issue of checking external information, as well as checking the reputation of an investor in order to prevent economic fraud through the investment process. The analysis of various approaches to assessing the financial potential of agricultural enterprises allowed us to formulate our own position based on the fact that for its implementation it is necessary to use a combined method that would include an assessment of financial sustainability, business activity and potential of the enterprise in attracting financial resources and

improving the process of their use in the direction of ensuring financial security "[9].

Taking into account the above, the financial potential based on the financial statements does not allow for the assessment of compliance with the principle of continuity. Sufficiently successful in this context, financial planning was described by SM Bortnik: "In today's economic conditions, the comparison of actual data of the results of production activities with the data of the past period is a sign of a passive, response-based, approach to management of economic activity. Even the existence of an ideal reporting system will not help with the inadequate methodology for financial planning and control that can be used to determine whether the results of the activity are positive or negative. That is why financial planning, the construction of planned indicators, which compare actual data in the reporting periods, is the best option for financial control at the enterprise. Thanks to the improvement of the financial planning system, the company will be able not only to achieve its goals and improve all indicators of production and economic activity, but also increase profits in comparison with previous years "[3].

This issue is particularly acute in forecasting financial capacity for implementing strategic and tactical objectives of the forestry business. The basis of the financial plan is financial forecasting, which in general can be represented as a set of stages (Table 2).

**Table 2. Stages of forecasting as the basis of financial plans of enterprises**

Stage	Characteristic
Data collection	In the first stage, data collection is supposed to receive data and verify their authenticity. This stage is the most controversial part of the entire forecasting process and most important for verification, because the following steps with the same success can be performed using data related to a problem that is not consistent with it. It is accompanied by considerable difficulties in the absence of complete information
Data Reduction	In the second stage, data reduction, a situation often arises when, for the fulfillment of the forecast, there can be collected too much data, and too little. Some data may not relate to the problem under consideration and will only understate the accuracy of the forecast. Others, on the other hand, can answer the problem, but only in a certain period
Construction of the model and its estimation	In the third stage, the construction of the model, and its evaluation, the selection of the forecast model, which most closely corresponds to the features of the data collected in the sense of minimizing forecast errors, is taking place. The simpler the model, the better it will be perceived by the management of the company, which will be responsible for the decisions made, and their confidence in the forecast will be higher. Very often you need to give preference to a complex forecast, which will give somewhat greater accuracy, and simpler and more understandable management of the company. When the chosen method is approved by the manual, then the results of forecasting are used by them actively
Extrapolation of the selected model (actual forecast)	In the fourth stage, the extrapolation of the chosen model implies the actual receipt of the required forecast, since the necessary data is already obtained and the corresponding forecast model is determined. Very often, to verify the results obtained, data from recently recent periods for which the studied values are already known are used
Assessment of the received material	At the fifth stage, the estimation of the received forecast consists in comparison of the calculated values. For this, part of the actual values is excluded from the set of data to be analyzed. Once the forecast model has been selected, the forecast for these periods is performed and compared with the known investigated values.

Source: built on the basis of [8] »

In turn, the economic analysis of financial plans allows us to draw conclusions about the continuity of the operation of a forestry enterprise, which is extremely important both for the state acting as the owner and business units, acting as contractors and society, which requires the pursuit of the goals of sustainable development of society.

The specified stages of financial forecasting in the context of drawing up financial plans are significantly expanded in the context of the application of appropriate methods and areas of financial planning, which in turn perform the relevant functions. The composition of subsystems, methods and functions of financial planning, allocated in scientific literature is presented in Table. 3.

**Table 3. Subsystems, methods and functions of financial planning [1]**

<b>Subsystems of financial planning</b>		
<i>Subsystems of financial planning</i>	<i>Forms of elaborated plans</i>	<i>Period of planning</i>
1. Perspective (strategic planning)	1. The forecast of the profit and loss statement 2. The forecast of the movement of funds 3. Forecast of the balance sheet	3-5 years
2. Current planning	1. Revenue and expenditure plan for operating activities 2. Income and expenditure plan for investment activity 3. Income and expenditure plan 4. Balance plan	1 year
3. Operational planning	1. Payment Calendar 2. Cash Plan	Decade, month, quarter
<b>Classification of financial planning methods</b>		
<i>Initial position for the development of the plan</i>	Resource (in terms of opportunities)	
	Target (as needed)	
<i>Principles of definition of planned indicators</i>	Extrapolation	
	Interpolation	
<i>Method of calculation of planned indicators</i>	Statistical (average indicators)	
	Factor	
	Normative	
<b>Functions of financial planning</b>		
<i>reduction of complexity</i>	overcoming the real complexity of the planned objects and processes	
<i>motivation</i>	initiate effective use of the material and intellectual potential of the enterprise	
<i>prognostication</i>	the quality of the forecast determines the quality of the plan	
<i>security</i>	accounting for a risk factor for avoiding or reducing it	
<i>optimization</i>	ensuring the choice of acceptable and best alternatives to the use of financial resources	
<i>coordination and integration</i>	integration and interaction of different spheres of enterprise activity both in the planning process and in the process of implementation of the approved plan.	
<i>ordering</i>	formation of a single procedure for all employees of the enterprise	
<i>control</i>	effective planning in modern conditions is inseparable from the control system of activities, stages of the plan, changes in the external conditions of the operation of the enterprise, requiring adjustments to the tasks assigned to financial planning	
<i>documenting</i>	providing documented progress of production, marketing and financial activity of the enterprise	
<i>teaching</i>	planning provides the learning effect through the development of samples of rational actions and allows learning from errors	

Source: formed on the basis of [1], [13, p. 235]

In fact, financial planning allows us to determine the directions of development of the forestry enterprise economic activity and to form the forecast value of the value of assets and liabilities of the enterprise and financial

results. This, in turn, allows you to predict a set of factors of influence on a specific analytical indicator of financial potential and evaluate the internal relationships between business processes. After all, "financial planning includes all operational processes, penetrating and linking to a single chain of marketing, personnel and production planning. With the help of financial planning, specified projections, identified interrelated tasks and the sequence of their implementation in achieving the chosen goal" [6, p. 120]. From the standpoint of the relationship between financial planning and financial capacity, it should be noted that financial planning determines the development of components of financial capacity and allows you to predict its future position and its place in the development of economic activity and its effectiveness.

An economic analysis of financial potential serves as a multi-tool tool. After all, analytical tools are used at different stages of financial planning. Some researchers even isolate them into a separate stage of financial planning. Table 4 presents the approaches of scientists to the stages of financial domination and identified in them the place of economic analysis.

"The depth and degree of detail of the study of an enterprise depends on a number of factors, namely: on determining the causes of the factors of analysis and assessment of the state of the enterprise, the completeness and degree of probability of information about the research object and the time allocated for the analysis of the object of the study and the purpose of the study. Different methods may also be used for financial analysis of enterprises, the specific content of which is determined, first of all, by the specifics of the production and commercial activity of the investigated enterprise. However, it is possible to form a fundamental approach to determining the potential of an enterprise, regardless of the scope of their business activity. The essence of it consists in the consistent elaboration of the analysis conducted on the basis of external and internal monitoring of enterprises "[4, p. 290]. Given the complexity of financial potential as an object of financial planning and economic analysis of a forestry enterprise, there is a need for the interaction of these subsystems. This is due to the fact that forest enterprises are dependent on factors of the internal and external environment. In this context, we agree with the domestic scientists V.I. Chobitok, O.V. Astapova: "In today's changing conditions, an important feature of the formation of financial potential is the mechanism of adaptation of enterprise plans to changes in external and internal conditions. Therefore, the development of a strategy for managing the financial potential of enterprises, as a factor reflecting the availability and use of their own financial resources, becomes important theoretical and practical significance "[5].

Given the presented stages of financial planning and their place in the economic analysis, one should agree with the statement of the national scientist SM Bortnick, who points out that "it is obvious that each stage requires cost-effective calculations, the results of which must be monitored, analyzed and operationally regulated. In the process of developing a plan and

monitoring its progress in the field of vision of a financier must be all the diversified financial and economic activities of the enterprise. Its primary task should be to ensure the financial stability of the entity, with maximum use of internal levers of resource supply circulating production assets, increase the return on assets and assets, and ensure high liquidity. At the same time, the financial manager must analyze available information on the activities of competitors of the enterprise, forecast the impact of external factors on the financial condition of the enterprise, develop preventive or alternative measures to ensure financial stability and competitiveness" [3].

**Table 4. Place of economic analysis in financial planning**

Stage	Name	Characteristics	Place of economic analysis
Stage 1	Analysis of the financial situation	At the first stage, they analyze the financial performance of the enterprise for the previous period. Uses data of the financial documentation: the balance sheet, the statement of financial results, the statement of cash flows. The main attention is paid to the following indicators: sales volume, costs, profit. The analysis allows to assess the financial performance of the enterprise and identify the problems facing it	Economic analysis serves as an information provision on the state of financial potential of a forestry enterprise for a certain date. Provides an opportunity to assess the capabilities and status of financial resources to achieve the objectives of the activity
Stage 2	Development of the overall financial strategy of the enterprise	At the second stage, the development of financial strategy and financial policy in the main areas of financial activity of the enterprise, dismissing the main forecast documents relating to promising financial plans	Economic analysis serves as a tool for forming the parameters of development of management objects to achieve a reference state of financial potential
Stage 3	Drawing up of current financial plans	In the third stage, the main indicators of forecast financial documents are specified and specified by means of drawing up current financial plans	The current financial plans are an informational source for the prospect of financial potential
Stage 4	Adjustment, binding and specification of the financial plan	The fourth stage involves linking the indicators of financial plans with production, commercial, investment and other plans and programs developed by the enterprise.	Adjustment is based on the forecast financial potential of the forestry enterprise
Stage 5	Development of operational financial plans	At the fifth stage, operational financial planning, which determines the development of the current production, commercial and financial activities of the company and affects the final results of its activities in general	With the help of analytical tools, estimate the forecast financial results of economic activity
Stage 6	Analysis and control over the implementation of financial plans	The process of financial planning at an enterprise ends with the analysis and control of implementation of financial plans. This sixth stage consists in determining the actual final financial results of the enterprise, comparing them with the planned indicators, identifying the causes of deviations from the planned indicators, developing measures for the elimination of negative phenomena	Economic analysis as a tool for assessing the implementation of the financial plan for the economic activities of a forestry enterprise

Source: developed by the author on the basis of [7].

Based on the foregoing, an integrated model of financial planning of the forestry business and its interaction can be presented as follows (Fig. 1). "To ensure the achievement of the operational goals of the enterprise, an effective tool is a budgeting system that allows, with a certain degree of probability, to ensure the appropriate level of competitiveness of enterprises" [9].

From the presented figure it follows that economic analysis is simultaneously:

- a) an instrument for the formation of information support for the process of financial planning of a forestry enterprise;
- b) the mechanism of formation of the reference value of indicators of financial potential of a forestry enterprise;
- c) an instrument for assessing the implementation of the financial plan of a forest enterprise.

To substantiate directions of application of analytical procedures for assessing financial potential based on financial plans of forest enterprises, we will determine the procedure for applying analytical procedures for each of these areas of manifestation of economic analysis. This will allow forming the information space for managing the financial potential of a forestry enterprise to achieve tactical and strategic goals.

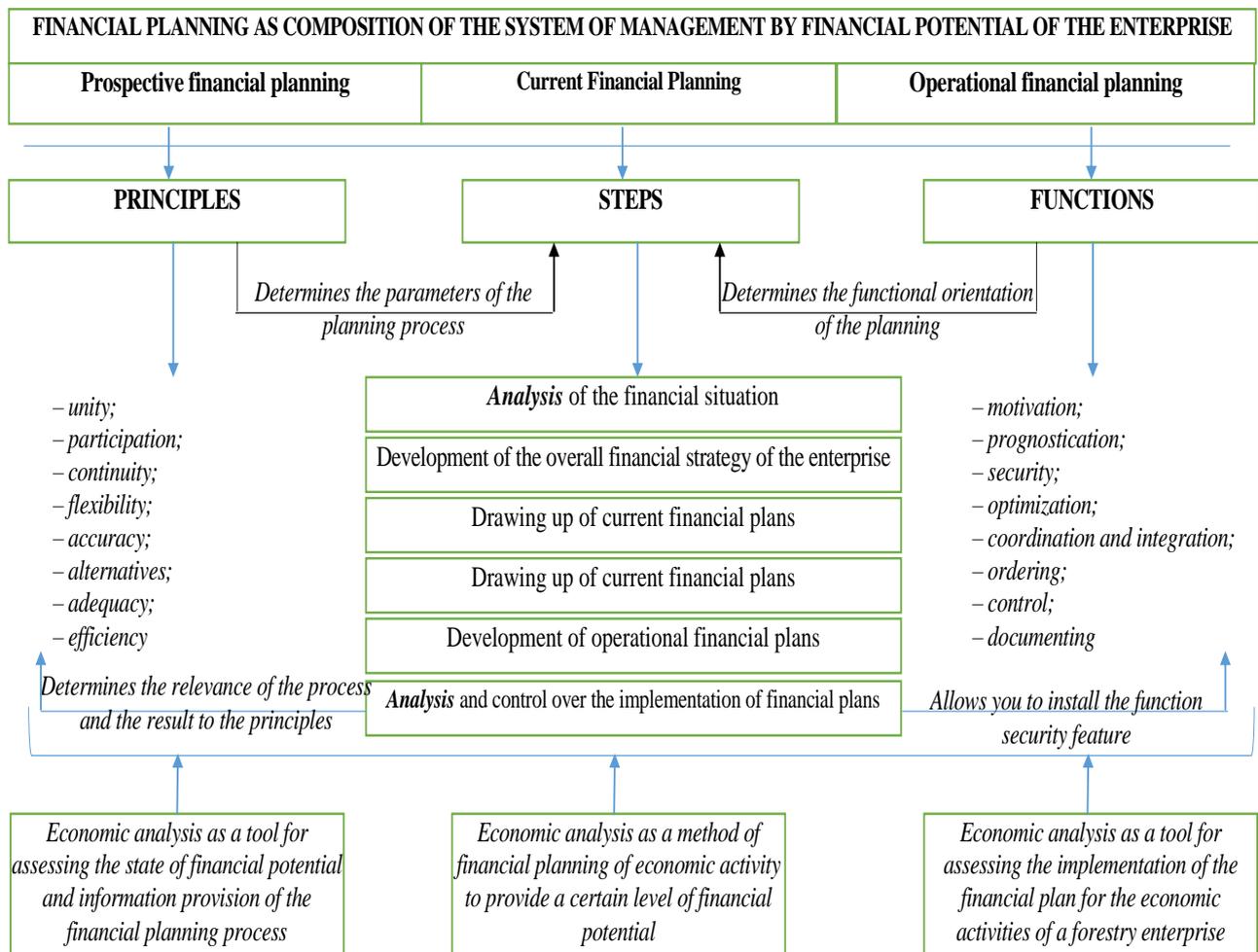
Before proceeding to the development of analytical procedures for the economic analysis of the financial plan of forest enterprises in the context of the forecast assessment of financial potential, we will define the structure of the financial plan for its content and content. After analyzing the financial plans of the forest enterprises of Zhytomyr region by structure and content, it is possible to determine the following components:

– *formation of financial results*. This section of the financial plan presents data on income and expenses of the enterprise. Information about the cost price of sold forest products is presented in sections of the cost elements. Administrative costs are detailed on the following components: the cost of using official cars; costs for consulting, auditing, insurance, legal, informational, organizational and technical services; business trip expenses; salary expenses; expenses for the improvement of professional skills of the employees of the enterprise. Sales costs are presented in terms of business processes: transportation, storage, advertising. Other operating expenses, financial and investment costs are characterized by the sub-accounts of the current plan of accounts. In addition, this section provides information on the calculation of EBITDA;

– *payments to the budget*. Information is provided on the accrued and paid deductions of a portion of net profit to state unitary enterprises and their associations. The information on paid taxes is provided in the sections of taxes paid by forestry enterprises, including income tax, value added tax, personal income tax, rent for special use of forest resources. A separate chart provides information on paid taxes to local budgets. In addition, this section defines the directions of distribution of profits for the development of production, the reserve fund and other funds established at the forest enterprise.

– *cash flow*. In this section, information is formed according to the sections defined by the Cash Flow Statement: Targeted Financing, Net Cash

Flow from Operating, Investment, and Financial Activities. Separately projected impact of changes in exchange rates;



**Fig. 1. Place of economic analysis in the system of financial planning of the economic activity of the enterprise**

– *capital Investments*. Provides financial information on capital construction, acquisition (production) of fixed assets, acquisition (production) of other non-current assets, acquisition (creation) of intangible assets, modernization, modification of fixed assets, overhaul. This section also indicates the sources of capital investment in terms of borrowed funds, budget financing, own funds and other sources;

– *coefficient analysis*. The section is devoted to information on the results of the application of analytical indicators in terms of profitability and profitability, financial stability and liquidity, capital investment and limiting factors;

– *financial condition of the forest enterprise*. Information is presented in the form of non-current and current assets, cash and cash equivalents, long-

term and current liabilities and guarantees, including government guarantees and subsidies, financial borrowings, equity of the enterprise;

– Separately, the financial plan provides decoding of *individual articles in terms of income*, expenses, and cash flows of a forestry enterprise.

All indicators in the report on the implementation of the financial plan are presented in sections: the fact of the aggregate sum from the beginning of the year and the reporting period. A separate component is the information to the financial plan in sections:

- data on the company, personnel and labor costs;
- list of enterprises included in the consolidated financial plan;
- business information;
- operating financial obligations;
- information on receipt and return of attracted funds;
- costs associated with the use of their own official cars;
- the cost of renting service cars;
- sources of capital investment, capital construction.

The responsibility for the information contained in the report on the implementation of the financial plan rests with the head of the enterprise.

Taking into account certain directions of disclosure in the financial plan of the forest enterprise, it can be stated that this document contains all the necessary information for estimating the forecast state of the financial potential of the enterprise. Using the financial plan for the next reporting period, the analyst can predict the state of the financial potential of the forestry enterprise. In its turn, economic analysis allows us to assess the possibilities of an enterprise to achieve the planned indicators in the effectiveness of the economic activity of the forestry enterprise, which is an integral part of the financial potential of the enterprise. In general, it can be stated that the procedure for applying economic analysis in financial planning is as follows:

1) Economic analysis allows estimating financial potential on the basis of financial statements of the forest enterprise, on the basis of this determines the need to increase its level in the future, or to ensure the existing. Economic analysis of financial potential of a forestry enterprise is carried out in the following directions: financial stability, business activity, liquidity and profitability. On the basis of the application of analytical procedures, the analyst establishes the level of financial potential of the company as per the direction of economic analysis, and generally determines its level.

Having determined the level of financial potential, the analyst concludes and formulates proposals for its development in subsequent reporting periods. In particular, there is a need to establish the need to increase the existing level of financial capacity or maintenance in subsequent reporting periods. It allows to establish parameters of development of economic activity of the forestry enterprise for achievement of strategic and tactical purposes. To this end, we suggest that the analyst use the following form of an analytical map for assessing

financial sustainability for financial potential purposes (Table 5), business activity, liquidity, profitability. Calculations in the analytical card are carried out on the data and on the example of the financial statements of the State Enterprise "Malyn'ske Forestry".

**Table 5. Analytical map of the estimation of financial potential in terms of indicators of financial stability and directions of its development for the purposes of financial planning of economic activity**

**ANALYTICAL CARD**

*ESTIMATES OF FINANCIAL STABILITY FOR FINANCIAL POTENTIAL*

Reporting period: 2015

Planning period: 2016,

*State Enterprise "Malin forestry"*

<b>Analytical indicator</b>	<b>Indicator value</b>	<b>Indicator level</b>	<b>The direction of development</b>
Own working capital	-3064	Critical	magnification
Coefficient of maintenance of current assets by own means	-0.67	Critical	magnification
Maneuverability of working capital	-1.03	Critical	magnification
Maneuverability of own working capital	-0.16	Critical	magnification
The coefficient of providing own working capital stock	-0.97	Critical	magnification
Coefficient of inventory coverage	0.35	Low	magnification
Coefficient of financial independence (autonomy)	0.67	Average	magnification

The following conclusions can be drawn from the data of the analytical map:

– the analytical card shows the state of indicators of financial stability, business activity, liquidity and profitability of enterprises for the fiscal year of 2015, which is the basis for forming the financial plan of forest enterprises, in particular, the State Enterprise "Malinsky forestry";

– the submitted data on the state of financial sustainability of the State Enterprise "Malyn'sky forestry" indicate the critical level of the studied indicators, which is related to the negative value of the indicator - own working capital. The information provided indicates the need for an increase in financial stability indicators that can be realized through the formation of a positive value of own working capital;

– most of the indicators of business activity presented are at a high level in accordance with the proposed graduation. The critical level is characteristic for the indicator - the payback period, while the low - the coefficient of turnover of equity capital. According to the information provided, in the proposed form of the analytical map, the analyst concludes that the maintenance of separate indicators at the existing level and the increase of others;

– the liquidity indicators at the investigated enterprise are low and need to be increased to provide a higher level of financial potential of the forestry enterprise;

– ambiguous situation with indicators of profitability of SE "Malinskoe forestry". In particular, the high level is typical for indicators such as return on assets for net profit, return on equity, return on assets, capital repayment period, and return on equity. The recommendations of the analyst should be

related to the need to maintain the indicated analytical indicators at the existing level. The need for improvement relates to the indicators: the profitability of realized products on the profit from operating activities, the profitability of sales on net profit, the coefficient of reinvestment, the coefficient of sustainability of economic growth. These indicators need to be increased to achieve a higher level of financial potential of the forest enterprise.

2) Based on the estimation of the financial potential of the reporting period, the forecast indicators of financial results and, respectively, the objects of management taking part in their formation are established. In particular, financial planning on the basis of estimated financial potential allows to predict the directions of use of financial resources, to determine the possibilities of a forestry enterprise for obtaining planned financial results and achieve strategic and tactical goals of economic activity development. From the above structure of the financial plan, it follows that the indicators that are disclosed allow us to evaluate all components of the financial potential.

To this end, we propose to carry out a set of analytical procedures using the following form of a working paper analyst to determine the predictive state of management objects that determine the level of analytical indicators (Table 6).

The data presented in the proposed form of the working paper are based on the financial statements and the financial plan of the State Enterprise "Malyn's'ke Forestry". Thus, the analyst estimates the forecasting dynamics of planning objects, which are contained in the financial plan compared with the data of the reporting period. Next, an analyst needs to determine the possible inconsistency of the financial plan indicators with the forecast value of the financial potential of the forestry enterprise.

The above is the basis for harmonization of indicators of economic analysis of the financial potential of the reporting period with planned indicators, which are defined by the financial plan and made adjustments to the latter.

On the basis of the presented information, which was tested on the example of SE "Malinsky forestry", the following conclusions can be drawn about the financial plan of this forestry enterprise:

– comparison of actual and planned financial capacity indicators indicates a positive dynamics of financial sustainability indicators, as most of them are aimed at increasing the indicator. The only indicator showing negative dynamics is the cash involved in the calculation of the maneuverability of its own working capital. However, one should note the need to assess positive dynamics, especially as regards the indicator of own working capital, which is taken into account when calculating almost all indicators of financial sustainability of a forest enterprise. Thus, an increase in the value of non-current assets is a positive trend, which may indicate a modernization of the production capacities

of the forestry enterprise. At the same time, positive dynamics should be characteristic of equity and long-term liabilities. The aforementioned points should be particularly clearly analyzed by the analyst to form a complete picture of the forecasting of the financial potential of a forestry enterprise.

**Table 6. Working paper of analyst for preliminary estimation of financial stability as a component of financial potential**

**NOTE**

ANALYTICAL EVALUATION OF THE PREVIOUS FINANCIAL PLAN

Reporting period: 2015

Planning period: 2016

*State Enterprise "Malin forestry"*

Analytical indicator	Object of accounting / planning	Value of the indicator for the reporting period	Scheduled value	Deviation	Correspondence of changes in the indicator of the forecast of financial potential
Own working capital	Equity + Long-term liabilities	15508	16570	1062	Corresponds
	Non-current assets	18572	19630	1058	Corresponds
Coefficient of maintenance of current assets by own means	Own working capital	-3064	-3060	4	Corresponds
	Current assets	4579	8207	3628	Corresponds
Maneuverability of working capital	Stocks are the sum of the lines of the asset	3150	6493	3343	Corresponds
	Own working capital	-3064	-3060	4	Corresponds
Maneuverability of own working capital	Cash	479	20	-459	Does not meet the
	Own working capital	-3064	-3060	4	Corresponds
The coefficient of providing own working capital stock	Own working capital	-3064	-3060	4	Corresponds
	Stocks	3150	6493	3343	Corresponds
Coefficient of inventory coverage	Own working capital + Short-term liabilities	1102	3015	1913	Corresponds
	Stocks	3150	6493	3343	Corresponds
Coefficient of financial independence (autonomy)	Equity	15508	16570	1062	Corresponds
	Amount of liabilities	231512	27837	4685	Corresponds

– the estimation of the deviations of planned liquidity indicators from the indicators of the previous reporting period indicates a positive dynamics of most indicators, except for: current assets, which are taken into account when calculating the rate of rapid liquidity and cash in calculating the coefficient of absolute liquidity. No movement is observed in the indicators of receivables and accounts payable, which take part in the calculation of the ratio of receivables and payables. This indicates the need to improve the procedures for financial planning of forestry enterprises;

**Table 7. Working paper of analyst for comparison of indicators of planned and actual financial potential of a forest enterprise****NOTE*****ANALYTICAL COMPARISON OF INDICATORS  
PLANNED AND ACTUAL FINANCIAL POTENTIAL***Reporting period: 2015Planning period: 2016*State Enterprise "Malin forestry"*

<b>Indicator</b>	<b>Actual value</b>	<b>Planned value</b>	<b>Deviation</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
<b>Financial stability</b>			
<i>Own working capital</i>	-3060,00	-1540,00	1520,00
<i>Coefficient of maintenance of current assets by own means</i>	-0,37	-0,21	0,16
<i>Maneuverability of working capital</i>	-2,12	-4,21	-2,09
<i>Maneuverability of own working capital</i>	-0,01	-0,25	-0,24
<i>The coefficient of providing own working capital stock</i>	-0,47	-0,24	0,23
<i>Coefficient of inventory coverage</i>	0,46	0,69	0,23
<i>Coefficient of financial independence (autonomy)</i>	0,60	0,61	0,01
<b>Business activity</b>			
<i>Asset turnover</i>	4,40	3,50	-0,90
<i>Return on assets</i>	5,90	4,61	-1,29
<i>Turnover rate of working capital (revolutions)</i>	17,54	14,37	-3,17
<i>Period of one turnover of working capital (days)</i>	20,52	25,05	4,53
<i>Stock turnover rate (revolutions)</i>	17,27	13,61	-3,66
<i>Period of one stock turnover (days)</i>	20,85	26,45	5,60
<i>Turnover rate of accounts receivable (revolutions)</i>	108,09	83,18	-25,72
<i>Repayment period of receivables (days)</i>	3,33	4,32	0,99
<b>Table 7, continuation</b>			
<i>Turnover rate of finished goods (revolutions)</i>	49,08	37,68	-11,40
<i>Payout period (days)</i>	4,90	6,21	1,31
<i>Turnover rate of equity (revolutions)</i>	6,99	5,30	-1,69
<i>Production cycle (days)</i>	20,85	26,45	5,60
<i>Operating cycle (days)</i>	24,18	30,77	6,59
<i>Financial Cycle Period (days)</i>	19,28	24,56	5,28
<b>Liquidity</b>			
<i>Liquidity ratio of the current (coverage)</i>	0,50	0,83	0,33
<i>The liquidity ratio is fast</i>	0,08	0,10	0,02
<i>Absolute liquidity ratio</i>	0,00	0,04	0,04
<i>The ratio of short-term receivables and payables</i>	0,09	0,12	0,03
<b>Profitability</b>			
<i>Return on equity (assets) at net profit</i>	6,83	6,83	0,00
<i>Return on equity</i>	10,85	10,31	-0,54
<i>Cost-effectiveness of production funds</i>	8,15	8,98	0,83
<i>Profitability of realized products on the profit from operating activities</i>	2,00	2,38	0,38
<i>Profitability of realized products on a net profit</i>	1,55	1,94	0,39
<i>Reinvestment factor</i>	-0,05	-0,05	0,00
<i>The coefficient of sustainability of economic growth</i>	-0,00	-0,00	-0,00
<i>Capital recovery period, year</i>	14,64	14,64	0,00
<i>Payback period of equity</i>	9,21	9,69	0,48

– when calculating business activity, the key indicator is revenue (net income). Thus, the analysis of the financial plan indicates that the revenue of the planning period is reduced by 8980.0 thousand UAH, which affects most of the indicators of business activity. At the same time, the negative dynamics are characteristic of indicators: the average annual amount of current assets,

the average annual amount of receivables, the average annual amount of current liabilities. This, in general, influenced the decline in the values of analytical indicators of business activity, but did not affect their level in accordance with the proposed grading indicators;

– negative dynamics is characteristic for the indicators taken into account when calculating the profitability of the forestry enterprise, in particular, reducing net profit by 3927.0 thousand UAH, the financial result of operating activities by 4958.0 thousand UAH, net sales revenue by 8980, UAH 0 thousand, amount of reserve capital and retained earnings (loss) for UAH 151.0 thousand.

3) Based on the adjusted financial plan data an estimation of planned financial potential of the enterprise is carried out and deviation from the financial potential of the reporting period is determined. We propose this procedure using the following form of analytical information (Table 7).

Analyzing the data presented in the table, one can draw conclusions and compare the actual value of indicators of financial potential with forecast, calculated on the basis of the financial plan of the State Enterprise "Malyns'ka Forestry":

– in accordance with the planned indicators of the economic activity of the forestry enterprise in 2016, it is possible to trace the reduction of such analytical indicators as the maneuverability of working capital, the maneuverability of its own working capital. All others show positive dynamics. However, it should be noted that most of the indicators have a negative value, and therefore they are at a critical level, which is a standard situation for a state enterprise, but for the corporate sector, a negative trend. In turn, the coefficient of financial autonomy is within the high level in accordance with the proposed gradation of indicators of financial potential of a forest enterprise;

– positive dynamics is characteristic of such indicators of business activity: the period of one turnover of working capital, the period of one turnover of stocks, the period of repayment of accounts receivable, payback period, the production cycle, the period of the operating cycle, the period of the financial cycle. Such a situation will negatively affect the financial potential of the forestry enterprise, because the positive trend is characterized by a decrease in the indicators characterizing the turnover of the objects of management. In turn, indicators that are characterized by positive dynamics have a minus value of the indicators of absolute and relative dynamics;

– planned indicators of liquidity and profitability show a positive dynamics and increase the level of financial potential of the enterprise.

Based on the above and based on the developed approach to the gradation of levels of indicators of financial potential, we have the following levels, which are presented in the model (Table 8).

Table 8. Characteristics of the planned indicators of the financial potential of the State Enterprise "Malin Forestry" by the levels

Indexes	Levels							
	H	CH	A	CS	L	CL	CC	C
<b>Financial stability</b>								
Own working capital								
Coefficient of maintenance of current assets by own means								
Maneuverability of working capital								
Maneuverability of own working capital								
The coefficient of providing own working capital stock								
Coefficient of inventory coverage								
Coefficient of financial independence (autonomy)								
<b>Business activity</b>								
Turnover of assets								
Return on assets								
Turnover rate of working capital (revolutions)								
Period of one turnover of working capital (days)								
Stock turnover rate (revolutions)								
<b>Liquidity</b>								
Liquidity ratio of the current (coverage)								
The liquidity ratio is fast								
Absolute liquidity ratio								
The ratio of short-term receivables and payables								
<b>Profitability</b>								
Return on equity (assets) at net profit								
Return on equity								
Cost-effectiveness of production funds								
Profitability of realized products on the profit from operating activities								
Profitability of realized products on a net profit								
Reinvestment factor								
The coefficient of sustainability of economic growth								
Capital recovery period, year								
Payback period of equity								

**Symbols:** H - high, CH - conditionally high; A - average; CS - conditionally average; L - low; CL - conditionally low; C - critical; CC - conditionally critical

The presented model points to the following levels of components of financial potential, in particular:

- financial stability: contains indicators that are at the levels of conditional critical, critical, low and medium;
- business activity: all without exception, the indicators of business activity are at a high level;
- liquidity: characterized by displays at low, conditionally critical levels;
- profitability: indicators are at the levels of conditional and critical.

Characteristics of the planned indicators indicates that the financial planning of the economic activity of the forestry enterprise is not related to management of the financial potential and does not provide for measures to increase its level. So, in order to establish an effective forest management business management system for obtaining positive indicators of financial potential, there is a need to establish all subsystems of management, namely: planning, accounting, analysis and control.

4) Conducting the above-mentioned procedures allows to predict the development of economic activity of the enterprise and determine the directions of development of financial potential of the forestry enterprise. However, the process of evaluating the implementation of the financial plan, which shows the real state of the financial potential with its planned parameters, is of great importance. The information provision for the implementation of this stage of the economic analysis is the Report on the implementation of the financial plan of the forestry.

The analytical procedures of this phase are aimed at identifying deviations of the three values of indicators of financial potential, namely: for the previous, for the reporting period, and the indicators are determined according to the financial plan. The implementation of these analytical procedures is proposed using the following form of analytical information (Table 9).

The presented record testifies to the development of financial potential of SE "Malyn'ske Forestry". In particular, economic analysis has allowed to detect a deviation between the planned indicators and indicators of the reporting period and indicators of the reporting period and indicators of the previous period. In particular, it can be observed that the indicators of the financial potential of the reporting period are lower than the planned indicators and indicators of the previous period. This can be explained not by the stable political situation, the moratorium on the export of logs abroad and the natural and climatic conditions.

Based on the above, the analyst should formulate proposals in the following areas:

- firstly, to determine the directions of improvement of the planning system and the formation of planned indicators that are taken into account when calculating the indicators of financial potential;

**Table 9. Working paper of the analyst for comparing financial capacity indicators for the previous period, reporting period and planned value****NOTE****ANALYTICAL ASSESSMENT OF THE IMPLEMENTATION OF THE FINANCIAL PLAN**Reporting period: 2015Planning period: 2016*State Enterprise "Malin forestry"*

Indicator	Preceding period (PP)	Planned value (PV)	Reporting period (RP)	Deviation	
				PV/RP	RP/PP
1	2	3	4	5	6
<b>Financial stability</b>					
<i>Own working capital</i>	-3064,00	-1540,00	-3060,00	-0,13	-98,70
<i>Coefficient of maintenance of current assets by own means</i>	-0,67	-0,21	-0,37	-44,28	-76,19
<i>Maneuverability of working capital</i>	-1,03	-4,21	-2,12	106,40	-49,64
<i>Maneuverability of own working capital</i>	-0,16	-0,25	-0,01	-95,82	-96,00
<i>The coefficient of providing own working capital stock</i>	-0,97	-0,24	-0,47	-51,55	-95,83
<i>Coefficient of inventory coverage</i>	0,35	0,69	0,46	32,73	-33,34
<i>Coefficient of financial independence (autonomy)</i>	0,67	0,61	0,60	-11,14	-1,64
<b>Business activity</b>					
<i>Asset turnover</i>	4,28	3,50	4,40	2,79	25,71
<i>Return on assets</i>	5,97	4,61	5,90	-1,30	27,98
<i>Turnover rate of working capital (revolutions)</i>	15,49	14,37	17,54	13,23	22,05
<i>Period of one turnover of working capital (days)</i>	23,24	25,05	20,52	-11,68	-18,08
<i>Stock turnover rate (revolutions)</i>	16,83	13,61	17,27	2,60	26,89
<i>Period of one stock turnover (days)</i>	21,39	26,45	20,85	-2,54	-21,17
<i>Turnover rate of accounts receivable (revolutions)</i>	54,15	83,18	108,09	100,31	30,92
<i>Repayment period of receivables (days)</i>	6,65	4,32	3,33	-50,08	-22,92
<i>Turnover rate of finished goods (revolutions)</i>	77,58	37,68	49,08	-36,74	30,25
<i>Payout period (days)</i>	11,85	6,21	4,90	-58,65	21,09
<i>Turnover rate of equity (revolutions)</i>	7,34	5,30	6,99	-4,70	31,88
<i>Production cycle (days)</i>	11,85	26,45	20,85	-2,54	-21,17
<i>Operating cycle (days)</i>	21,39	30,77	24,18	-13,84	-21,41
<i>Financial Cycle Period (days)</i>	28,04	24,56	19,28	18,90	-21,49
<b>Liquidity</b>					
<i>Liquidity ratio of the current (coverage)</i>	0,30	0,83	0,50	66,67	-39,76
<i>The liquidity ratio is fast</i>	0,14	0,10	0,08	-42,85	-20,00
<i>Absolute liquidity ratio</i>	0,03	0,04	0,00	-100,00	-100,00
<i>The ratio of short-term receivables and payables</i>	0,15	0,12	0,09	-40,00	-25,00
<b>Profitability</b>					
<i>Return on equity (assets) at net profit</i>	25,22	6,83	6,83	-72,92	0,00
<i>Return on equity</i>	43,24	10,31	10,85	-74,90	5,23
<i>Cost-effectiveness of production funds</i>	30,78	8,98	8,15	-73,52	-9,24
<i>Profitability of realized products on the profit from operating activities</i>	7,38	2,38	2,00	-72,91	-15,97
<i>Profitability of realized products on a net profit</i>	5,89	1,94	1,55	-73,66	-20,10
<i>Reinvestment factor</i>	0,02	-0,05	-0,05	-329,52	0,00
<i>The coefficient of sustainability of economic growth</i>	0,01	-0,00	-0,00	-166,73	0,00
<i>Capital recovery period, year</i>	3,96	14,64	14,64	269,34	0,00
<i>Payback period of equity</i>	2,31	9,69	9,21	298,37	-4,95

- secondly, to substantiate the critical points that led to the low level of analytical indicators of financial potential and to identify accounting objects that led to such a state of affairs;

- thirdly, to develop a financial plan for the next period with indicators that will increase the indicators of financial capacity by level 1 above and substantiate the possibility of their achievement.

Thus, we have developed a method of economic analysis of the financial plan of the forest enterprise as a component of the assessment of financial potential. The methodology provides a set of analytical indicators and a package of working papers of the analyst. The method has been tested at the State Enterprise "Malynske Forestry" and has shown its effectiveness.

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## Management of Economic Security on the Basis of Analysis of Specific Reporting Enterprise

Forest enterprises are one of the elements of the economic and industrial potential of the Ukrainian economy. The role of forest enterprises and forestry in the economic development of Ukraine was disclosed in the first section of the dissertation study. But the positive impact of such enterprises on the domestic economy is possible only if such enterprises are effective in their activity.

The effectiveness of forestry enterprises is determined by internal and external factors (internal and external environment of the enterprise). The external environment is the state of development of the market, the ratio of demand and supply to forestry products, state policy for support and development of the forestry industry, and so on. That is, the external environment is represented by a set of factors and conditions of management in which the enterprise has no influence or its influence is quite insignificant.

The internal environment is represented by existing factors of production, technological equipment, enterprise management quality, information security and decision support, and others like that. Unlike external factors, the management and management of the enterprise can mobilize, transform and develop internal factors in order to maximize their effective use to achieve the goals of the enterprise. One of the main factors influencing the efficiency of an enterprise is an analysis of its activities.

Forest enterprises, in contrast to enterprises of other sectors of the economy, have their own specificity, which is directly related to their area of activity. As the results of the research of scientific publications show, scientists in the course of studying the problems of economic analysis of the activity of forest enterprises mainly pay attention to the indicators of quantitative analysis. Yes, M.H. Shershun [2] exploring the analysis of forestry enterprises focuses on such quantitative indicators as: the total annual growth of wood, the use of annual growth of wood in the forests available for logging, and the volume of round timber exports.

Torosov A.C., Zezhkun I.M., Zuev E.S. [4] researching the diagnosis of the financial situation of forest enterprises focuses on the indicators: liquidity and solvency (total coverage ratio, rapid liquidity ratio, absolute liquidity ratio, settlement solvency ratio, liquidity ratio); financial sustainability (coefficient of equity concentration, coefficient of financial dependence, coefficient of maneuverability of equity capital, coefficient of structure of attracted capital, coefficient of long-term attraction of borrowed funds, type of current financial stability).

Tkachiv S.M. and Nikityuk P.A. [3] Analyzing the financial and economic indicators of forestry use quantitative indicators, in particular: the total area of land in use and the area of felling of the forest; the volume of forestry products; the area of reproduction of the forest; financial and economic indicators (the volume of sales of forestry products, funds directed to forestry, net profit).

Zamula Kh.P. [6] analyzing the financial and economic condition of forest enterprises with radioactive contaminated territories uses indicators of financial stability: the coefficient of financial independence; coefficient of financial dependence; coefficient of financial stability; coefficient of financial risk; coefficient of maneuverability of equity capital.

Nestoryak Y.Yu. [1] conducting an analysis of the economic efficiency of forestry uses the following indicators: the cost of cutting; income and labor efficiency in forestry; the effect of growing the forest. However, all of the above approaches do not take into account the specifics of a forestry enterprise and do not allow to determine the qualitative indicators of its activities.

Volynets I.G. [5], researching the current state of development of forestry enterprises uses indicators that take into account the specifics of the forestry industry: the characteristics of the forest fund (forest area, forest cover, wood and woodland growth, average wood supply and average growth of the stock); main indicators of forest management (volumes of forestry products, harvesting of liquid raw materials, cutting area, reproduction of forests); financial and economic indicators (the area of land use, the implementation of forestry products, funds directed to forestry, profitability of activities). These indicators take into account the specifics of activities of forest enterprises, but do not allow to assess the effectiveness of such enterprises.

The assessment of the efficiency of forestry enterprises should be carried out using indicators that reflect the quality of the use of their available resources and take into account the specifics of the activities of forest enterprises in terms of sector specificity. However, before forming these or other indicators, it is necessary to establish what are the available sources of information currently available, providing raw data for the analytical assessment of the activities of such enterprises.

For fixing information on indicators of forestry enterprises, two main forms of statistical reporting have been developed and approved by the State Forestry Committee of Ukraine "Report on the use of the forest plan production plan" (Form No. 10-LH) and the State Statistics Service of Ukraine State Statistical Surveillance "Forestry activities "(Form No. 3-LH). These two forms of reporting are the main source of information about the activities of forest enterprises, in which they record information in both physical and monetary measurements.

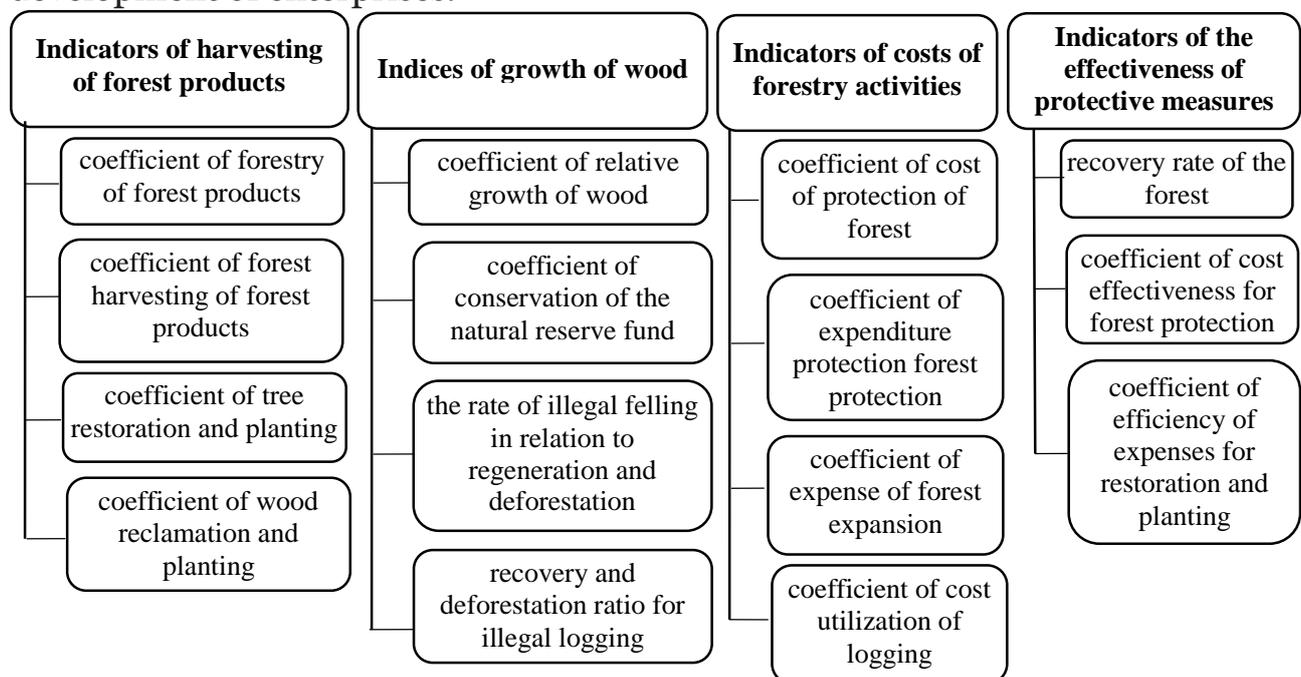
"Report on the use of the forest plan for forestry" (Form No. 10-LH) contains information on the activities of the forestry enterprise in the

following sections: forest management and design and survey work; felling, forming and rehabilitation of the forest; auxiliary forestry work; restoration of forests; forest protection from fires; pest control; hunting economy; forest expansion; preservation of the natural reserve fund.

State Statistical Surveillance "Forestry" (Form No. 3-LH) contains information on the activities of a forestry enterprise in the following sections: forestry production volumes; actual cutting by systems and types of felling; actual felling according to natural composition; harvesting of liquid wood; procurement of secondary products; Forest fires; the death of forest trees; forestry works; forest expansion, desertification on rock formations; the presence of pests and diseases of the forest; illegal felling; anthropogenic activity.

As we can see, these two forms of reporting cover a sufficiently wide range of information on the activities of a forestry enterprise, which can be used to analyze the effectiveness of its activities. Taking into account the importance of information provision of the decision-making process on the activity of forest enterprises and the need to assess the effectiveness of their activities not only from the financial point of view, but also from the point of view of the use of forest plantations as part of the national wealth of Ukraine.

We propose to analyze the effectiveness of forestry enterprises in the following areas (Fig. 1): analysis of harvesting of forest products; analysis of wood growth; analysis of costs of forestry activities; analysis of the effectiveness of protective measures. The proposed four areas of analysis will maximally cover all aspects of forestry business, providing an array of analytical data for assessing the effectiveness of business and decision-making on the further development of enterprises.



**Fig. 1. Are offered directions of the analysis of efficiency of activity of the forestry enterprises**

Indicators for the calculation are taken from the corresponding reporting forms, encoded by the report form number and the line number of the indicator in the reporting, that is 3-ll200 - the volume of the produced liquid wood means that this indicator is taken from line 200 of the reporting form 3-LH.

*Indicators of harvesting of forest products*

The analysis of harvesting of forest products involves an assessment of the implementation by the forestry enterprise of harvesting products. The key is that the indicators that are being calculated are of a relative nature. Let's consider more analytical indicators of this direction.

The coefficient of forestry of forest products shows how many cubic meters of forest falls on the harvest of one cubic meter of forest products and is calculated by the formula 1:

$$C_{fvp} = 3-lg1000 / 3-lg200 \quad (1)$$

Where:  $C_{fvp}$  – coefficient of forestry volume of forest products;

3-lg200 – the volume of liquid wood harvested, cub.m. ;

3-lg1000 – actual felling of the forest, cub.m.

The coefficient of forest harvesting of forest products shows how much actually harvested liquid wood accounts for one cubic meter of cut timber and is calculated by the formula 2:

$$C_{fhfp} = 3-lg200 / 3-lg1000 \quad (2)$$

Where:  $C_{fhfp}$  – coefficient of forest harvesting of forest products;

3-lg200 – the volume of liquid wood harvested, cub.m.;

3-lg1000 – actual felling of the forest, cub.m.

The forest harvesting coefficient is a reversal indicator and characterizes the effectiveness of the use of forest plantations during their felling and use for harvesting forestry wood.

The coefficient of tree restoration and planting shows how much actually harvested wood accounts for one unit of incurred costs for the restoration of forests provided for permanent use and is calculated by the formula 3:

$$C_{tlrp} = 3-lg5000 / 10-lg430 \quad (3)$$

Where:  $C_{tlrp}$  - coefficient of tree-level restoration and planting;

3-lg5000 - actual volumes of harvested wood, cub.m. ;

10-lg430 - restoration of forests provided for permanent use, ths.

This indicator characterizes the effectiveness of the measures for the restoration of forests in relation to the volume of harvested wood, and therefore, the more such wood is harvested relative to the unit of realized costs for the restoration of forests, the better.

The coefficient of tree recovery and planting shows how many hryvnia spent on the restoration of forests falls on a unit of harvested wood and is calculated by the formula 4:

$$Cwrp = 10\text{-lg}430 / 3\text{-lg}5000 \quad (4)$$

Where:  $Cwrp$  - the coefficient of wood reclamation and planting;

$3\text{-lg}5000$  - actual volumes of harvested wood, cub.m. ;

$10\text{-lg}430$  - restoration of forests provided for permanent use, ths.

The smaller the value of the given indicator, the better, as it in dynamics will characterize the reduction of expenses for the restoration of forests, provided the constant index of harvested wood.

#### *Indices of growth of wood*

The following group of indicators characterizes the growth of wood as a result of the measures taken to restore and cultivate forests and taking into account the loss of forests and woodlands due to anthropogenic factors.

The coefficient of relative growth of wood shows how much of the produced liquid wood accounts for one hryvnia of funds invested in the restoration of forests and is calculated by the formula 5:

$$Crgw = 3\text{-lg}200 / 10\text{-lg}430 \quad (5)$$

Where:  $Crgw$  - coefficient of relative growth of wood;

$3\text{-lg}200$  - the volume of liquid wood harvested, cub.m.;

$10\text{-lg}430$  - restoration of forests provided for permanent use, ths.

Thus, the coefficient of relative growth of wood shows the relationship between the investment of resources and resources in the restoration of forests and the volume of harvested liquid wood. However, it should be noted here that such interconnection can only be traced in dynamics, since the recovered forest can not grow and provide liquid wood for one period (for example, a year). Therefore, this indicator makes sense in the dynamics when it is possible to compare the costs of forest restoration and the volume of timber received as a result of such investments.

The coefficient of conservation of the nature reserve fund shows the ratio of costs for the restoration of forests and forests in relation to felling and improvement of forests and is calculated by the formula 6:

$$Ccnrf = (10\text{-lg}430 + 10\text{-lg}810) / 10\text{-lg}250 \quad (3.6)$$

Where:  $Ccnrf$ - coefficient of conservation of the natural reserve fund

$10\text{-lg}430$  - restoration of forests provided for permanent use, UAH thousand;

$10\text{-lg}810$  - afforestation on land provided for permanent use, UAH thousand;

$10\text{-lg}250$  - cutting formation and rehabilitation of forests, thousand grn.

This ratio reflects the ratio of invested funds to increase the number of forest plantations to increase their area and reduce the size of such a forest due to the debris of patients or old trees destroyed for the preservation of high-quality forests. In fact, the conservation factor of the nature reserve fund characterizes both the cost side of the work carried out, and indirectly indicates the change in the quality of the forest massifs.

The illegal logging ratio in relation to regeneration and logging shows how much of the forest was lost from illegal logging per unit of resources invested in the restoration and reforestation and is calculated by the formula 7:

$$Cilrrl = 3\text{-lg}10600 / (10\text{-lg}430 + 10\text{-lg}810) \quad (7)$$

Where:  $Cilrrl$  - coefficient of illegal logging in relation to restoration and logging

$3\text{-lg}10600$  - damage caused due to illegal logging, UAH thousand;

$10\text{-lg}430$  - restoration of forests provided for permanent use, UAH thousand;

$10\text{-lg}810$  - afforestation on land provided for permanent use, ths.

This indicator characterizes the ratio of forest losses from illegal logging in relation to the resources invested in its breeding and gives an idea of the scale of the relative decline of forests from illegal (ie unplanned and unpredictable) losses.

The recovery and deforestation factor for illegal logging is an inverse to the illegal logging factor for recovery and logging and is calculated by the formula 8:

$$Rdril = (10\text{-lg}430 + 10\text{-lg}810) / 3\text{-lg}10600 \quad (8)$$

Where:  $Rdril$  - recovery and deforestation ratio for illegal logging

$3\text{-lg}10600$  - damage caused due to illegal logging, UAH thousand;

$10\text{-lg}430$  - restoration of forests provided for permanent use, UAH thousand;

$10\text{-lg}810$  - afforestation on land provided for permanent use, ths.

This coefficient shows actually reflects the coverage of the measures for the breeding and preservation of the forest of its illegal losses. Taking into account quite common cases of illegal logging in Ukraine, this ratio shows the actual state of overcoming illegal forest losses in terms of its conservation and breeding.

#### *Indicators of costs of forestry activities*

Activities of forest enterprises include measures to protect forests from fires, forest cultivation, forest restoration. However, there are cases where the measures taken cannot guarantee the elimination of the possibility of contingencies and forest fires and other adverse factors that lead to forest losses occur. The analytical performance of this group allows us to assess the effectiveness of the measures taken.

The coefficient of cost-effectiveness of forest protection shows how many hryvnias of protective measures from fires per unit of forestry products (formula 9):

$$Ccefp = 10\text{-lg}560 / 3\text{-lg}100 \quad (9)$$

Where:  $Ccefp$  - the coefficient of cost-effectiveness of forest protection;

10-*lg*560 - forest protection from fires, UAH thousand;

3-*lp*100 - volumes of products (works, services) of forestry, ths.

This coefficient shows the amount of expenditure on forest protection in finished products. Usually indicators of this nature should be as low as possible, but in the case of forestry enterprises, this is not always the case. Forest protection costs from fires cannot be reduced solely for the sake of increasing economic efficiency, and their increase, on the contrary, can have positive effects if the number of fires decreases. Therefore, this coefficient, like all others, should be considered only in the context of comparison with other analytical indicators.

The coefficient of expenditure on forest protection is a measure of the inverse to the coefficient of cost-effectiveness of forest protection and shows how many finished products of a forestry enterprise account for one hryvnia of spent funds for forest protection against fires (formula 10):

$$C_{cefp} = 3\text{-}lp100 / 10\text{-}lg560 \quad (10)$$

Where:  $C_{cefp}$  - coefficient of cost efficiency of forest protection;

3-*lp*100 - volumes of products (works, services) of forestry, ths. Hryvnias;

10-*lg*560 - forest protection from fires, thousand grn.

This indicator characterizes the quality of fire-prevention measures that have been taken to eliminate unproductive losses from forest fires. It is worth noting that this indicator is useful in its analysis in dynamics, which will show the effectiveness of fire-prevention measures. At the same time efficiency can be compared with the previous periods given the cost of fire protection measures in previous periods and the cost of finished products.

The coefficient of the cost-effectiveness of forest growing shows how much the cost of forging accounts for one hryvnia value of finished forest products and is calculated by the formula 11:

$$C_{ef} = 10\text{-}lg810 / 3\text{-}lp100 \quad (11)$$

Where:  $C_{ef}$  - coefficient of expense of forests;

10-*lg*810 - afforestation on land provided for permanent use, UAH thousand;

3-*lp*100 - volumes of products (works, services) of forestry, ths.

The coefficient of cost-effectiveness of logging actually shows the ratio of costs of forest cultivation in relation to the cost of forest products. The value of this coefficient is appropriate to consider in the dynamics and in view of the state of the forest and woodlands that are available at the moment. The fact is that in the case of poor-quality forest or one that has suffered from fires, illegal logging or other adverse natural or man-made factors, the value of this coefficient will be up to 1, but this does not mean that the company is carrying excessive costs. Such breeding costs will be justified, since this is, in fact, investment costs in future assets.

The coefficient of expenditure of forestry shows how many forestry products account for one hryvnia for forestry costs and is calculated by the formula 12:

$$C_{cewg} = 3 \cdot \lg 100 / 10 \cdot \lg 810 \quad (12)$$

Where:  $C_{cewg}$  - coefficient of cost efficiency of wood-growing;

$10 \cdot \lg 810$  - afforestation on land provided for permanent use, UAH thousand;

$3 \cdot \lg 100$  - volumes of products (works, services) of forestry, ths.

This coefficient characterizes the return on forestry expenditures due to the forestry products received. Theoretically, the greater the value of this coefficient, the greater the return on such costs, however, when evaluating the value of this indicator should take into account the value of other coefficients for the establishment of objective data.

#### *Indicators of the effectiveness of protective measures*

The following group of analytical indicators characterizes the effectiveness of the measures taken to protect forests and forest plantations.

The coefficient of forest renewal shows how many forestry enterprises account for one hryvnia of restored forests and is calculated by the formula 13:

$$C_{fr} = 3 \cdot \lg 100 / 10 \cdot \lg 430 \quad (13)$$

Where:  $C_{fr}$  - coefficient of forest restoration;

$3 \cdot \lg 100$  - volumes of products (works, services) of forestry, ths. Hryvnias;

$10 \cdot \lg 430$  - restoration of forests provided for permanent use, ths.

In dynamics, this coefficient shows how the share of finished products of a forestry enterprise varied in different periods, which accounted for one hryvnia of funds spent on the restoration of forests. It is positive to increase the value of this coefficient in time, which will characterize the efficiency of the funds invested in the restoration of the forest.

The coefficient of cost effectiveness for the protection of forest from fires shows the ratio of losses from fires and funds invested in forest protection from fires 14:

$$C_{cefpaf} = 3 \cdot \lg 7500 / 10 \cdot \lg 560 \quad (14)$$

Where:  $C_{cefpaf}$  - coefficient of cost effectiveness for forest protection against fires;

$3 \cdot \lg 7500$  - damage caused by forest fires, thousand hryvnias;

$10 \cdot \lg 560$  - forest protection from fires, thousand grn.

The value of this coefficient greater than 1 means that the damage from the fires exceeds the amount of money invested in the fight against fires, that is, characterizes the policy of preserving the forest as ineffective. At the same time, the value of the coefficient less than 1 indicates that the cost of forest protection from fires is less than the fire caused by the damage. There may be an impression that an increase in forest conservation costs may affect the value of this coefficient so as to present the resulting value as positive. In order to

prevent the possibility of such manipulations, it is necessary to interpret the value of this coefficient in view of other factors, see below.

The coefficient of efficiency of recovery and planting costs shows the ratio of the fallen forest to the costs of its restoration and breeding and is determined by the formula 15:

$$Cecrp = 3\text{-lg}8000 / (10\text{lg-}430 + 10\text{lg-}810) \quad (15)$$

Where:  $Cecrp$  - coefficient of efficiency of cost recovery and planting;

$3\text{-lg}8000$  - perished forest trees, cub.m.;

$10\text{-lg}430$  - restoration of forests provided for permanent use, UAH thousand;

$10\text{-lg}810$  - afforestation on land provided for permanent use, ths.

The coefficient of efficiency of the costs of restoration and planting provides a comparative loss of the assets of the forestry enterprise with the cost of their conservation. Only non-productive losses are taken into account as they do not have the associated side-effects for the enterprise.

Generalized information on the procedure for calculating the coefficients and the desired dynamics of the value of the indicator is given in Table 1.

**Table 1. Analytical indicators of economic activity of SE “Korostyshivsky LH” for 2015**

№	Indicator	Formula	Trend Value
1	<i>Indicators of harvesting of forest products</i>		
1.1	forestry coefficient of forest products (Fcfp)	$3\text{-lg}1000 / 3\text{-lg} 200$	reduction
1.2	coefficient of forest yielding of forest products (Cfyfp)	$3\text{-lg} 200 / 3\text{-lg} 1000$	magnification
1.3	coefficient of tree restoration and planting (Ctrp)	$3\text{-lg} 5000 / 10\text{-lg} 430$	magnification
1.4	coefficient of wood reclamation and planting (Cwrp)	$10\text{-lg} 430 / 3\text{-lg} 5000$	reduction
2	<i>Indices of growth of wood</i>		
2.1	coefficient of relative growth of wood (Crgw)	$3\text{-lg} 200 / 10\text{-lg} 430$	magnification
2.2	coefficient of conservation of the natural reserve fund (Ccnrf)	$(10\text{-lg} 430 + 10\text{-lg} 810) / 10\text{-lg} 250$	magnification
2.3	illegal logging ratio in relation to restoration and logging (Irrrl)	$3\text{-lg} 10600 / (10\text{-lg} 430 + 10\text{-lg} 810)$	reduction
2.4	recovery and deforestation ratio relative to illegal logging (Rdril)	$(10\text{-lg} 430 + 10\text{-lg} 810) / 3\text{-lg} 10600$	magnification
3	<i>Indicators of costs of forestry activities</i>		
3.1	coefficient of cost of protection of forest (Ccpf)	$10\text{-lg} 560 / 3\text{-lg} 100$	reduction
3.2	coefficient of expenditure protection of forest (Cepf)	$3\text{-lg} 100 / 10\text{-lg} 560$	magnification
3.3	coefficient of expense of forests (Cef)	$10\text{-lg} 810 / 3\text{-lg} 100$	reduction
3.4	coefficient of cost efficiency of logging (Ccel)	$3\text{-lg} 100 / 10\text{-lg} 810$	magnification
4	<i>Indicators of the effectiveness of protective measures</i>		
4.1	forest restoration factor (Frf)	$3\text{-lg} 100 / 10\text{-lg} 430$	magnification
4.2	coefficient of cost effectiveness for forest protection against fires (Ccefpaf)	$3\text{-lg} 7500 / 10\text{lg} -560$	reduction
4.3	recovery factor and planting efficiency (Rfpe)	$3\text{-lg} 8000^* / (10\text{lg} -430 + 10\text{lg} -810)$	reduction

\* volume of dead wood in value terms

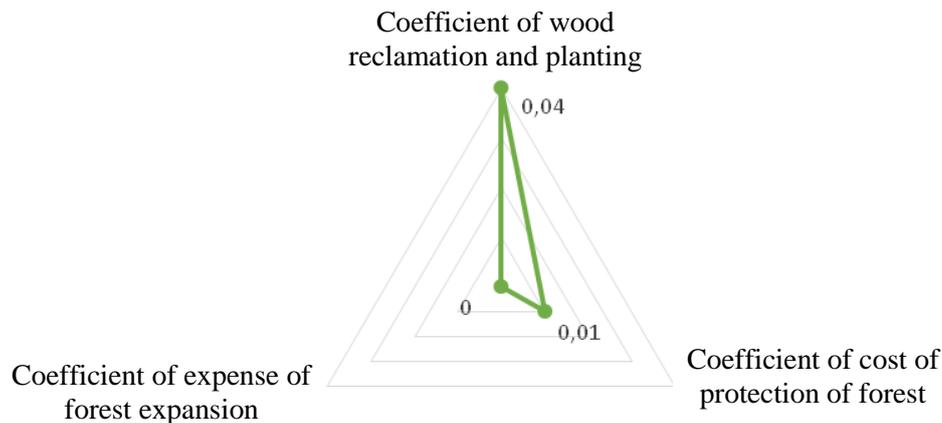
In order to demonstrate the approbation of the developed methodology for the analysis of the activity of a forestry enterprise, we will calculate the values of the developed coefficients for SE “Korostyshivske LH” for 2015 (Table 2). The data sources for the analysis are the indicators of the “Report on the use of the forest plan for forestry” (Form No. 10-LH) and the State Statistical Surveillance “Forestry” (Form No. 3-LH) of this enterprise for 2015.

**Table 2. Analytical indicators of economic activity of SE “Korostyshivsky LN” for 2015**

No	Indicator	Formula	Calculation	Value	Unit of measurement
<b>1</b>	<i>Indicators of harvesting of forest products</i>				
1.1	orestry coefficient of forest products (Ocfp)	$3\text{-lg}1000 / 3\text{-lg} 200$	209775 / 187107	1,12	cubic meter
1.2	coefficient of forest yielding of forest products (Cfyfp)	$3\text{-lg} 200 / 3\text{-lg} 1000$	187107 / 209775	0,89	cubic meter
1.3	coefficient of wood restoration and planting (Cwrp)	$3\text{-lg} 5000 / 10\text{-lg}430$	57921 / 1998,9	28,98	cubic meter per thousand UAH
1.4	coefficient of wood reclamation and planting (Cwrp)	$10\text{-lg} 430 / 3\text{-lg}5000$	1998,9 / 57921	0,04	thousand UAH per cubic meter
<b>2</b>	<i>Indices of growth of wood</i>				
2.1	coefficient of relative growth of wood (Crgw)	$3\text{-lg}200 / 10\text{-lg}430$	187107 / 1998,9	93,61	cubic meter per thousand UAH
2.2	coefficient of conservation of the natural reserve fund (Ccnrf)	$(10\text{-lg}430 + 10\text{-lg}810) / 10\text{-lg}250$	1998,9 / 8305,1	0,24	thousand UAH
2.3	illegal logging ratio in relation to restoration and logging (Ilrl)	$3\text{-lg}10600 / (10\text{-lg}430 + 10\text{-lg}810)$	159873 / 1998,9	79,98	thousand UAH
2.4	recovery and deforestation ratio relative to illegal logging (Rdril)	$(10\text{-lg}430 + 10\text{-lg}810) / 3\text{-lg}10600$	1998,9 / 159873	0,01	thousand UAH
<b>3</b>	<i>Indicators of costs of forestry activities</i>				
3.1	coefficient of expense conservation of forest (Ceef)	$10\text{-lg}560 / 3\text{-lg}100$	620,8 / 77130,8	0,01	thousand UAH
3.2	coefficient of expense of forests (Cef)	$10\text{-lg}810 / 3\text{-lg}100$	-		
3.3	coefficient of cost efficiency of logging (Ccel)	$3\text{-lg}100 / 10\text{-lg}810$	-		
<b>4</b>	<i>Indicators of the effectiveness of protective measures</i>				
4.1	forest restoration factor (Frf)	$3\text{-lg}100 / 10\text{-lg}430$	77130,8 / 1998,9	38,59	thousand UAH
4.2	coefficient of cost effectiveness for forest protection against fires (Ccefpaf)	$3\text{-lg}7500 / 10\text{-lg}560$	342 / 620,8	0,55	thousand UAH
4.3	recovery factor and planting efficiency (Rfpe)	$3\text{-lg}8000^* / (10\text{-lg}430 + 10\text{-lg}810)$	-		cubic meter

\* volume of dead wood in value terms

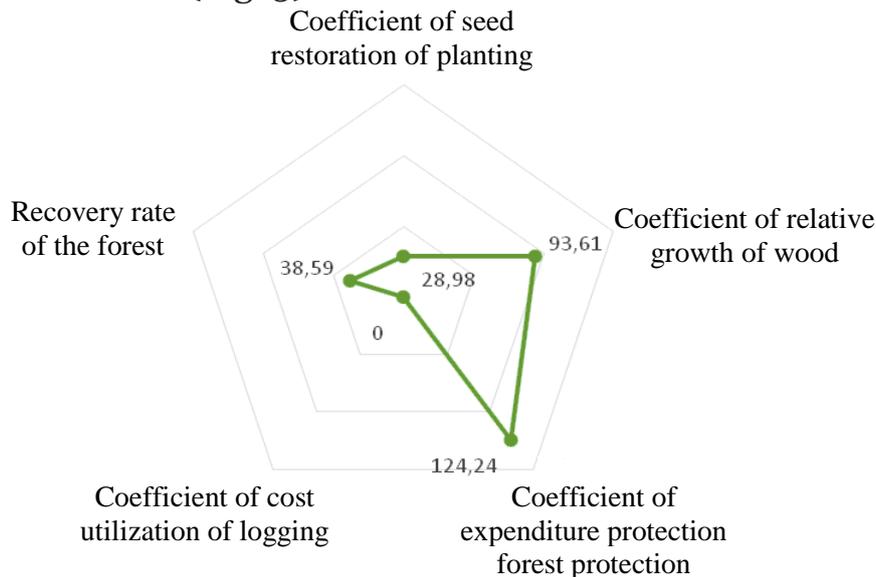
When analyzing the cost-effectiveness of forestry products and forestry resources, it is expedient to use a graphical method for the visualization of the results. For the analysis of the consumption capacity of forestry products and raw materials, we use the coefficients: the expense density of timber growing; forest-based forest products; wood reclamation and planting; the cost of the protection of the forest (Fig. 2).



**Fig. 2. Indicators of cost-effectiveness of forestry products and raw materials**

All coefficients in Fig. 2 shows the distribution of those or other costs per unit of cost of forestry products or raw materials. Thus, for the state corporation "Korostyshivske LH" for 2015, the largest indicator of expenditures per unit of forestry products is the coefficient of wood reclamation and planting, which shows that for each hryvnia the raw material consumes 0.04 UAH. costs of forest restoration.

Analyzing how much the impact of different types of costs is necessary to match the following factors: the density of the restoration and planting; relative growth of wood; cost of protection of the forest; waste yields of forests; restoration of the forest (Fig. 3).

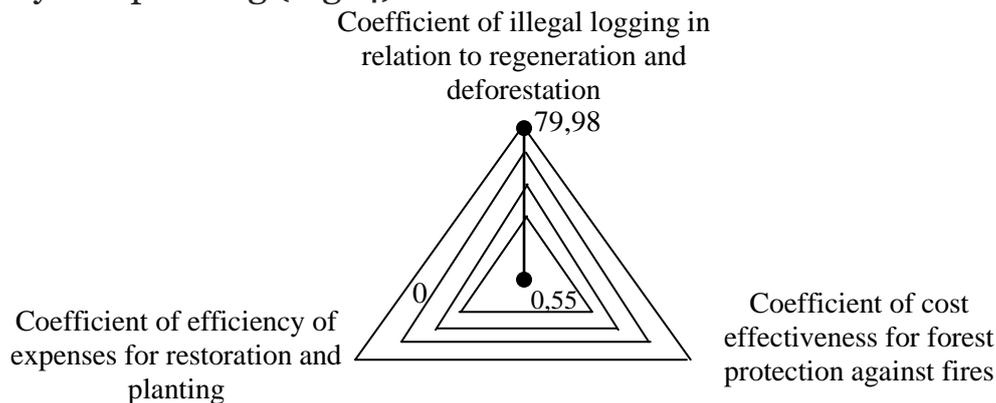


**Fig. 3. Indicators of return on costs of forest enterprises**

From Fig. 3 shows that the greatest return on the costs of forest protection against fires relative to the volume of harvested produce, and the least of the costs of restoring and planting the forest. Forest clearing costs are not reflected in the reporting, that is, they were not in the company in 2015.

It is also possible to analyze the efficiency of the costs incurred by the enterprise in combating unproductive losses of forest and woodlands. To do

this, it is necessary to analyze the coefficients: illegal logging in relation to the restoration and deforestation; the cost of protecting forest from fires; the cost of recovery and planting (Fig. 4).



**Fig. 4. Indicators of efficiency of expenses incurred by the enterprise for combating unproductive losses of forest and woodlands**

Thus, the most effective ratio of unproductive costs to measures to minimize them was the cost of forest protection against fires. One hryvnia of funds invested in forest protection from fires accounts for 0.55 UAH. lost forest from fires. At the same time, one UAH spent on reforestation and logging costs UAH 79.98. illegally cut forest, which is a very negative indicator.

Interpretation of the values of analytical indicators in their interconnection allows us to assess the effectiveness of the investments made in foraging, planting, fighting fire and illegal felling. In this case, it is possible to assess the quality of such measures in correlation with the volume of harvested liquid wood and other types of products of the forestry enterprise, which is a powerful analytical basis for assessing the efficiency of forestry enterprise activity.

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## Institutional Factors of Economic Growth

The institutional theories of economic thinking, especially the modern economic theory - a new institutional economy - deserve attention in connection with the elaboration of the issue of the influence of the institutional structure and the quality of the institutional environment on the prosperity of companies and states. Its origins are related to article of R.Coase, "The Nature of the Firm", published in 1937, explaining the essence and importance of transaction costs for the operation of companies, and pointing to the need for their introduction into economic analysis. However, by the mid-1970s, it remained on the periphery of economic science, coming to the forefront in the recent decades. The title of this direction - a new institutional economy - was introduced into the scientific terminology by O.Williamson (Coase, 1998). Initial development of new institutional theory is almost exclusively centered in the United States, in the 1980s Western Europe was involved in this process, followed by Central European and East European economists in the early nineties. Recognition of the merits of the new direction was expressed by the award of the Nobel Prize for Economics to two of the most prominent representatives - R. Coase (1991) and D.North (1993). In particular, A. Alchian, J. Bjukenen, G. Hodson, H.Demetz, K. Munar, M. Olson, R. Posner, E. Rosenbaum and others contributed to the development of the new institutional economy.

### **Institutional approach to economic growth**

During the previous period, differences in economic development were predominantly based on neoclassical optics, based on different factors (land, labor, capital), and unequal pro-active effects of individual factors (technical progress, innovation, education). Currently, there are several shortcomings of these economic growth models. Institutional economists point out that the neoclassic approach is not an appropriate tool for analyzing and shaping a policy that would stimulate long-term development as it deals with the functioning of markets, thus not with the way markets evolve.

The predominance of positive economy methodology and the emphasis on using the mathematical apparatus to investigate the economic reality (as well as the construction of models and their simplicity) lead to predictive models not being able to cover all the problems of contemporary development, and above all to encompass their complexity. The modeling of the models concentrates on the analysis of several variables which are considered crucial for the elimination of bottlenecks in the development of the economy as well as for the promotion of economic growth which can lead to a reassessment of the pro-factor influence of the investigated factor. When exploring economic development it focuses on technological development and recently on investment in human capital, but ignores and underestimates the structure of incentives, the incentive structure embedded in the institutions.

An example is the influence of capital on economic growth which has become the decisive factor of Solow's model (Solow, 1957). Solow's verification, however, showed that more than 85% of the output per employee was not due to increase in capital investment but due to other factors that shifted production upward and attributed to technological change (Wight 2011). In its original form, neoclassical theory provides a mathematical model of a static world without conflicts. The neoclassical analysis of economic performance over time is therefore based on two erroneous assumptions; first, that it does not matter on the institutions, and secondly, that time does not play a role (North, 1994).

From the point of view of institutional approaches, the neo-classical approach does not have, in sufficient breadth, the tools to analyze and shape the rules that indicate development. The mainstream theoretical models do not address policy decision-making, analyze impacts on these decision-making processes, neither the motives those lead to specific stakeholder engagement, interests, and so on. These are precisely mainly institutional factors which significantly affect the resulting form of social practice (North, 1993). Clarifying the current socio-economic development with neoclassical economics is getting into even greater problems. One of the main shortcomings of such approach is ignoring the role of institutions in socio-economic development (Voigt, 2008). Therefore, it is usually not enough if the country has comparable resources than its more economically successful model because its success is conditioned by the whole set of factors which shape its institutional environment and ensure its quality. Growth, development depends crucially on institutions currently in place. Opportunities for politically promoting institutions supporting growth and development are limited by the cultural character of contemporary society (North, 1990).

Although institutional economics has not yet provided a definitive answer to the question why some countries are rich and the others are poor, it offers many expert insights into their development. From a theoretical point of view, the new institutional theory is based on two common assumptions. Firstly, institutions matter, and secondly, they can be analyzed using standard tools of economic theory. A combination of such ideas is rare in the history of economic thinking. An important role played by institutions in society is the reduction of strategic uncertainty that exists whenever the outcome of a negotiation depends not only on one's own actions but also on the attainment of at least one other actor (Voigt, 2008) and also when changing interaction participants. Compared to neo-classical theory, neo-institutionalism introduces a new class of constraints due to the institutional structure of society in the narrowing of the field of individual choice. In addition, behavioral assumptions are introduced - limited rationality and opportunistic behavior. The first assumption means that a person with incomplete information can minimize not only material costs, but also intellectual effort.

The second is "self-interest-seeking-with-guile", e. g. the possibility of canceling contracts.

### **Basic definitions of institutions and their classification**

D. North defined institutions as man-made constraints that structure political, economic and social interactions. Institutions include informal restrictions (sanctions, taboos, habits, traditions and norms of behavior) as well as formal rules (constitutions, laws, property rights) (North, 1997). The main problem according to D. North is to clarify the development of political and economic institutions which also create an economic environment that induces productivity growth. Such an interpretation essentially means that the level of productivity is directly influenced by the formal and informal frameworks and conditions established by existing institutions in a particular state and the world community.

It follows from the above mentioned that the definition of an institution by North is understood to be the rules of the game in society that allow the not only economic, but also political and social interests. This approach is generally accepted by the scientific community but there is still a lot of variability in terms of how to correctly define the individual components of the institutional environment and its internal structure. The fact which institutions are important and which not, differs depending on the development of the country, its political ambitions, the social attitudes of the population. There is no set of institutions that will suit all countries but there is a consensus that at least five main assumptions of institutional structures which are needed are aimed at: protecting property rights and law enforcement, securing a regulatory market framework, securing macroeconomic stability, quality of social insurance, and to resolve conflicts. In the frame of this, those are institutions which either create conditions for the functioning of the market and ensure its stability or solve its failure. If they are not developed, the development of the country is not sufficient (Rodrik, 2007).

As we have mentioned in the terms of degree of formality the institutions consist of formal and informal institutions. While formal institutions represent everything that is codified, informal institutions arise spontaneously in the course of historical development. The notion that formal institutions have a greater impact on the institutional quality of a company because of its enforcement may not always be correct. Informal institutions as part of the institutional framework are equally important to the institutions as formal ones, since the success of formal rules depends on the success of their informal acceptance (Tridico, 2011). This means that the sequential nature of institutional evolution reflects the interdependence of formal and informal institutions; the institutional quality depends not only on the quality of formal institutions but is also largely conditional on their implementation, the enforceability of their performance, e.g. its informal application. Informal

institutions bear in themselves a link to long-term cultural development, the evolution of traditions, customs, predominant ethics and morals of society.

Formal institutions must therefore respect the need for gradual change of informal institutions, since informal institutions are unable to adapt immediately and in a short period of time to changes in formal rules, they have encoded regional specificities, different absorption capacities of formal institutions. Furthermore, incorrectly set formal rules can severely distort the informal behavior of the company in the sense of a decline in social responsibility, morale, tolerance of the growth of an unseen economy, etc. Institutional complementarity (Amable, 2003) should ensure the coherence of the economic and social system, e.g., changes in informal institutions should not lag behind the pace of formal change. This means that if the formation of formal institutions does not take into account the informal institutions aspect, it may not bring positive effects in relation to economic development.

As a result, the notion that the mechanical transfer of formal rules from a successful economy to a lesser-performing economy automatically translates into growth in performance shows that it is incorrect. An example of the negative impact of the non-interconnection of formal and informal institutions can be the transformation of Central and Eastern European countries where the replacement of original formal institutions by new ones in the relatively short time did not produce the expected effect but manifested itself in institutional failure in the form of increased corruption, rent-seeking, etc. For the main cause of such deformed behavior, Stiglitz (1999) considers institutional "blitzkrieg", e. g. underestimating the importance of gradually changing behavioral rules. Williamson (2000) describes the interconnection of formal and informal institutions with the concept of anchoring, respectively integration, while pointing to the fact that the more informal the institutions have, they are more deeply integrated into society and need more time to change. This means that lower-level institutions (customs, traditions, mentality, religion, etc.) respond to societal changes much more slowly and longer than higher-level institutions that set formal rules, affect the functioning of public administration and the legislative framework. However, each higher level carries the former institutional equipment.

Classification of institutions by category defines legal, political, economic, and social institutions. Legal institutions are the most common types, as they penetrate through government all social interactions regardless of their level (state, public administration, private sector). They cover a wide range of institutional environments, protection of property relations, quality of the legislative framework, law enforcement. Political institutions define the electoral system, the activities of political parties; determine the competencies and scope of individual state actors. Economic institutions show a significant degree of overlap with legal institutions as they provide conditions and rules for market and state functioning; they formulate regulatory frameworks,

quality of business environment, and so on. Social institutions generally identify themselves with informal institutions - reflecting forms of population interaction, social capital and social networks in society.

### **Assessing the quality of institutions and assessing of their impact on the economy**

A large number of indicators are used to measure the quality of institutions but there is no generally accepted system and a uniform methodology for assessing its impact on the economy. Due to the interconnectedness of institutions is difficult to assess the impact of each particular institution on overall economic performance. Therefore, the most common methodology for measuring the quality of the institutional environment is based on an assessment of the defined characteristics of each institution. Based on the empirical data analysis, economists propose the characteristics which have an impact on economic growth or the level of retirement such as state size, state of the legal system, contract protection, bureaucratic culture, corruption rate, protection of property rights. Since many institutions are the result of political processes, it must be clear that they are closely linked to the economic policies of the states. It is important to note that measuring the quality of the institutional environment is very challenging, thus there are only a few organizations in the world that are involved in assessing the quality of institutions. The quality of institutions is measured by:

- World bank ([www.worldbank.org](http://www.worldbank.org));
- World economic forum (<http://www.weforum.org>);
- Fraser Institute ([www.fraserinstitute.org](http://www.fraserinstitute.org));
- The Heritage Foundation, created by Heritage Foundation and Wall Street Journal ([www.heritage.org/index](http://www.heritage.org/index));
- Freedom House ([www.freedomhouse.org](http://www.freedomhouse.org));
- Legatum Institute ([www.li.com](http://www.li.com));
- Transparency International ([www.transparency-international.org](http://www.transparency-international.org));
- Word Justice Project (WJP) ([www.worldjusticeproject.org](http://www.worldjusticeproject.org));
- Property Rights Alliance ([www.propertyrightsalliance.org](http://www.propertyrightsalliance.org)) and other institutions.

Their common denominator is effort to cover the greatest possible amount of such institutional characteristics which frame the growth performance of the economies and at the same time allow the assessment of the dynamics of institutional changes and the position of the country in the international comparison. Institutional quality indicators are generally constructed as composite indicators that combine the information of a number of empirical knowledge based on the so-called hard and soft data which can bring some degree of subjectivism to values of their results. Here is

a brief introduction to selected organizations dealing with assessing the quality of institutions.

### **World Bank**

Since 1996, the World Bank has undergone institutional analysis within the framework of the well-known "Governance Matters" project (until 2002 the institutional quality assessment was carried out at two-yearly intervals, from 2002 yearly onwards). The World Bank assesses governance based on six aggregated sub-indices (democracy, political stability and the absence of violence, government efficiency, regulatory quality, law enforcement, and corruption control), resulting in a composite index of quality of governance as their arithmetic mean. Within democracy the quality of political, civil and human rights, the scope of freedom of expression, assembly, electoral rights are assessed. The indicator of political stability and the absence of violence is the result of a survey of the probability of destabilizing the country by unconstitutional or possibly violent means and the impact of such changes on the development of the country. In the framework of the government's effectiveness assessment, the quality of public services, the competence of bureaucracy, the degree of its political independence and the quality of its economic policy are monitored. The sub-index of regulatory quality reflects the scope of the regulatory burden and assesses the government's ability to formulate and implement a policy that supports the private sector. The legal order in an aggregated way reflects confidence in the social legal system and its acceptance by the public. It evaluates the extent of crime, the efficiency of courts and police, the risk of violence, the protection of property rights, and the enforcement of law. Corruption control is an indicator that monitors the perception of the use of public power, assesses the extent to which public power is used to gain private benefit.

### **World economic forum (WEF)**

Since 2005, the Global Economic Forum has provided its National Competitiveness Reports (GCR) with assessments of the quality of national economy institutions. The reports are compiled according to the WEF methodology, based on the Global Competitiveness Index (GCI). The Global Competitiveness Index consists of three sub-indices that express the main competitiveness factors. The sub-index values are presented with fixed 12 synthetic pillars, the first of which expresses the quality of the institutions as one of the main factors of the competitiveness of the economy. Under the first pillar of the Institution, a total of 21 indicators are assessed: 1.01- Property rights, 1.02 - Intellectual property protection, 1.03 - Diversion of public funds, 1.04- Public trust in politicians, 1.05 - Irregular payments and bribes, 1.06 - Judicial independence, 1.07- Favoritism in decisions of government officials, 1.08 - Efficiency of government spending , 1.09 - Burden of government regulation, 1.10 - Efficiency of legal framework in settling disputes , 1.11 -

Efficiency of legal framework in challenging regulations, 1.12 - Transparency of government policymaking, 1.13 - Business costs of terrorism, 1.14 - Business costs of crime and violence, 1.15 - Organized crime, 1.16- Reliability of police services, 1.17 - Ethical behavior of firms, 1.18 - Strength of auditing and reporting standards, 1.19 - Efficacy of corporate boards, 1.20 - Protection of minority shareholders' interests, 1.21 - Strength of investor protection.

### **Fraser Institute**

In the Fraser Institute project the emphasis is placed on capturing the widest possible range of factors which underpin institutional quality. It focuses on analyzing world development indicators of more than 120 countries in 5 spheres: the size of the state, the legal system and property rights, access to finance, free trade, credit regulation, labor relations and business. Since 1986, the quality of institutions has been expressed by a specially designed Fraser Economic Freedom of the World (EFW) index. The EFW index, in addition to assessing the conditions for securing the freedom of choice of the individual, assesses in particular the quality of the competitive environment, the quality of legislation in terms of law enforcement and the protection of property rights, and the quality of the regulatory framework. The positive fact is that the EFW also assesses macroeconomic stability that frames the freedom of decision-making of individual subjects. In summary, the Fraser Institute evaluates the quality of economic and political approaches in the socio-economic, legal and cultural spheres and their impact on economic growth and development. The information base is extensive: state financial statistics, international financial statistics of the World Bank and the IMF, household surveys.

### **Heritage Foundation**

The Heritage Foundation project has an identical mission, e. g. to examine the impact of economic freedom and the quality of institutions on the development of the country. Since 1995, the assessment has also been expressed by the Economic Freedom Index (Index of Economic Freedom). The status of economic freedom is assessed in 186 countries around the world based on 10 indicators at four levels:

- the rule of law in the field of property rights protection, law enforcement and non-corrupting environment,
- the quality of government, particularly in terms of fiscal responsibility,
- the regulation and creation of a quality business environment, and
- the level of openness of markets (free trade, freedom of investment, financial freedom).

The Index of Economic Freedom values are based on analysis and expert assessments of data from interviews and press reports published in the media.

### **Freedom House**

The project provides a rating based on the Freedom House Index (FHI). It is based on the analysis of indicators of country development in two areas:

- political rights (electoral systems, political pluralism, functioning of the government),
- freedom of citizens (freedom of speech and belief, freedom of association and right to association, rule of law and human rights, economic rights, including the strengthening of property rights and recognition of equal opportunities, freedom from dependence on employers, trade union leaders, officials, etc.).

In order to designate the quality of institutions, economists use generally accepted definitions to designate institutions as "good" and "bad". "Good" refers to those institutions which help to reduce transaction costs, increase public confidence and support long-term investment in the economy. "Bad" institutions are those which increase the cost of doing business, reduce incentives for honest behavior, and hinder the development of competition and investment. The main criteria for separating "bad" institutions from "good" institutions are their negative impact on entrepreneurial activity and economic growth.

Economic literature identifies the following causes of "bad" institutions: authoritarian political regimes; strong social inequality; elite and bureaucracy; institutional weakness of the state. The political elite of such regimes creates the "extractive institutions" instead of "inclusive institutions" which are characteristic for democratic countries (Acemoglu D., Robinson J., 2012). Such institutions allow the political elite to redistribute wealth in their favor and limit the impact of the broad mass of the population on the current policy, and the "extractive institutions" create private benefits for elites by reducing the well-being of the whole society. As a rule, in such an extraction state, the elite and the working population are separated by cultural barriers which prevent them from mixing. The elite increase its income either at the expense of a working population or because of a valuable natural resource commonly used by violence, confiscation of assets and political power. "Inclusive institutions", on the contrary, allow the distribution of political power between different organizations and individuals more evenly, make the elite more responsible for society, and create incentives for entrepreneurship and business development. An even distribution of political power leads to sustainable economic growth, as large groups of people have the opportunity to influence political decisions which have a positive impact on their well-being. In an inclusive state, the elite is not separate from society, it includes the best, ready to work for everyone else. The countries which have moved earlier on to the path of the evolution from first to second type of institutions are now not only rich, but also have a more equal distribution of income and wealth among their citizens (Acemoglu D., Robinson J., 2012).

### The relationship between the quality of institutions and the economy

Although the institutional environment is only one of the factors of economic performance growth, both the theoretical approaches and the conclusions of empirical works confirm that improving institutional quality creates better conditions for economic growth and development (Acemoglu et al., 2004) and higher institutional quality is accompanied by higher economic performance as well. Countries which have a good institutional framework and their economic system have been linked to institutional quality for long, are now achieving a higher level of economic performance. However, although economic performance often correlates with high-quality institutions, causal links are not one-way, which means that the quality of the institutions can also be the result of economic growth and not necessarily always just its cause. A higher economic level can change the moral values of society; make it more free, open, reliable, and responsible, which contribute to increasing institutional quality. This fact is confirmed by, for example, the development of countries with a high degree of institutional quality and the countries with low degree of institutional quality (Table 1).

**Table 1: Economic performance and institutional quality of selected countries (year 2017)**

Economy	GDP per capita US\$	Institutions score (1-7)	Economy	GDP per capita US\$	Institutions score (1-7)
Luxembourg	105863.23	5.7	Portugal	21159.00	4.4
Switzerland	80637.38	5.9	Czech Rep.	20401.58	4.2
Norway	75389.46	5.8	Greece	18637.27	3.7
Iceland	70248.27	5.5	Slovak Rep.	17655.05	3.5
Ireland	68710.82	5.3	Lithuania	16730.63	4.1
United States	59792.01	5.3	Latvia	15550.44	3.8
Denmark	56630.60	5.5	Hungary	14209.44	3.5
Australia	55692.73	5.4	Poland	13821.23	3.8
Sweden	52925.13	5.6	Croatia	13271.38	3.5
Netherlands	48555.35	5.8	Russia	10955.79	3.7
Austria	47347.44	5.2	China	8643.11	4.4
Finland	45927.49	6.2	Bulgaria	7368.50	3.5
Canada	45094.61	5.4	Georgia	4085.83	4.2
Germany	44769.22	5.3	Armenia	3857.18	4.1
Belgium	43488.49	5.0	Moldavia	2694.47	3.2
France	39932.69	4.8	Ukraine	2656.01	3.2
Japan	38448.57	5.4	Kyrgyz Rep.	1207.78	3.4
Italy	31996.98	3.5	Chad	810.16	2.6
Spain	28358.81	4.1	Benin	770.80	3.5
Slovenia	23654.41	4.1	Burundi	312.46	3.2

Source: IMF (International Monetary Fund, World Economic Outlook Database (April 2017)); WEF, The Global Competitiveness Report, 2017-2018.

Table 1 shows that those economies which have been deeper integrated into the EU, despite many persistent problems in the quality of institutions, are capable of achieving greater socio-economic development. This state is conditioned by the fact that the EU is constantly pushing for the improvement of the institutional environment which gradually changes the behavior of society and reduces the tolerance for negative social phenomena.

Finally, it should be recalled that the successful economic policies of the government can usually link formal and informal institutions to the motivation of the people to achieve success. The mentality of the nation, its customs, traditions and cultural maturity, standards of behavior, morality and ethics are reflected in the legislation of the country and the quality of formal institutions. If formal institutions and economic policies operate in line with the informal environment, the country is more likely to increase its economic level. The quality of institutions narrows the scope for trade-related risks, in general, there is a greater interest in investing in countries which protect property rights, have a high-quality legislative framework, high law enforcement, low bureaucracy, low corruption rates, regulatory burdens, criminality, and are capable of providing high-level public services.

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## Ukraine's Foreign Trade Policy: Integration Changes in the Context of Cooperation with the EU

The process of globalization has caused the interdependence of the level of development of the country and the degree of its integration into world processes. Lack of attraction and adaptation of the country to international tendencies leaves the national economy and social well-being of such a country beyond the limits of world progress. Especially bright, it is seen in developing countries. Despite the fact that Ukraine during the period of 2014-2018, did not fall into the list of developing countries according to the ICF, the income level in Ukraine, per capita, remains more than 10% below the level to which countries include into a low-income group. ICF experts state that Ukraine is a typical country with a market economy, and low incomes are the cause of an armed conflict with Russia in the East of Ukraine. As a result, the Ukrainian economic system has the potential, but the qualitative use of which should be preceded by overcoming systemic crisis phenomena and gradual integration into the European economic space. European integration of Ukraine in the economic aspect requires the restructuring of the domestic economic system, the reform of all sectors in accordance with established European requirements, which will ensure the dynamic growth of the national economy.

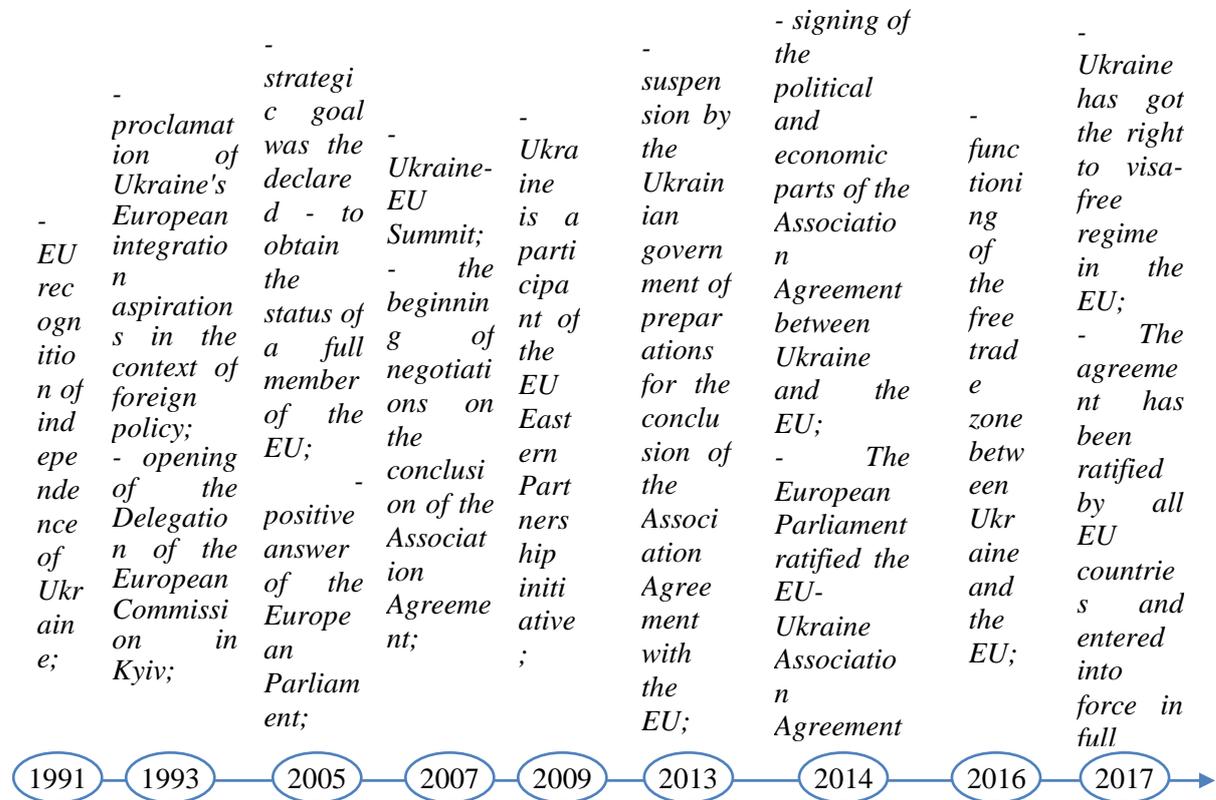
The change of the vector of Ukraine's development, taking into account the common European requirements and standards, the ratification of the Association Agreement with the EU, the war in the East of Ukraine, have contributed to the reorientation of Ukraine's foreign trade policy towards the European direction and the establishment of tough, discriminatory conditions for the implementation of economic and trade transactions with the Russian Federation. Today, Ukraine faces new challenges and goals, one of the most important among them is the formation and implementation of foreign trade policy, which will ensure the competitiveness of domestic business entities in the international market.

Ukraine, as one of the Eastern European countries, has chosen a European direction for development, which has caused changes in the foreign policy of the state. The direction of Europeanization was determined by Ukraine, after the political crisis of 2013. One of the main components of ensuring the country's economic prosperity is the development of foreign trade policy in general and the state of foreign trade in particular, which directly affects the formation of the national income of the state.

**Stages of the European integration process.** 1991 can be considered as the beginning of the European integration process of Ukraine, when the EU recognized the independence of Ukraine. Already in 1994, the

Partnership and Cooperation Agreement between Ukraine and the EU was signed, and only in 2005, after the Orange Revolution, Ukraine stated as a strategic goal - to become a full member of the EU and received a positive response from the EU.

Until 2013, the Ukrainian authorities worked in the direction of Europeanization, joining the EU's Eastern Partnership Initiative.



**Fig. 1. Periodization of the process of Europeanization of Ukraine**

However, the situation changed after 2013, when the Ukrainian government suspended the process of preparing for the conclusion of the Association Agreement with the EU, which triggered another wave of protests, i.e. the Revolution of Attraction.

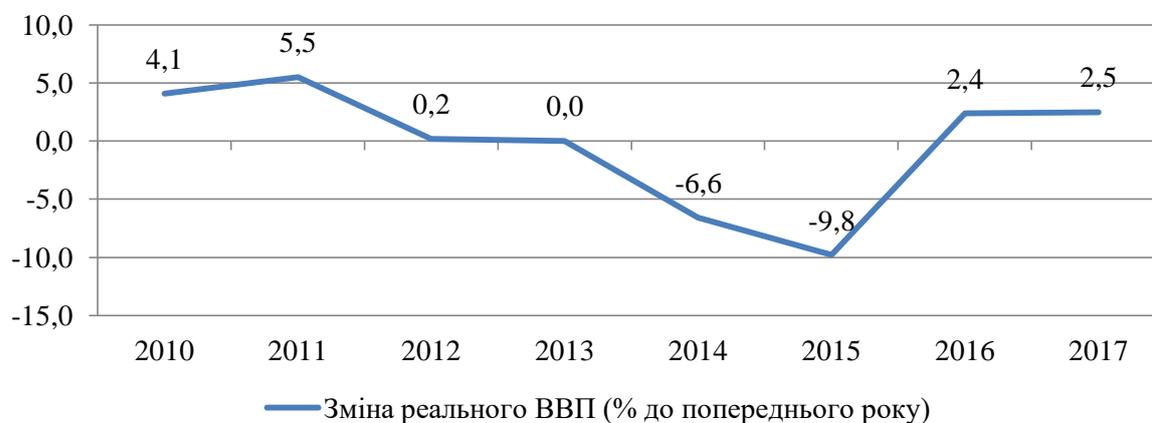
After the Revolution of Virtue, the Ukrainian government signed the political and economic part of the Association Agreement in the first half of 2014. The signing of the agreement has become the basis for the development of economic relations between Ukraine and the EU. Thus, in 2016, an in-depth and comprehensive free trade area between Ukraine and the EU began to function.

Today, the EU is Ukraine is the largest trading partner (42% of foreign trade turnover falls on EU countries).

According to an expert analysis, in the long-term, the free trade zone between Ukraine and the EU will ensure GDP growth by 0.5% per year, which will also increase the welfare of citizens by 1.2% per year. In addition, exports

to the EU should increase by 6.3%, imports of goods from the EU - by 5.8%, and the average wage in Ukraine - by 5.5% (Hailier, Pyatnitsky, 2013).

**The general economic situation in Ukraine.** The main indicator characterizing the country's economic development is the gross domestic product (Fig. 2).



**Fig. 2. Change in real GDP of Ukraine during the period 2010-2017 (%)**

Source: (Derzhavna sluzhba statystyky Ukrainy, 2018).

In Ukraine, since 2012 there is a sharp fall in real GDP, which indicates the economic problems in the country. With the signing of the free trade agreement with the EU, the real GDP in 2016 increased by 2.4%.

The economic system of Ukraine is characterized by industrial character. According to the analysis of the structure of GDP, one can conclude that the economic problem is that the economic activity of enterprises does not correspond to the characteristics of the industrial economy system, since the contribution of the industry to GDP remains only 23.7%, which is lower compared to enterprises operating in service area (36.4%).

It negatively affects the structure of foreign trade of the country. That is why the free trade area with the EU can allow Ukraine to provide industrial development. From the moment of reduction of customs duties and obligatory requirements for safety, quality, conditions of production of exported goods, an increase in the turnover of existing production capacities will be motivated as well as the setting the new perspective directions of production activity.

However, it should be noted that the foreign trade policy of Ukraine is formed under the influence of factors that negatively affect the overall situation of foreign trade:

- "significant volatility of demand and supply on world markets for Ukrainian exports (including iron ore), which leads to divergent trends in metallurgical exports and related products and industries;

- cessation of cargo movement through the lines of collision in Donetsk and Lugansk regions by rail and road transport;

- high share of export of raw materials in the total volume of Ukrainian exports and significant dependence of enterprises on the external market, which is strongly influenced by changes in prices for foreign currency inflows;
- the continuation of Russian commercial aggression (an embargo on the supply of Ukrainian goods to Russian territory, the suspension by Russia of agreements on the free trade area of the CIS with Ukraine, the illegal prohibition of the transit of goods of Ukrainian descent into third countries through Russia);
- continuation of Russian military aggression against Ukraine;
- systemic problems of foreign economic activity (VAT reimbursement, currency, customs and tax legislation) (Hailier, Pyatnitsky, 2013).

External factors include: commercial and military aggression by the Russian Federation and the cessation of cargo transportation through the contact line in the east of Ukraine. As an internal factor, it is a high proportion of raw material exports. This leads to the fact that Ukrainian exporters depend on conditions on foreign markets of goods and services and hinder the development of the country's economy.

Such conditions for conducting foreign trade by Ukrainian enterprises require changes from the state side (especially those concerning currency, customs and tax legislation, and development of a support program of Ukrainian exporters), as well as changes in the activities of entities associated with transformation of the structure of exports from raw materials to finished products.

There have been positive changes in recent years in this direction in Ukraine. For example, the Export Promotion Office was created as an advisory body to the Ministry of Economic Development and Trade of Ukraine, which aims to help Ukrainian exporters to enter new markets. At the beginning of 2018, documents were signed confirming the creation of an Export-Credit Agency financed from the state budget, which aims to facilitate Ukraine's transition from raw material exports to exports of goods and value-added services.

Institutional changes in the development of foreign trade should not be so closely linked to the state. Because this is not the main assumption of a free market and can cause negative consequences in the future. Positive changes in Ukraine's foreign trade policy are characterized by a slightly different point of view.

Changes in foreign trade are also linked to the establishing of a free trade zone with the EU. Although it should be noted that Ukrainian enterprises have the opportunity to trade in the free trade zone not only with the EU countries. At this stage, free trade agreements with Canada, Georgia, the European Free Trade Association, the Commonwealth of Independent States, Israel are signed and in force, and negotiations are under way with Turkey.

**Ukraine-EU foreign trade policy.** The basic assumptions about the free trade zone with the EU are defined as follows:

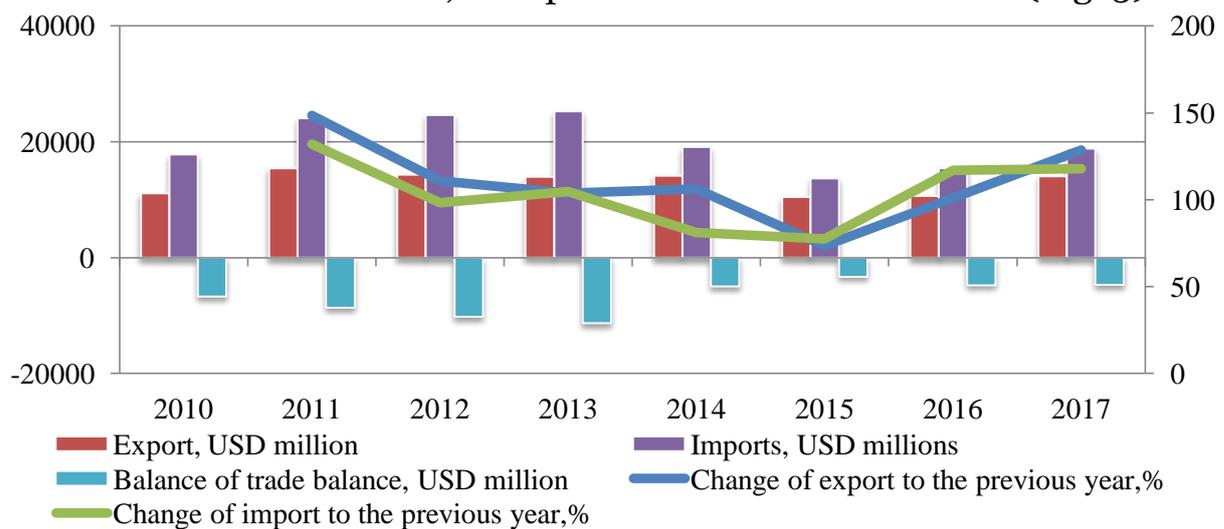
- the product must come from Ukraine or the EU and comply with the rules of origin;

- the rates of duty are reduced annually;

- tariff preferences, that is, a two-tier customs tariff, concerning the quantity of goods in which this quantity of goods can be imported with the "preferential" duty for a certain period of time (Uhoda pro asotsiatsiiu, 2014).

They determine the main changes in Ukraine's foreign trade with the EU countries. In order for the company to benefit from reduced tariffs and tariff preferences, goods must have a confirmed origin from Ukraine or from EU countries.

The general trends in foreign trade in goods show the positive effect of the free trade zone with the EU, as export volumes have increased (Fig. 3).



Source: (Natsionalnyi bank Ukrainy, 2018).

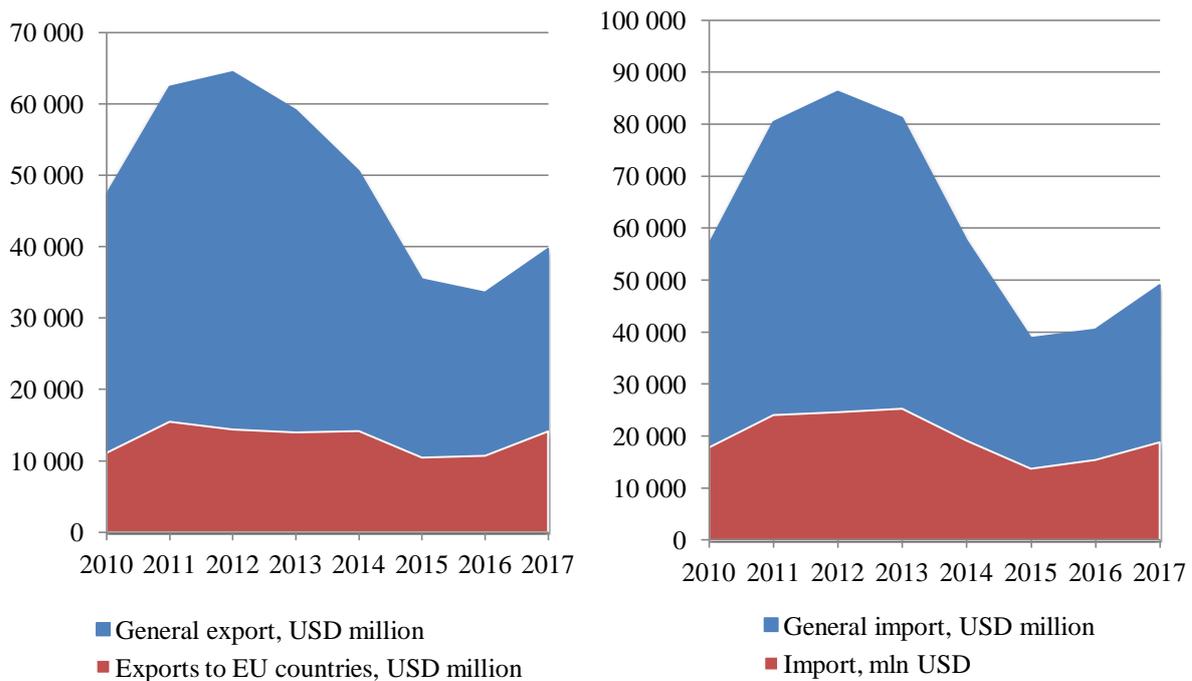
**Fig. 3. Foreign trade in goods with EU countries during the period 2010-2017**

We can also observe a positive dynamics of export growth compared to previous years, and in 2017 exports are growing faster than imports, although the trade surplus is high.

This is positively evaluated because Russia's share in foreign trade has declined markedly since 2014. Executive Director of the Ukrainian Center for European Policy L.Akulenko notes that "the Russian market was a road to nowhere for Ukraine from the very beginning, i.e. trade conflicts with Kiev were the usual practice of the Kremlin to annex the Crimea and the beginning of the conflict on the Donbass". In addition, L. Akulenko analyzes the structure of trade with Russia and concludes that in cooperation with this country initially interested producers, for whom Russia was the only way to sell its goods and the need to adapt to European conditions, is an opportunity for Ukraine to move to a new, more a high level of competition" (Holubov, 2017).

The share of Ukraine's foreign trade with the EU in the total volume of export-import transactions is also increasing (Fig. 4), which indicates

significant changes related to the implementation of the conditions of the free trade zone.

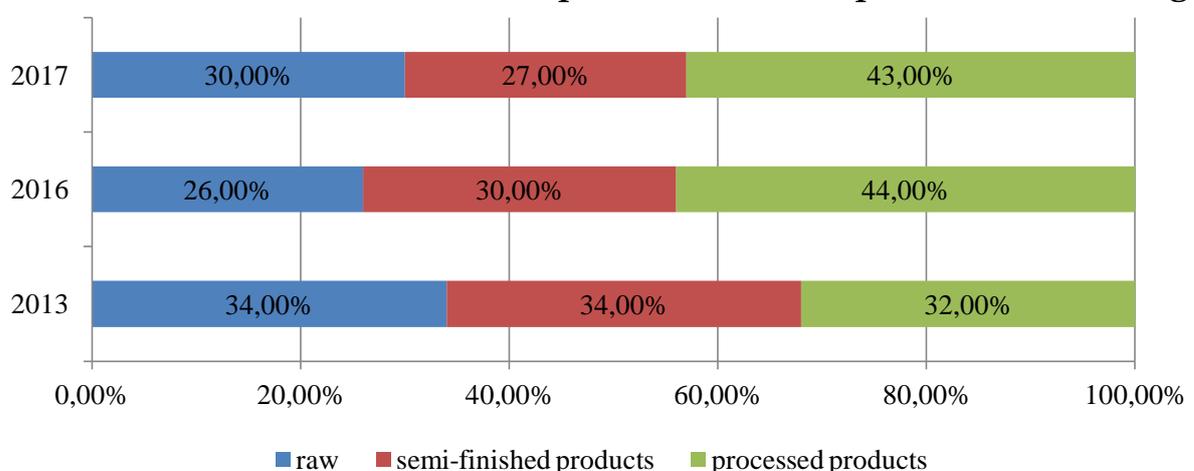


**Fig. 4. The share of foreign trade with the EU countries during the period 2010-2017**

Source: (Natsionalnyi bank Ukrainy, 2018)

In 2017, exports to EU countries reached record 40%, therefore the situation positively influenced the growth of Ukraine's GDP.

During the last two years, the free trade zone has experienced a positive dynamics of changes in the structure of exports (Figure 5). Compared to 2013, the share of processed products increased from 32% to 43%. On the other hand, raw materials and semi-finished products in EU exports are decreasing.



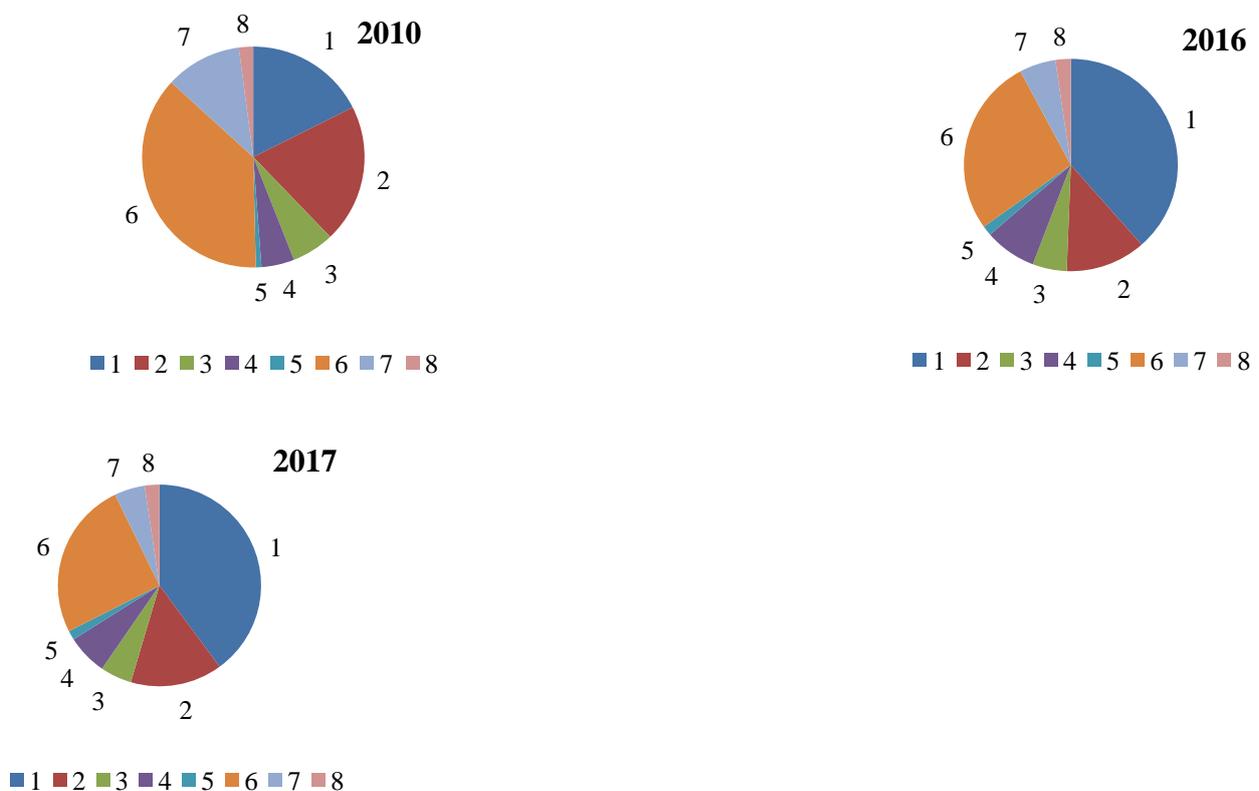
**Fig. 5. Structure of Ukrainian export of goods in terms of processing**

Source: (Movchan, 2017).

Although the overall structure of exports to the EU is gradually changing, these changes have not yet affected the "leaders" - the countries with the

largest share of foreign trade in Ukraine. Just like a few years ago, there are "leaders" in exports (Poland, Italy, Germany, France, the Netherlands, Spain), which consistently occupy the first position in exports and is the main driving force behind its growth. This causes some dependence of Ukrainian enterprises from fluctuations in world prices and changes in trade policy of EU countries. In addition, this indicates a high level of export concentration by a few points.

The study analyzed the structure of foreign trade for the EU and Ukraine. Fig. 6 presents the dynamics of the change in the structure of exports of goods to the EU in 2010 and during the functioning the free trade zone.



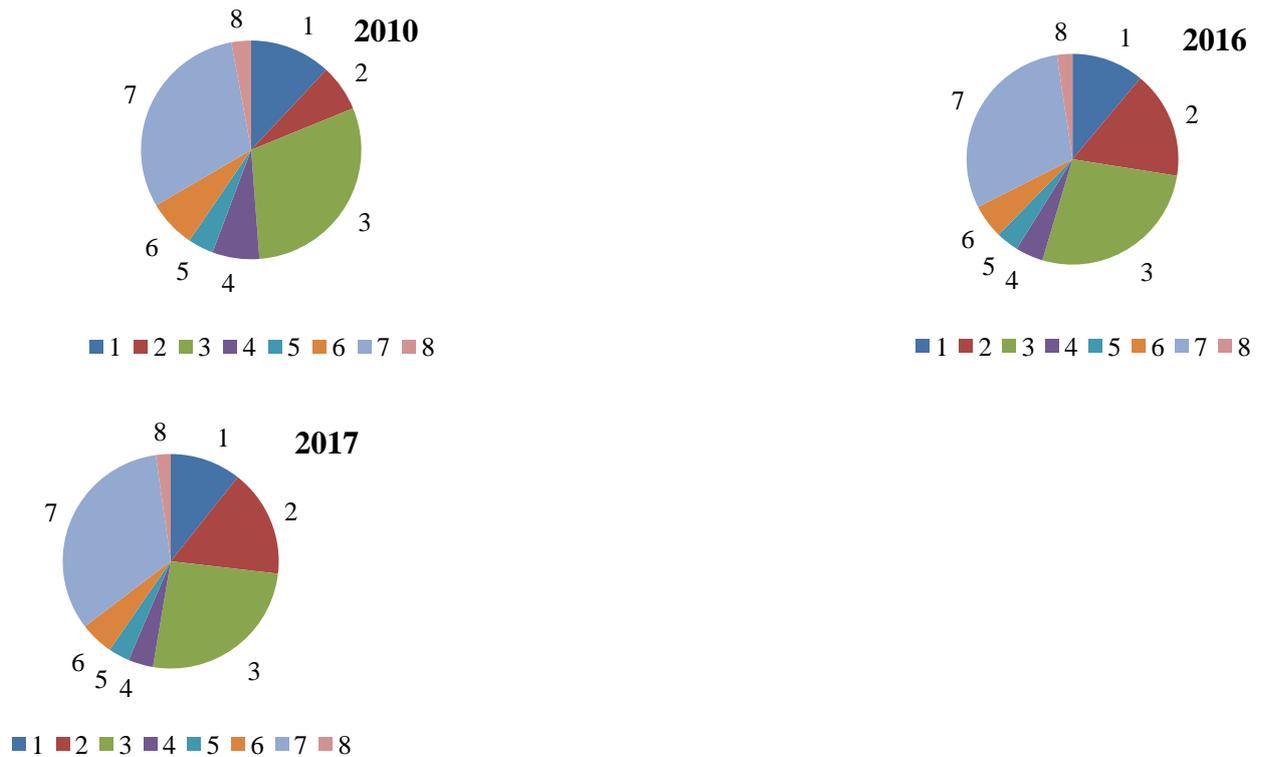
Notes: 1 - Food and raw materials for their production; 2 - mineral products; 3 - Production of chemical industry and related industries; 4 - Wood and articles thereof; 5 - industrial products; 6 - Ferrous and non-ferrous metals and articles thereof; 7 - Machinery and equipment, vehicles; 8 - Others

**Fig. 6. Structure of export to the EU from Ukraine**

Source: (Natsionalnyi bank Ukrainy, 2018).

Although the main products of Ukrainian exports to the EU remain unchanged, new products are also actively entering the EU market. In 2017, the total volume of "absolutely new" exports amounted to USD 2.8 million. So, we can conclude that Ukrainian producers can compete in the EU market.

When comparing the data of export to the EU and import to Ukraine (Fig. 7), a slightly different situation is observed.



Notes: 1 - Food and raw materials for their production; 2 - mineral products; 3 - Production of chemical industry and related industries; 4 - Wood and articles thereof; 5 - industrial products; 6 - Ferrous and non-ferrous metals and articles thereof; 7 - Machinery and equipment, vehicles; 8 - Others

**Fig. 7. Structure of import of goods to Ukraine from the EU**

Source: (Natsionalnyi bank Ukrainy, 2018).

For example, exports of ferrous and non-ferrous metals to the EU countries, in Ukrainian imports, machinery, equipment and vehicles occupy a high level. This indicates a raw material focus on some export transactions.

Thus, the analysis of the Europeanization process of Ukraine's trade policy and the main consequences of the implementation of the statements of the Free Trade Agreement between Ukraine and Ukraine with the EU allows to present suggestions for Ukraine and the EU. To summarize, it is worth noting that the lack of preparedness to compete with Western enterprises, especially during the war in the Donbass, which led to an increase in the negative balance of foreign trade.

On the basis of the delimitation of both positive and negative consequences of the functioning of the free trade zone of Ukraine with the EU, the directions of further development of foreign trade of Ukraine in the current conditions of the economic crisis in the country were analyzed (Table 1). These areas include a systematic approach to the development of Ukraine's foreign trade in improving legislation, the development of industrial enterprises and the diversification of the commodity and geographical structure of exports.

**Table 1. Free Trade Zone with the EU: consequences and directions of Ukraine's foreign trade policy development**

<b>ZONES OF FREE TRADE OF UKRAINE WITH THE EU</b>	
<b><i>Consequences for Ukraine</i></b>	
Positive	Negative
increase in exports to the EU increases GDP	In the structure of foreign trade, raw materials are predominant in exports to the EU compared with exports of processed products and the level of negative foreign trade balance negatively affects the development of the currency market of the country
export dynamics is higher than the dynamics of imports, it positively affects the trade balance	
an increase in the range of goods in the structure of exports leads to diversification of exports	
<b><i>Directions of development of foreign trade policy of Ukraine</i></b>	
<ul style="list-style-type: none"> <li>- changes in currency, tax and customs legislation, allowing enterprises to carry out foreign transactions;</li> <li>- increase of production capacity of enterprises in order to achieve the dominance of processed products for export in comparison with the export of raw materials;</li> <li>- diversification of the commodity and geographical structure of exports in order to reduce the dependence of Ukrainian business entities on world commodity prices, which will increase the level of competitiveness in foreign markets.</li> </ul>	

An important direction for the development of foreign trade in Ukraine, in particular, as a vector for foreign trade policy, is the improvement of currency, tax and customs legislation in order to ensure the possibility of performing foreign transactions by domestic business entities.

The opening of external markets for Ukrainian small and medium-sized businesses contributes to the development of the national economy, but at the same time requires the introduction of new methods for the search for potential foreign counterparties. Expansion of the client base of the company involves taking into account a set of factors that will influence the process of finding and evaluating trading partners in the international market of goods and services. In particular, the important aspect is taking into account the risks that arise in foreign economic activity at the initial stage of the export and import transaction of goods.

**Risks of business entities in foreign trade activities.** When carrying out foreign trade activities by trading enterprises, one of the key issues is the identification of risks, in order to find the reasons for their occurrence, as well as to effectively choose their management methods. Risk management methods should ensure minimization, prevention of occurrence or avoidance of risk in foreign economic activity.

Risk is one of the main economic phenomena that affects the activities of each business entity. The reasons for such a risk in foreign economic activity may be: changes in exchange rates, prices for the sale and purchase of goods on the market, interest rates, as well as the occurrence of various natural phenomena, the behavior of suppliers and buyers, changes in the legislative framework. In addition, the availability of information asymmetry produces the unpreparedness of the business entity to certain critical situations in the

relevant areas of uncertainty. In this connection, it becomes necessary to take risks into account when conducting foreign economic activity of enterprises with the purpose of efficient use of available limited resources, capital accumulation and the achievement of the corresponding share not only in domestic, but also in international markets of goods and services, capital and labor.

According to the statistical observations of the State Statistics Service of Ukraine, the volume of exports of goods and services in Ukraine in 2017 amounted to USD 52329.6 million, imports - USD 54955.0 million. Compared to 2016, exports grew by 16.0%, and imports by 23.3%. The negative balance of the foreign trade balance was USD 2625.4 million (in 2016, positive – USD 541.6 million) (State Statistics Service of Ukraine, 2017).

International capital flows in the form of investments into the country's economy, as of 2016, decreased by 11.22% (from USD 40,725.4 million as of 2015 to USD 36,154.5 million by 2016), foreign investments from Ukraine into the economy of other countries in 2016 (USD 6,315.2 million) compared to 2015 (USD 6,456.2 million) decreased by 0.02% (State Statistics Service of Ukraine, 2017. Direct...).

The negative trend in the development of the market for goods and services and the financial market of Ukraine is one of the most important indicators of economic and financial globalization, which is accompanied by an increase in risks and creates the need for the introduction of risk management functions in the activities of enterprises, including those who carry out transactions on foreign markets of goods and services.

The essence of the risks in the field of foreign economic activity should be characterized, taking into account their possible both positive and negative consequences. After all, risks can be threatened with negative consequences for foreign economic activity, as well as benefits that will positively affect export-import transactions. For example, a fall in the exchange rate of the national currency in relation to foreign will positively affect the activities of exporters who have liabilities from foreign counterparties. Instead, the same situation on the foreign exchange market will negatively affect the results of import transactions.

**Table 2. Risks: positive and negative consequences for the enterprise's foreign economic activity**

<i>Risks in foreign economic activity</i> are changes occurring in the activities of the enterprise during the entering to and functioning on the foreign market of goods and services, which lead to:	
<i>the positive</i> effects of such changes (increase in the value of property or income, decrease in the amount of liabilities or expenses)	<i>the negative</i> effects of such changes (decrease in the value of property or income, increase in the amount of liabilities or expenses)

It is important for business entities to take into account both the positive and the negative consequences of the impact of risks on changes in activities.

Regarding the types of risks inherent to foreign economic activity, it should be emphasized that currency and logistic risks are one of the main determinants of access to a specific external market for goods and services. After all, when choosing a country for foreign trade, an entity should undertake an analysis and assessment of potential counterparties, including those related to the activities in the part of cooperation with the country of origin of the counterparties. It is therefore advisable to consider the currency and logistics risks that may arise for Ukrainian business entities when entering the external markets of goods and services.

“Currency risk is the risk referred to the fact that a fair value or future cash flows from a financial instrument will fluctuate as a result of changes in exchange rates” (IFRS 7).

Currency risk is one of the types of market risk and arises as a result of the activities of entities conducting transactions in foreign markets using foreign currency. Consideration of foreign exchange risks in the foreign economic activity of business entities allows to manage risks and apply methods which, in their turn, contribute to obtaining a stable financial result. The choice of potential counterparties is influenced by the economic situation in the country whose market is planned to exit. After all, the search for partners for foreign economic activity should take into account the aspect of the currency of the contract, which subsequently affects the outcome of the trade.

Often in the literature the following types of currency risk can be found: the risk associated with changes in the exchange rate that affect the balance sheet items; the risk arising from the conclusion and execution of foreign economic contracts; the risk associated with the change in the exchange rate at the macroeconomic level and affects the future financial and economic state of the enterprise.

The national currency, i.e. the Ukrainian hryvnia, depreciates against the currencies of the world, i.e. the US dollar, the euro. For exporters, on the one hand, there is a positive situation where the risk of currency appreciation affects the growth of export earnings. However, on the other hand, the value of the exported product increases, which negatively affects the competitiveness of Ukrainian enterprises in foreign markets of goods and services. Taking into account the fact that in recent years Ukraine has suffered a negative balance of foreign trade balance, importers of the country lose on the devaluation of the exchange rate of the Ukrainian hryvnia. Therefore, before starting to enter foreign markets, business entities should carry out a detailed analysis of currency risk and assess the performance of potential counterparties in order to select the best and most effective methods for managing currency risks.

In the scientific literature, “the danger of a delay in the operation of the supply chain, failure of supply or violation in the work of one or more parts of the chain is referred to the logistic risk. The most common risks include the logistical risks associated with the implementation of appropriate logistic

functions during production, storage, marking and packaging, consolidation and shredding, transportation by various modes of transport, documentation, calculations, distribution, etc” (Mamchyn, Rusanovska, 2011, s. 45).

In order to assess the country in terms of its accessibility and ease of transport transportation, the Logistics Performance Index is used. According to the index, “countries are evaluated on a five-point system for several separate characteristics of the logistics sphere, such as: the efficiency of customs clearance, the possibility of organizing international shipments, the efficiency of local logistics infrastructure, control and tracking of international shipments, costs for logistics within the country, timeliness delivery of goods to destinations” (Logistics Performance Index, 2016).

According to the World Bank, Germany, Luxembourg, Sweden and the Netherlands got first place in the ranking of the Logistics Performance Index. Instead, countries such as Equatorial Guinea, Mauritania, Somalia, Haiti and Syria are at the end of the list. It is worth noting that Ukraine ranks 80th place in this rating and has insufficient favorable conditions for the development of logistics infrastructure and international transportation. Therefore, in the choice of foreign partners, the analysis of the country's place of potential counterparties is important in the context of the consideration and assessment of possible unforeseen situations and the risks that arise in the management of logistics chains in foreign trade.

From January 1, 2016, the trade section of the Association Agreement between Ukraine and the European Union entered into force, which means access to the largest market in the world, which has 500 million consumers (Zona vilnoi torhivli Ukraina-Yes pochala diiaty z 1 sichnia 2016 roku).

Domestic enterprises will not be able to get all the advantages of joining the free trade zone and the gradual integration into the European market of goods and services until the situation in the foreign exchange market of Ukraine stabilizes. The application of particular methods for managing foreign exchange earnings and expenditures will allow business entities at a certain stage to carry out effective foreign economic activity. This way, it will allow to receive new economic benefits and will create an opportunity to improve the investment climate and competitiveness of domestic business, which will help the country to effectively integrate into the world economy. Taking into account the economic situation in Ukraine, new promising directions of development and integration of domestic enterprises into the international community particular issues related to currency risk management are needed to be considered.

Taking into account the direction of Ukraine's economy towards the international European market, it is also advisable to analyze the geographical structure of exports and imports of goods and services in order to forecast the opportunities and prospects open to domestic business entities.

According to independent studies, it is just the implementation of the Association Agreement that will give about 6% of the additional GDP growth in the medium term, while the welfare of Ukrainians is expected to grow at 12% level. At the same time, the achievements can be much higher if Ukraine really implements the reforms envisaged by the Agreement, as they will improve the business climate and promote the attraction of foreign investment and technology transfer (Zona vilnoi torhivli Ukraina-Yes pochala diiaty z 1 sichnia 2016 roku).

As a conclusion, it should be noted that the foreign trade sector plays an important role in the economic development of Ukraine. After the situation in 2014, which led to changes in public policy, businesses have a problem shifting the direction of commercial transactions. The support of the European Union has played an important role in this situation. Because the signing of a free trade agreement with the EU opened up a chance for positive changes both in the economy and in society. The advantages and disadvantages of signing and implementing a free trade agreement are evident, but the literature presents different approaches and analyzes on the impact of the signing and implementation of this agreement on the economic situation in Ukraine. The paper analyzes the results of the application by business entities the statements of the free EU agreement for the Ukrainian economy. The positive and negative consequences of the functioning of the free trade zone between Ukraine and the EU are also outlined, including a systematic approach to the development of Ukraine's foreign trade in improving legislation, the development of production enterprises and the diversification of the commodity and geographical structure of exports.

It also substantiates the influence of logistic and currency risks on foreign trade activities by trading enterprises. Consideration of currency and logistic risks in the choice of partners in foreign trade activities is an important stage in the search for new external counterparties. The study describes the currency and logistics risks from the practical side in the field of the search and evaluation of partners in foreign trade, which allows companies to form a list of countries that can be considered as potential importers / exporters for particular Ukrainian business entities.

Prospects for further research are the study of the currency risk management system in the context of the European integration processes taking place in Ukraine as well as the analysis of strategies for the application of currency risk management methods in the activities of both large business entities and small and medium enterprises.

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PART V

# SECTOR COOPERATION

*Association agreement: driving integrational changes*

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2019**

## Bioeconomy – a key factor for a transition to sustainable development in the European Union

Bioeconomy, together with green, circular and digital economy, are the most important key factors and elements in the EU strategy for a transition towards an intelligent and sustainable economic growth.

### 1. Essence of bioeconomy as a significant factor and element of sustainable development.

*Green economy* is mainly a *low carbon economy*, based on the wide use of renewable energy sources, on the efficient use of resources and reduction and utilisation of waste, on green investment and green growth; economy, based on the production of environmentally friendly and safe products as well as bio-based products; economy which safeguards the conservation of biological diversity and guarantees normal functioning of ecosystems; economy in which natural assets continue to render services and resources for the environment on which human prosperity relies; economy which leads to environmentally friendly development and environmentally friendly economic growth; economy leading to significant reduction of threats to the environment and environmental deficits.

*Circular economy* is economy, which, on the basis of the utilisation of alternative models of manufacture, distribution and use, leads to the preservation of product and material value as long as possible; the one, where waste generating and resource use is minimal, products are reused repeatedly, thus creating added value.

Circular economy creates the opportunity to replace the linear model of production based on the *take, make and dispose* model with one which takes into consideration all the stages of the life cycle of a product: from the manufacturing and use to the stage of waste management and scraps market. It aims at reducing resource use and waste generating by utilising the waste from one production process by another; creating the possibility to mend and restore the products as well as reduce the use of non-renewable energy sources in the process of product manufacture and service rendering. Separate waste collection, recycling and reuse of waste is an important prerequisite and condition for the transition from linear to circular economy.

Circular economy leads to reducing the pressures on the environment, to a positive effect on ecosystems, biodiversity and human health, and to a more efficient use of resources and improvement of quality, to waste reduction and waste reuse, reduction of greenhouse gases and, therefore, to a transition to a more innovative, productive and sustainable economy.

Digital economy is economy, which, on the basis of the development and utilisation of information technologies, information activities and information industry, creates prerequisites for mechanisation and automation of production processes, to economising of resources, increase of labour productivity, creation and development of innovative products, services, work places and a more efficient, successful and flexible economy.

*Bioeconomy* is economy which, on the basis of developing biological knowledge and biotechnologies, leads to a radical change in the approach to production, utilisation, processing, storing and use of the limited biological resources and has a huge potential for creating new products and services. It includes the production of renewable biological resources and the turning of these resources, waste, by-products and secondary flows of products into added value products such as foods, feed, biological products and bioenergy.

Bioeconomy is closely related to circular economy; it is its most important active and renewable segment. The development of biotechnologies leads to the utilisation of new ways and methods of production of foods, goods and energy by turning waste and scraps from industrial production into products with high added value, such as chemicals, feed, bio-based fertilisers, textiles and other products. In this way, bioeconomy enhances the transition from linear to circular economy and the more economical and environmentally friendly satisfying of people's needs, as well as the limiting the harmful impact on global climate change.

The development of bioeconomy leads to improvement and expansion of the sustainable use of renewable biological resources and to guaranteeing a long-term and sustainable economic development.

## **2. Strategy and Action Plan for the Development of Bioeconomy in the EU**

The *New Bioeconomy Strategy for a Sustainable Europe* is an update of the strategy of 2012. It aims to blaze a trail for a more innovative, efficient and resource friendly competitive society which harmonises product safety with a sustainable use of renewable resources for industrial purposes, at the same time guaranteeing environment protection.

The five goals of the bioeconomy strategy for 2012 remain valid and are:

- guaranteeing provisional and food security by utilising healthy, flexible, circular and integrating systems and efficient resource use;
- sustainable management of natural resources, preventing system degradation;
- reducing the dependence on non-renewable resources, so that bioenergy becomes the biggest renewable energy source;
- curbing climate change and adjusting to it through long-term reduction of greenhouse gas emission;
- accelerating European competitiveness and creating workplaces by developing bio-based markets, standards and policies.

It is an important factor for the transition to sustainable economic development and has to contribute to the simultaneous application of the three pillars of sustainability, namely: achieving economic, social and environmental sustainability.

Achieving economic sustainability means using the limited resources in the most efficient and sustainable way through biodegradability, intelligent use, changes in the way of life, replacing used raw materials with new ones, creating new and innovative products, business models and production processes, stimulating new economic activities and sustainable bio-based production, achieving proportion through cooperation between the different sectors along the value chain, development of innovation and investments in the sphere of bio-based resources, increasing competitiveness and achieving sustainable economic growth.

Achieving social sustainability means creating new green work positions, creating employment and social inclusion, protecting the health, improving the work conditions, life and well-being of people.

Achieving environmental sustainability means preserving ecological balance and limiting climate change on the planet, reducing the dependability on fossil fuels and improving economic sustainability, economising and a more efficient use of the limited resources, protection and preservation of biodiversity, etc.

The action plan describes the main activities for achieving the strategic goals for developing bioeconomy in the EU and includes 14 concrete measures, grouped in three main spheres of activity. More specifically the action plan envisions:

- unfolding the potential of bioeconomy through strengthening and development of the potential of bio-based sectors;
- realising an investment programme with a budget of 100 mln Euro for the development of innovations in the sphere of circular bioeconomy and achieving market realisation of organic products;
- setting long-term programmes for scientific research in the sphere of bioeconomy, with the EU already opening funding of 3.85 bln Euro for the Horizon 2020 Research and Innovation programme aiming at implementing sustainable, inclusive, and circular economy suitable activities; and for the period 2021-27 a further 10 bln Euro has been allocated as per the Horizon Europe 2020 for research in the sphere of food and natural resources, including bioeconomy;
- supporting the member-states to introduce sustainable systems for food production and other organic products, develop organic agriculture and forestry, implement bio-based practices in the rural, urban and coastal regions, especially in Central and Eastern Europe;
- introducing monitoring and control systems which will be used to follow the progress towards sustainable and circular economy, improve the

pool of knowledge for the development of the specific areas of bioeconomy and encouraging good practices in this sphere;

- building the human capital necessary for enhancing growth and a better integration of the bioeconomy sectors;
- support for the development of the regional and national strategies for bioeconomy, development of the international cooperation in the sphere of bioeconomy research and innovation;
- improving bio-based markets and bioeconomic competitiveness, support for breaking into new markets through the development of new standards for evaluation of bio-based products;
- development of scientific approaches for informing users about product characteristics and stimulating a healthy and sustainable lifestyle, etc.

Bioeconomic development shall contribute to the further sustainable use of natural resources, regeneration of ecosystems and degraded soils, etc., creating 1 mln new workplaces by 2030, and increasing the percentage of renewable energy from 20 % in 2020 to 32 % in 2030, etc.

### **3. State and Development of Organic Farming in Bulgaria**

Bioeconomy includes land and marine ecosystems and the services they render, all the sectors of initial manufacture producing an using biological resources, such as farming, forestry, fisheries and aquacultures and all the other industrial sectors using biological resources for the production of foods, feed, bio-based products, energy and services.

It also includes a huge variety of industries, products, activities and services relating to the use and management of biological resources and has great perspective for development.

One of the most important sectors which can develop bio production is organic agriculture.

Organic agriculture is a system for specific cultivation of plants and animals, plant and animal products, their processing into bio foods and their market realisation.

EU policies in the sphere of farming started in 1999 and created broad opportunities for the development of bio agriculture and the implementation of environmentally friendly farming practices leading to the protection of soil diversity and the creation of environmentally friendly agricultural areas. According to the European plan for organic foods and agriculture of 2004, organic agriculture is a wholesome system for production management which encourages and supports the sustainability of the agricultural systems, the biological cycles and the soil related organic activities. It is carried out through the use of farming, organic and physical-mechanical methods as a counterbalance to the use of synthetic materials for the performance of certain functions within the system.

Bio-based agriculture is an aggregate system for farming and food production management, which combines the best practices in environment and natural resource protection, implements high standards and methods of food production, feed, etc., bio-based products, as well as humane treatment of animals, uses natural substances and processes complying with user requirements and preferences.

Bio-based agriculture in Bulgaria as a unified and manageable system is in its infancy; yet over the past years the numbers of both the stakeholders and the areas and animals included in the control system have been rising continuously.

The Strategy and Action Plan for the Development of Organic Farming in Bulgaria for the period 2007-2013 cover 5 strategic goals which are further subdivided into sub-goals, specific goals and markers, and the action plan includes tasks and activities. The total budget for the period amounts to 164.5 mln BGN.

The strategic goals include:

- unfolding of organic product markets;
- 8.0 % of usable land is managed organically by 2013;
- creation of efficient regulations for organic farming by 2017;
- developing practice orientated scientific research, education, training and consultant activities in the sphere of organic farming;
- establishing an efficient system of control and certification for bio-based products on the territory of the country.

The major results relating to the development of organic farming in Bulgaria are given in Table 1.

From the data, in 2016, as compared to 2015, we can see a rise of almost all indicators characterising the development of organic farming in Bulgaria. Thus, the number of registered farmers as per Ordinance No.3 in 2016 is 98 303, and the number of organic farmers is 7.39% of the total number of registered farmers.

In horticulture, there is a significant growth in the areas where organic farming has been introduced. Thus, the total amount of areas (within transition and post transition) in cereal crops (wheat, maize, barley and oats) grew in 2016 as compared to 2015 with a total of 8750 hectares, reaching a total of 30940 hectares, or a rise of 39.4%. The areas which have undergone a transition with these crops, including rice, in 2016 amount to 8837 hectares, of which 2838 hectares have been harvested.

The total amount of areas with industrial crops (within transition and post transition), such as the oleaginous rose, aroma crops, medicinal plants and herbs grows with 46.1% in 2016 as compared to 2015, and amounts to 30512 hectares. The transitioned areas alone for those crops amount to 6179 hectares in 2016, with 5184 hectares harvested.

**Table 1. Major results relating to the development of organic farming in Bulgaria for the period 2015-2016**

Indicators	Dimension	2015	2016	Percentage change
1. Operators and subcontractors in the control system, incl.	Number of	6173	7262	117,6
- Operators	Number of	5028	6194	123,2
- subcontractors	Number of	1145	1068	93,3
2. Number of registered farmers	Number of	97267	98303	101,1
3. Number of organic farmers of the total number of registered farmers	Percentage	6,35	7,39	116,4
4. Areas where organic farming methods are applied, incl.:	Hectare			
- cereal crops	/a metric unit of square measure, equal to 100 ares/	22190	30940	139,4
- legumes and protein crops		1256	523	41,6
- root crops		103	91	88,3
- industrial crops – total		20873	30512	146,1
- fodder crops		8329	14911	179,0
- fresh fruit and vegetable planted areas		1866	3678	197,1
- perennial plants		25946	34873	134,4
- permanent meadows and pastures		31795	38735	121,8
- fallow		6209	8074	130,0
- wild growing crops (mushrooms, herbs, berries)		901617	307994	34,2
5. Share of the area by the utilized agricultural area in the control system	Percentage	3,7	3,27	138,0
6. Share of declared areas in the control system	Percentage	1,86	3,01	161,8
<b>Organic livestock breeding</b>				
1. cattle	Number of	-	9718	-
2. the share of cattle of their total number	Percentage	-	1,74	-
3. sheep	Number of	-	26809	-
4. the share of sheep of their total number	Percentage	-	1,97	-
5. goats	Number of	-	8242	-
6. the share of goats of their total number	Percentage	-	1,65	-
7. Bee families	Number of	-	754105	-
8. the share of bee families of their total number	Percentage	-	31,35	-
<b>Organic products produced</b>				
1. Perennials (raspberries, strawberries, blackberries, apples, plums, sour cherries, cherries, walnuts including: - cultivated - wild / uncultivated	Ton			
	/a unit of weight equal to 2,000 pounds avoirdupois (907.19 kg)/	-	1280	-
		-	75	-

2. Essential oil crops (lavender, mint, lemon balm, roses, anise, sage, marigold, oil plants) including: - cultivated - wild / uncultivated	Ton	- -	372,76 220	- -
3. Herbs (lime, lemon balm, basil, chamomile, marjoram, savory, thyme, coriander, elderberry, nettle leaf, mint, rosehip, fennel, Pirin tea) including: - cultivated - wild / uncultivated	Ton	- -	168,72 38,0	- -
4. Annual crops and forage crops (oats, barley, wheat, peas, potatoes, beans - cultivated)	Ton	-	135,52	-

The total amount of fresh fruit and vegetable planted areas (including onions, carrots, lettuce, cauliflower, broccoli, artichokes, water melons, melons, strawberries, cultivated mushrooms, pumpkins) grew from 1866 hectares in 2015 to 3678 hectares in 2016, or a rise of 91.7%. The transitioned areas alone for those crops amounted to 1740 hectares in 2016, with 1621 hectares of those having been harvested. Of those, the pumpkin areas only amount to 1418 hectares, and the artichoke areas – to 741 hectares.

The total area of perennial plants (seedlings and drupes) grew in 2016 as compared to the preceding years with 34.4%, and reached 34873 hectares. The wine and dessert vine areas alone grew from 4199 hectares to 5390 hectares, and the kiwi planted areas amounted to 6.68 hectares. There is a growing interest towards the organic growing of nut trees – walnuts, almonds, hazelnuts and chestnuts, and in 2016 the planted areas grew from 15366 hectares to 18484 hectares in 2016, or a rise of 20.3 %.

The total area of pastures and meadows rose in 2016 with 21.8% and reached 38735 hectares, and in 2016 alone the transitioned areas amounted to 5826 hectares, of which 3601 hectares have been harvested.

The total area planted with green fodder crops also saw a rise in 2016 – 79 % as compared to 2015 and reached 14911 hectares, which is the result of the increased interest towards the development of organic stock-breeding.

During the reviewed period, there is a fall in the total areas planted with grain legumes and protein crops and the areas with root crops, including potatoes and beet.

From the data, the organic produce from the cultivated perennials amounts to 1280 tonnes, ethereal oil crops – 372.7 tonnes, herbs from cultivated areas – 168.7 tonnes and cereal and fodder crops – 135.5 tonnes. In the organic animal breeding sector, the number of organically bred cattle amounts to 9718 and is only 1.74 % of the total number the share of sheep is

1.97 %, and goats – 1.65 % of their total number. The number of bee families kept organically amounts to 754.1 thous or 31.35 % of their total number.

A more generalised analysis of the economy structure reveals that in agriculture and forestry in Bulgaria, as a sector of the economy, in 2016, 4.4 % of the gross added value in the country is produced, with 7.2 % in 2006, or we have a fall of 2.8% over the past ten years.

The territory of Bulgaria is 11 mln hectares, of which 5.7 mln hectares (52.1%) is farming land. The used agricultural land is 5.3 mln hectares and the plowland in 2016 is 3.480 mln hectares, or 65.66 % of the used farming lands. Farms cover 2.9 mln hectares or 54.7% of the used farming lands.

From the data, the total planted area with crops in 2015 is 1.854 mln hectares, with only 1.67 % of those using organic farming methods. The total planted area with industrial crops is 1.097 mln hectares, with only 2.78 % of those used for organic produce. Land planted with vegetables is 38 thous hectares, with only 9.67 % of those using organic farming methods, and with fodder crops – 14.75 % of the lands use organic farming methods.

The generalized analysis of the data shows that the lands included in the control system in Bulgaria is 3.27 % of the used agricultural land, with a goal of 8% in the Strategy. This is about 116 thous hectares of land, while in Europe, organically farmed land is 5.5 mln hectares, and globally it is about 24 mln hectares.

Irrespective of the growing interest in Bulgaria over the past years towards organic farming, certain weaknesses abound:

- the predominant part of the land is farmed and managed by big tenant farmers who mainly produce mostly cereal crops (wheat, maize, sunflower, barley, and oats); it is tilled mechanically, and there is no interest towards organic farming;

- there is deficit of qualified farming workers, as well as of certain conditions, such as organic fertilisers, resulting from the absolutely undeveloped separate collection of bio wastes and their processing into fertilisers, lack of own production of organic products for plant protection at acceptable process, etc.;

- farms are quite parcelled out, with 33.0 % of those being under 0.3 hectares, and 23.0 % - under 1 hectare;

- in a number of regions, the villages are depopulated, without suitable facilities and funding for organic agriculture;

- there exist a number of regulation weaknesses in organic production, relating to the European funding and the state budget, relating to control, etc.;

- the increased interest towards organic farming is aimed mainly at using the financing from the European funds, and not towards organic production, as the financial assistance is granted on the basis of registered agricultural lands in the control system and not on the basis of how much has been produced;

– support from European funds for a number of productions, such as apiculture, market-gardening, animal breeding, etc., is symbolic and quite insufficient, as a result of which the number of bees and honey production have dropped drastically, as well as the growing of fruit and vegetables and animal breeding products;

– there exist a number of weaknesses relating to organising the follow-up processing of the organic produce, its grading, labelling, preparation for the market and its sale on the local and international markets;

– lack of solvent enough demand for bio-based products on the internal market, despite the growing interest towards better quality and healthy foods, fresh fruit and vegetables, chilled meat and other natural products;

– lack of comprehensive training, education, and consultant activities in the sphere of organic production and stimuli for its development.

Bioeconomy contains a huge potential for efficient use of biological systems, without destroying the conditions for their regeneration and their ability to withstand human impact. It shows the way for creating self-reproducing closed production systems similar to living cells which can function effectively and in conformity with the laws of nature and finds substantially new opportunities for development of the economy. This gives us the grounds to conclude that the development of bioeconomy is a significant key factor in the transition towards a sustainable, intelligent and efficient economic growth.

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## Self-esteem of Elderly People

Old age is a special new period of human life when not only destructive but also constructive processes in mental development occur. The first stage of old age is the elderly age. This is the age of adaptation to changes in the body, to changes in the environment, and to changes in the system of life in general. There are significant changes in the system of an old person's psyche, in particular on its cognitive, affective, communicative levels. Self-awareness and personal self-esteem are important components of this system. The state of human health, the level of activity, participation in social events, the social and economic situation, the quantity and quality of social relationships, the orientation to the future, and hobbies affect the self-esteem of an elderly person. There are different results on the dynamics of self-esteem in old age. Some foreign researchers indicate that a person's self-esteem is up to 70 years old; self-esteem is gradually increasing at the age of 60 to 70 years. However, most Ukrainian researchers revealed that elderly person's self-esteem (at least its components) is declining. Therefore, it is important to study the features of self-esteem in the elderly.

Mental development of an elderly person is determined by certain patterns, in particular heterochronicity and is guided by some mechanisms, in particular compensation, avoidance, estrangement, aggression, self-design, etc. There are some changes in the social situation of an old person's development and in the system of his or her relationships with environment (L. I. Antsiferova, O. I. Bondarchuk, N. S. Pryazhnikov). Old person's leading activity is associated with communication and tutoring (V. F. Morhun), with preservation of personality (M. V. Ermolaeva), with adoption of his or her way of life (A. G. Leaders), with self-development (M. L. Smulson), with positive development in later life, with interpersonal communication, etc. Scientists suppose different phenomena are new personality formations in late adulthood. M. L. Smulson (2012) supposes the new personality formation at old age are an updated (wise, integrative, restructured) mental model of the world, reflection of their own problems that have arisen with old age, responsible elections making, and self-regulation and counteraction to dementia processes. L. I. Antsiferova (2006) supposes the new personality formation in old age (at 65-75 year old) are immoderate desire for risk, which leads to lifestyle changes; high sensitivity to addressed to him or her "social orders" and readiness to execute it as soon as possible; high level of person's intuitive development.

N. S. Pryazhnikov (1999) learned the dynamics of the new personality formation in different periods of old age. When a person expects to retire in old pre-retirement age his or her value orientations change, and the existential issues become more important. The person is looking for meanings

in a new future life (in the life of a pensioner), which was not taken seriously previously. Time for the person seems to be expanding – he or she thinks inevitably about the near future, and is trying not to lose time in the present at the same time, and as well as – increasingly reflects on his or her past. In the first years after retirement, a person realizes himself or herself in his or her new capacity (mainly as a “former expert”). The person may have a sense of the integrity and harmony of his or her life, or the feeling of “incompleteness”, and life disharmony as a result of its comprehension. He or she gets senses of “unrealized” his best thoughts, and “abandonment” by recent colleagues and friends. A few years after his or her retirement, either a person’s sense of dignity is strengthened when he or she finds the meaning of life for herself despite all the circumstances, or there is a sense of frustration when he or she does not find the meaning and spends his or her powers in trifles fading in the eyes. The reason for the last situation often is the feelings of older people’s “lack of demand” and “needlessness”. An ageing human tends to compare “his or her” time and “the new” time when he or she is not an active person.

The problem of finding and updating the meaning of life is important in old age. The meaning of life is regarded as a life goal, a conscious and generalized life principle, a vital task, a person's need, a deed, and a direction of life. The content of this phenomenon is specified in the life purport. The meaning of life is an important determinant of personal development in the elderly (I. D. Bekh, B. M. Yemaletdinov, O. V. Krasnova, M. L. Smulson et al.). It is important for an elderly person to analyze and evaluate his or her own life, and keep the meaning of life presently. Problems of human demand as his or her significance for others, life activity that provides person’s self-realization, social activity, well-being, life satisfaction, self-attitude, and self-esteem of an elderly person are related to the meaning of life (Kovalenko, 2015).

Self-attitude is a stable system of emotional and value-oriented attitude towards oneself. Scientists focus on various aspects of self-attitude. N. I. Sardzhveladze (1989) considers self-attitude as a special part of an attitude. Its specificity is due to not the ways of the attitude, but to their referents, that is, by a person is directed to. V. V. Stolin analyzes self-attitude as an affective component of self-consciousness and a person’s specific activity on oneself. The activity appears in certain internal actions that are described by the emotional specificity and the objective content of actions. S. R. Pantileev (1991) considers self-attitude as an expression of the meaning of “self” for a person. He distinguishes the phenomenon of sympathy, respect, intimacy in emotional self-attitude and analyzes in terms of such appearances all kinds of human relationships. K. V. Karpinskiy (2010) describes self-attitude as a semantic structure that reflects the personal meaning of individual and personal human properties that are more or less conscious.

O. V. Krapivina (2011) studied women`s self-attitude during their experience of the crisis of the elderly. She relived that problematic elderly women`s self-attitude may provoke a crisis. They have low self-esteem and self-perception. They doubt the value of their own personality, feel themselves isolated, and are closed to others. These women have such personal problems as separation in intimate relationships, helplessness, and loneliness. They underestimate the quality of own lives; it is difficult for them to assess their future and their capabilities. L. N. Kuleshova, & O. Yu. Strizhitskaya (2008) studied a system of self-attitude of employment women aged 55-60 years. They revealed that the women are inherent in self-sufficiency and minimize conflict experiences. The strategy of “seeking social approval” is predominant in their strategy of keeping a positive attitude towards themselves.

In our earlier research we have proved that elderly people have selective self-attitude; it depends on the situation. The self-attitude is positive and favorable under normal conditions, which the elderly is seeking. It means they are hard-working, and confident, control their own emotional reactions, expect support from others, appreciate their own individuality, emphasize their dignity, have a positive attitude to themselves. If difficulties arise the situation that is common for an ageing person changes, then negative attitude toward themselves, problems, anxiety, uncertainty, underestimation and non-acceptance of oneself, unwillingness to change, internal conflict inclination, self-blaming are (Kovalenko, 2015).

Self-attitude has some components. N. I. Sardzhveladze (1989) analyses a structure of self-attitude that consists of three parts, such as cognitive, emotional, and conative. The cognitive component contains the entire set of cognitive processes, as well as self-esteem, and characterize the gnostic person`s attitude toward oneself (the processes of self-knowledge). The emotional component contains such phenomena as love or contempt for oneself, sympathy – antipathy, respect – disrespect, closeness – apartness. The conative component contains internal actions concerning oneself and readiness for such actions. The components of self-attitude in the I. S. Kon theory (1984) are cognitive (understanding of one`s own nature and quality), emotional-affective (love for oneself), evaluative-volitional (self-esteem and self-respect).

S. R. Pantileev (1991), and V. V. Stolin distinguish self-respect, sympathy, self-acceptance, love for oneself, self-esteem, self-confidence, self-accusation, dissatisfaction with oneself in the structure of self-attitude. Thus, a person`s self-esteem can be considered in the context of a personality`s self-attitude components.

Self-esteem is a personal phenomenon that directly affects the regulation of human behavior and activities. It is an autonomous personality trait, his or her core trait, which is formed with the active participation of a personality and reflects the originality of his or her inner world. Personality`s self-esteem is an element of self-consciousness, and is associated with the positive or

negative personality's feelings toward himself or herself. M. Rosenberg stated that self-esteem refers to an individual overall positive evaluation to the self; high self-esteem consists of an individual respecting himself or herself and considering himself or herself worthy (Abdel-Khalek, 2016). Self-esteem is a core component of the personality's Self-concept; it is a self-assessment and personality's assessment of his or her capabilities, qualities, and places among other people (Bekh, 2012).

The term "self-esteem" can be used in some ways. Firstly, as global or trait self-esteem that is most commonly used to refer to the way people characteristically feel about themselves and is a feelings of affection for oneself. Secondly, as self-evaluation that is used to refer to the way people evaluate or appraise their various abilities and personality characteristics. Thirdly, as feeling of self-worth that is used to refer to rather momentary emotional states, particularly those that arise from a positive or negative outcome (Brown, Dutton, & Cook, 2001)

Self-esteem is considered in the context of such construct as the Self-concept, which includes as R. Bens thinks all sets of individual ideas about oneself, and is associated with assessment (Borozdina, 2011). R. Bens considers self-esteem as an integral part of the Self-concept related to attitude toward oneself or one's own qualities. This is an affective assessment of a self-image, which may have a different intensity. This is due to the fact that the specific features of such a presentation can cause more or less strong emotions associated with their acceptance or condemnation.

Cognitive and emotional components are important parts of self-esteem and include person's knowledge about himself or herself and his or her attitude to himself or herself (Zaharova, 1989).

By its nature, self-esteem is a social phenomenon that is subject to contradictory changes because it depends on various personal and social factors. The factors are person's values and the level of achievement of these values, his or her personal essence, attitude towards oneself, orientation towards socially developed requirements for behavior and activity, physical well-being, assessments by others, etc.

Dynamics of self-esteem are determined by the mutual influence of its two forms – general and partial (specific, local). The first one is related to persons' self-respect; reflects his or her general knowledge about himself or herself, and a holistic attitude toward himself or herself. The second one reflects the assessment of persons' features and qualities (Mednikova, 2001).

The main functions of self-esteem are regulatory and protective. Regulatory function is the decision tasks in personal choice; the organization of a person's behavior, activities, and relations. The protective function provides the relative stability and independence of individuals. As an element of self-consciousness, self-esteem leads to personal comfort or discomfort that is expressed in the level of a person's self-perception and his or her satisfaction with himself or herself. It is a source of replenishment of a

person's knowledge about himself or herself and the knowledge subject to value expertise, and therefore the knowledge is significant for a person (Borozdina, 2011).

There are different approaches to determining the types of self-esteem. Self-esteem can be actual and potential, general (global) and concrete (specific), high and low, adequate and inadequate. It can vary in degree of stability, independence, and criticality (Kon, 1984).

Adequate self-esteem allows a person to properly correlate his or her strengths with tasks of varying complexity and requirements to these tasks. A person with adequate self-esteem correctly relates his or her capabilities and abilities, is very critical of him or her, seeks to really look at their failures and achievements in some activities, and knows how to set realistic goals for himself or herself. A person with adequate self-esteem tries to predict the reaction of others to his or her achievements.

Inadequate self-esteem deforms a person's inner world, distorts his or her motivational and emotional-volitional sphere, and thereby prevents the harmonious development. Inadequate self-esteem makes life difficult not only for those who have it but also for those who are around such persons. Inadequate self-esteem may be too high or too low. Too low self-esteem is demonstrated in increased demanding of themselves, constant fear of a negative opinion of themselves, increased vulnerability. This encourages reducing contacts with other people. Low self-esteem destroys a person's hope for a good attitude toward him or her. The person perceives his or her real achievements and positive assessment as temporary and occasional. Underestimating his or her usefulness reduces social activity and initiative. Persons with low self-esteem have worse physical and mental health, are prone to aggressive and anti-social behavior (Trzesniewski et al, 2006). Too high self-esteem is demonstrated in the fact that a person is guided just by his or her principles regardless of others. A person takes up work arrogantly that exceeds his or her potential.

There are big changes in self-esteem in the elderly. This is the beginning of old age when a person's social, professional, personal life changes. Some people leave work, others continue to work. Children become more independent and leave their elder parents' family. Ageing spouses can spend more time together. Such changes depend on the state of human health, activity level, participation in public life, socio-economic situation, breadth and quality of relationships, orientation towards the future, hobbies at al. All of these determine the dynamics of self-esteem in the elderly. Many scientists found that self-esteem tends to decrease in old age. But this decrease is compensated, in particular, by meaningful activities. Otherwise, some person's disadaptation and deterioration of his or her physical and mental condition are possible.

When describing themselves in old age men usually use categories of the business sphere and women use personal qualities. Interests and hobbies

sphere has an important place in the self-description (Borozdina, & Molchanova, 2003).

T. Z. Kozlova (2003) compared self-esteem of men and women and did not find significant differences. Most of the elderly people who have been researched have high and average self-esteem. She found the most prosperous age group is people age 60-64, the least prosperous age group are women aged 55-59. If a person had high self-esteem at a younger age, such self-esteem usually remains in old age. Elderly people with disadvantaged old age mostly have low self-esteem. Self-esteem can also be reduced under the influence of tragic life circumstances (illness, senile disease, loss of relatives, loneliness, et al.). The relation between biological and calendar age affects the low self-esteem in the elderly: the higher biological age is then the calendar age, the lower self-esteem elderly person has (Demin, Krivetskiy, & Fesenko, 2012).

Compensation factors and methods of declining self-esteem in old age (Molchanova, 1997):

1. High real self-esteem of character, business qualities, and relationships with others compensates for low self-esteem on other indicators. This causes an average level of the elderly's global self-esteem.

2. Fixation on the positive traits of his or her character and attribution the positive qualities (business, social). People of this age are decline to narrate their preferences in the past than shortcomings in the present.

3. Reduction of ideal and achievable self-esteem. Reducing the gap between the real and the ideal "Self" allows a person to avoid reduction self-esteem and dissatisfaction with him or her. Real self-esteem (and not ideal, as in previous age stages) becomes the leading one.

4. Relatively high level of self-attitude.

5. Orientation to the lives of children and grandchildren. Their successes and achievements predetermine the perspective of the development of an elderly person, which contributes to the awareness of the value of his or her "Self".

6. Retrospective self-esteem, focus on the past life that has a great value. Focusing on the value of one's past life and oneself in it, assessing one's past achievements and status allow an elder person to compensate for negative changes that grow with age.

Person's self-esteem is an integral part of the Self-concept as a dynamic system of his or her perceptions of oneself. It contains information about the set of Self-images that arise as a result of perception and self-representation throughout life. An elderly person's imagine about oneself is connected with selective memory. An elderly person mainly focuses on the positive aspects of his or her own personality and environment. In this age the role of the Self-concept in keeping the strategy of life and behavior decreases because this strategy has been defined a long time ago and has been implemented, that is, it is not an active source of new life expectations. One of the components of an

elderly person`s Self-concept is faith in God and in the transcendental, with which a person understands the problems of suffering, death, eternity, life, love (Kovalenko, 2015).

In the context of stabilization and compensation of the Self-concept in the elderly scientists (Frolkis, & Muradyan, 1988) consider the phenomenon of psychological vitaut. Vitaut is a holistic process and its task is to stabilize the viability of the whole organism, to prevent and eliminate aging signs. Its mechanisms, firstly can be genetically programmed, and secondly can actualize during the period of an organism`s existence through self-regulation processes.

The psychological vitaut is the processes that stabilize a person`s activity, compensate for the growth of negative features, and prevent the destruction of the “Self” system (Molchanova, 1997). E. S. Ermakova, & I. V. Olhovaya (2013) have revealed the environmental and personal factors of the psychological vitaut of non-working pensioners and studied their influence on social and psychological adaptation. The critical factors of psychological vitaut that determine / do not determine the success of socio-psychological adaptation of pensioners are the state of health, the level of self-attitude, the level of self-acceptance in a new role, time integration and the presence / absence of short-term goals for the future, level of frustration, desire for dominance, internality, and features of value orientations.

So, the self-esteem of the elderly is a complex phenomenon that is determined by the influence of various factors. Self-esteem in this age may be different. Diagnostics was performed to detect features of the self-esteem.

Research object. Elder persons` personality.

Research subject. Self-esteem of elder persons.

Research aim. To identify specificity of self-esteem in elderly. To compare the features of self-esteem of elderly people with different social and psychological features.

Procedure and research method. The study consisted of two separate stages. The first one was in October-December 2010; the second one was in March-May 2018. The sample of the study was different at each stage. Research region was Poltava region (Ukraine).

In the study was used personal differential technique V. B. Shapar. The method was developed on the basis of the modern Russian language. It reflects the ideas of the personality structure formed in our culture too. It can identify the features of self-esteem (Evaluation factor), its volitional qualities (Force factor) and extraversion (Activity Factor). The technique consists of 21 pairs of personality traits. Respondents should evaluate themselves according to these features indicating their level by score. In our study the results are based on the Evaluation factor. High scores (17-21 points) for this factor indicate that a person perceives oneself as a personality; he or she evaluates oneself as an individual with positive and socially desirable features; he or she is happy with oneself. Average scores (8-16 points) for this factor indicates a

critical person`s attitude toward himself or herself; his or her dissatisfaction with his or her own behavior, and achievement level; low levels of aspiration and self-acceptance. Low scores (7 points or fewer) for this factor indicates possible neurotic and other problems associated with a sense of low self-esteem.

In the study also was collected information about some elder people`s socio-demographic and psychological characteristics. In 2010 we got know about participants` age, sex, place and living conditions, education level, current employment, and satisfaction with their health status. This information was needed to compare the features of self-esteem of younger and elder people (less than 69 years and over 70 years), men and women, those who live in cities and in villages, those who live single and with family, those who have secondary and higher education, those who work and do not work, those who are satisfied and dissatisfied with the state of their health. In 2018 we got know about participants` age, sex, place and living conditions, education level, and current employment too. We also received information about the features of social activity in public life, actual opportunity to communicate with friends, a sense of loneliness, desire to change something in his or her life, and satisfaction with his or her life in general. We compared the features of self-esteem of elder people who are and are not social activity in public life, who have enough and not enough opportunities to communicate with friends, who have and do not have a sense of loneliness, who desire and do not desire to change something in his or her life, and who is satisfied and dissatisfied with his or her life.

Research data were processed with the help of mathematical statistics: descriptive statistics (mean, std. deviation) *and Student's t-test*. *All calculations had been done in Exell*.

Research participants. Study of the 2010 year covers 310 people aged 57 to 88 years, average age is 68.31 years. Age of 191 participants (61.61%) was less than 69 years and age of 119 participants (38.39%) was more than 70 years. There were 106 men (34.19%) and 204 women (65.81%) among the participants. 156 participants (50.32%) lived in cities, 140 participants (45.16%) lived in villages, and 14 participants did not mention their living place. Some participants were single and lived without families (68 persons – 21.94%); 242 participants (78.06%) lived with their relatives (wife or husband, children, grandchildren, sisters, parents). 101 participants (64.83%) had secondary education, 93 participants (30.00%) had higher education, and 93 participants did not mention about the level of their education. 57 participants (18.39%) worked, 253 participants (81.61%) did not work at the time of the study. 203 participants (65.48%) were relatively satisfied with the state of their health, 73 participants (23.55%) were dissatisfied with it, and 30 participants did not appreciate the level of their health status.

Study of the 2018 year covers 339 people aged 60 to 91 years, average age is 67.65 years. Age of 230 participants (67.85%) was less than 69 years and

age of 109 participants (32.15%) was more than 70 years. There were 115 men (33.92%) and 224 women (66.08%) among the participants. 237 participants (69.91%) lived in cities, 97 participants (28.61%) lived in villages, 5 participants did not mention their living place. Some participants were single and lived without families (60 persons – 17.70%); 234 participants (69.03%) lived with their relatives (wife or husband, children, grandchildren, sisters, parents); 45 participants did not indicate whether they live alone. 173 participants (51.33%) had secondary education, 162 participants (47.79%) had higher education, and 4 participants did not mention about the level of their education. 116 participants (34.22%) worked, 220 participants (65.90%) did not work at the time of the study, and 3 participants did not mention if they work. 132 people (38.93%) took a part in social life. They were active; voted in elections; helped people, communicated and cooperated with them; engaged in charity and volunteering (including organized charity fairs, knitted socks for warriors); took part in politics and in rural government; sang in the choirs; attended church, various workshops, seminars, meetings, local events, as well as various groups of territorial social service centers; organized evening holidays in their neighborhood; organized rallies and went to paid political rallies; collected funds for the development of a population of royal penguins; defended the city's honor in chess competitions; organized cleaning and repairs in houses and surrounding areas; published poems in the local newspaper, etc. 182 participants (53.69%) were not active in social life, 25 participants did not mention about their social activity. Inactivity in the social life of the elderly is determined by the lack of desire to show it, lack of time, inability to see opportunities for such activity. The level of their loneliness participants estimated on average at 0.94 (from -2 to +2). Among the participants 84 persons (24.78%) assessed the level of their own loneliness in negative values, 254 participants (74.93%) assessed it in the positive values, and 1 person did not appreciate the level of his own loneliness. The level of the actual opportunity to communicate with friends was on average 0.59 (from -2 to +2). Not enough of the opportunities had 102 participants (30.09%), enough of them had 235 participants (69.32%), 2 participants did not mention about this aspect. The most pleasant thing in the life of elderly people is mainly related to their family (communication with grandchildren and children and helping them, achievements of grandchildren at school, the arrival of a son from the war, a healthy mother, etc.). In this aspect elderly people mention about communication with other people (including friends, acquaintances, and like-minded people), job, pension, money, relaxation, sleep, calmness, free time, feeling of being healthy and active (when nothing hurts), walks, TV, own garden, dacha, fishing, creativity, reading, painting courses, visiting by themselves concerts, doing your favorite things, etc. They appreciate the opportunity to plan their day by themselves, ability to work and move. The most pleasant for them is life itself. Analyzing their life 199 people (58.70%) would change something in it, 122 persons (35.99%) would

change nothing, and 14 people did not mention about this aspect. 256 participants (75.52%) were relatively satisfied with their life, 82 participants (24.19%) were dissatisfied with it, and 1 person did not mention about this aspect.

Results of the research. We revealed elder participants' self-esteem levels in the 2010 sample and 2018 sample separately. The data are presented in Table 1.

**Table 1.** Elder people's self-esteem levels (n=649)

Level	2010 (n=310)		2018 (n=339)	
	quantity	%	quantity	%
High	85	<b>27,42</b>	87	<b>25,66</b>
Average	158	<b>50,97</b>	198	<b>58,41</b>
Low	67	<b>21,61</b>	54	<b>15,93</b>

The results in the table *allow us to confirm that 50.97% (2010) and 58.41% (2018) of elder respondents have an average level of self-esteem; 27.42% (2010) and 25.66% (2018) of elder respondents have a low level of self-esteem; 21.61% (2010) and 15.93% (2018) of elder respondents have a high level of self-esteem.* The least amount of elder people have high self-esteem. There were more people with average self-esteem and fewer people with high and low self-esteem in the 2018 sample compared with the 2010 sample.

We compared the means for the self-esteem in elderly people in 2010 and 2018. Research data were processed with the help of *Student's t-test*. We found that  $\bar{X}_{10}=11.123$ ,  $\bar{X}_{18}=10.997$ ,  $t=0,654$  ( $\alpha=0.05$ , crit. value=1.97). *This confirms the similarity of these data series.* The results indicate that there is no significant difference in self-esteem of elderly people in 2010 and 2018.

We compared the means for the self-esteem in elderly people with different age, sex, place and living conditions, education level, current employment, and satisfaction with their health status (2010), social activity in public life (2018), a sense of loneliness (2018), actual opportunity to communicate with friends (2018), desire to change something in their life (2018), and satisfaction with his or her life in general (2018). Research data were processed with the help of *Student's t-test* ( $\alpha=0.05$ , crit. value=1.97). The data are presented in Table 2.

The results in the table indicate that there is no significant difference in self-esteem of elder people who are less than 69 years old and who are more than 70 years old ( $t_{10}=0.31$ ,  $t_{18}=0.50$ ); who are satisfied and who are dissatisfied with the state of their health ( $t_{10}=1.64$ ); who desire and who do not desire to change something in their life ( $t_{18}=0.72$ ). It has been found that higher level of self-esteem has elderly have women ( $\bar{X}_{10}=11.56$ ,  $\bar{X}_{18}=11.81$ ) than men ( $\bar{X}_{10}=10.28$ ,  $\bar{X}_{18}=9.41$ ); those who are active in public life ( $\bar{X}_{18}=11.57$ ) than those who are not active ( $\bar{X}_{18}=10.51$ ); those who do not feel

themselves lonely ( $\bar{X}_{18}=11.37$ ) than those who feel themselves lonely ( $\bar{X}_{18}=10.01$ ); those who have enough opportunities to communicate with friends ( $\bar{X}_{18}=11.41$ ) than those who do not have enough the opportunities ( $\bar{X}_{18}=10.17$ ); those who are satisfied with their life ( $\bar{X}_{18}=11.61$ ) than those who are not satisfied with it ( $\bar{X}_{18}=9.22$ ). We got different results in 2010 and 2018 years on the self-esteem of elderly people of different place and living conditions, education level, and current employment. In 2010 the higher level of elderly people's self-esteem in those who lived in cities ( $\bar{X}_{10}=12.42$ ) and those who lived with relatives ( $\bar{X}_{10}=11.34$ ) than those who lived in villages ( $\bar{X}_{10}=9.81$ ) and those who lived single ( $\bar{X}_{10}=10.28$ ). In 2018 there were no significant differences in self-esteem of elderly people with different place and living conditions ( $t_{18}=0.33$ ,  $t_{18}=0.35$ ).

**Table 2.** Features of self-esteem of the people elderly (n=649)

Factor	Category	Means	
		2010 (n=310) $\bar{X}_{10}$	2018 (n=339) $\bar{X}_{18}$
Age	Less than 69	11.09	11.04
	More than 70 years	11.11	10.90
	<i>t</i>	0.31	0.50
Sex	Men	10.28	9.41
	Women	11.56	11.81
	<i>t</i>	4.33	8.58
Living place	Cities	12.42	11.06
	Villages	9.81	10.96
	<i>t</i>	9.32	0.33
Living conditions	Single	10.28	11.44
	With relatives	11.34	11.32
	<i>t</i>	3.36	0.35
Education level	Secondary	11.13	10.52
	Higher	11.24	11.51
	<i>t</i>	0.32	3.70
Current employment	Work	10.96	11.40
	Do not work	11.16	10.81
	<i>t</i>	0.52	2.11
Social activity in public life	Active	-	11.57
	Do not active	-	10.51
	<i>t</i>	-	3.75
Sense of loneliness	Lonely	-	10.01
	Do not lonely	-	11.37
	<i>t</i>	-	4.42
Opportunities to communicate	Not enough	-	10.17
	Enough	-	11.41
	<i>t</i>	-	4.35
Satisfaction with health status	Satisfied	11.09	-
	Dissatisfied	11.62	-
	<i>t</i>	1.64	-
Desire to change life	Desire	-	11.05
	Do not desire	-	10.84
	<i>t</i>	-	0.72
Satisfaction with life	Dissatisfied	-	9.22
	Desire	-	11.61
	<i>t</i>	-	7.80

Discussion on the results of the research. The results of our research allow us to make a conclusion that most elderly people are positive towards

themselves in ordinary situations. But they become passive, too critical of themselves, dissatisfied with their behavior, and withdraw into themselves when misunderstandings and problems arise. Underestimate their own personality significantly fewer elderly people. We revealed even fewer elderly people who are completely satisfied with themselves and emphasize the importance of their personality.

Younger and older elder people have the same self-esteem level. These results of our research differ from the results of studies by foreign researchers who suppose that person's self-esteem is the highest in between the ages of 60 and 70 and further gradually decreases in later age (Helwig, & Ruprecht, 2017; Orth, Erol, & Luciano, 2018). The same level of self-esteem among younger and older elderly people may be due to the facts that the elderly people's crisis has already passed; they are retiree (although some may work); there are no other events in the life of the elderly people which influence the dynamics of their attitude towards themselves. But it is necessary to study the features of a person's self-esteem in the pre-retirement period too for more substantive conclusions.

A higher level of self-esteem of elderly women compared to elderly men may be due to the fact that women are better adapted to retirement life; they realize themselves in home affairs. Men do not always find a business after retirement and this can lead to their lower self-esteem.

The difference in the results of self-esteem studies in 2010 and 2018 based on indicators of place and living conditions, education level, and current employment may be primarily caused by the features of the samples in 2010 and 2018. Various results could have been influenced by other factors that predetermined lower self-esteem of people living in villages and alone in 2010, as well as those who had secondary education and those who did not work in 2018. Elderly people with higher self-esteem could be involved in various activities (doing housework, communication outside of their home, interesting society events in, etc.) that caused their feeling the value of their personality. In 2010 only one-sixth of the research participants worked and it means that the samples that were compared in 2010 and 2018 differed by almost five times that could affect the result of the research. The situation is similar in terms of living conditions with the sample of 2018: those who live single are almost six times less than those who live with relatives. Most of the elderly living alone (2018) are socially active, work, do not stay at home everyday, used to communicate with other people.

Elderly people who feel positive in life, who have enough relationships with loved ones and with acquaintances, who are interested in what is happening in public life focus on their positive qualities.

The same self-esteem level those elder people who desire and who do not desire to change something in their life may be due to the fact that the last ones are different. Some of them are happy with their lives in general; others dissatisfied with it and believe that it is too late to change something. They

also noted if they had the opportunity they would like to work, to open a family business, to rest in the country, to travel (including abroad), to grow flowers, to fish, to build rockets, to read, to spend more time with their families and help them, to do sports, to sing etc. That is, they also testify of desire for certain changes in their lives.

Conclusion. So, self-esteem is an element of an individual's self-consciousness, which involves self-assessment, and personality's assessment of his or her capabilities, qualities, and places among other people. It is an important behavior regulator. As a social phenomenon, it may undergo contradictory changes because it depends on a variety of personal and social factors. In ordinary and familiar situations elderly people's self-esteem is positive; they focus on their positive qualities. Changes in elderly persons' life often cause difficulties and problems in adapting to a new situation. It negatively affects their attitude towards themselves and their self-assessment. Women, those who live with relatives, those who have higher education, those who work, those who are socially active and have a lot of opportunities to communicate, those who do not feel lonely, those who are satisfied with their health status and life more appreciate their positive qualities in old age.

The research does not limit all aspects of the problem. Prospects for further research can be the next: comparison the features of self-esteem of younger and older people (at middle and late adulthood); increase in the number of indicators that need to be taken into account when studying the self-esteem of the elderly (for example, satisfaction with their lives, presence of life goals); making of recommendations for optimization of self-esteem in old age et al.

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## **The Influence of the Trends of the World Labor Market on the Quality of Vocational Education and the Competitiveness of Ukrainian Specialists**

Economic globalization at the beginning of the twenty-first century is becoming increasingly large and covers all spheres of public life: the economy actually, the scientific and technical sphere, financial and banking activity, and the social sphere. The main indicators of the globalization of social and labor relations are: strengthening the social orientation of the world economy; democratization of labor relations; the internationalization of the requirements for the reproduction of the workforce; standardization of living and work conditions of people in different countries; coordination, harmonization and convergence of the social policy of the world's states; liberalization environments of the interstate exchange of labor resources. Taking into account the above-mentioned tendencies, the actual task is the scientific substantiation of the segmentation of the world labor market with the distinction of its basic structural elements, ascertaining the conditions and factors of the transformational changes taking place in this market in the conditions of globalization. Strengthening the role of globalization of social development requires a comprehensive study of the peculiarities of the functioning of international economic relations in the unity and interaction with national strategies for economic growth. The world labor market has an important value in the system of economic interconnectivity.

It should be recalled that the world labor market is a system of relations arising from the reconciliation of the demand and supply of world labor resources, the conditions for the formation of labor, wages and social protection that arose due to the unevenness of the quantitative and qualitative placement of labor in the world countries and the differences in national approaches to its reproduction. Struggle with unemployment in countries with economy in transition is carried out by combining passive and active programs in the labor market – providing unemployment benefits (for a limited period of time) and facilitating in search of job for registered unemployed, also retraining, vocational training, implementation of credit programs and other programs to increase the chances in the labor market for job seekers.

International migration is becoming more and more global in nature (an increase in the total number of migrants in the world), but also in attracting more and more countries to migration processes. Employment is a social indicator of the concept of a knowledge economy, the level of which indicates the socio-economic development of the country. According to V. Kozar

(2018), «... the emergence of the international labor market is an indication that the processes of world integration are taking place not only in the economic and technological spheres, but also more and more cover the spheres of social and labor relations that are now global».

The modern structure of the world labor market is characterized, first of all, by the emergence of such a new and special segment, which involves the use of highly skilled specialists (researchers, engineers, analysts, specialists in the field of informatics, managers), as well as the widespread segment of the labor force, which comes from regions of the world with a relatively low level of economic development. Here a specific category of the so-called illegal labor force, considerable flows, which are sent to industrialized countries, in particular the USA, are distinguished. In different countries of the world large groups of hired labor have been formed, which are defined as «transnational labor».

In the conditions of globalization of production, the growth of interdependence in the modern world, national labor markets are increasingly losing their seclusion and isolation. Between them there are transnational flows of labor, which are gaining a permanent, systematic character. Thus, along with the international market of goods, services and capital, the international labor market, which represents not only the sum of national markets, but also a system based on their interconnections and complementarities, is gaining momentum. Due to the internationalization of production, millions of people from economically backward countries have entered into practically direct competition with workers from developed countries.

The formation of the world (international) labor market takes place in two ways: first, because of the migration of labor and capital; secondly, by the gradual merger of national labor markets, as a result the legal, national, ethnic, cultural and other barriers are eliminated between them. This leads to the creation of the so-called «common labor market», which is evidence that the processes of world integration are not only taking place in the economic and technological spheres, but also increasingly embracing the spheres of social and labor relations that are now global. The results of scientific research give an opportunity to conclude that the following main trends exist on the world labor market: globalization and the exacerbation of the impact of the financial and economic crisis, which intensify the imbalance between demand and supply of labor; the impact of the scientific and technological revolution, which contributes to a significant increase in labor productivity, and leads to job cuts, especially in the industrial sector; the variability that affects mature modernized societies and transitional, partially modernized societies, forming the directions of «new temporality» and «new spatial»; dynamization, modernization, rationalization, economization, which provoke the activity of individuals of a new kind, the appearance of new social movements, new post-material values, new sources of instability, new technologies, new quality of

information provision; diversification, pluralization of employment and the appearance of a new family definition; the transformation of the human factor into a developed country from the object of tight capital savings into the object of its most profitable investment; increasing labor mobility, intensification of migration processes; distribution of informal employment and deterioration of working conditions, etc.

In a globalized world, the international labor market represents a new level of labor market development, which ensures stronger ties between the countries of the world. Significant development of the world economy led to the intensification of the participation of countries in meeting the needs of world economies in the workforce, no matter where in the world man lives. In the context of globalization, Professor G. Starostenko (2015) stresses that the international labor market represents a new level of labor market development, which ensures stronger ties between the countries of the world. Significant development of the world economy led to the intensification of the participation of countries in meeting the needs of world economies in the workforce, regardless of the place of residence of man. Therefore, the urgent need is to study the current trends in the international labor market.

Thus, the labor market, as a subsystem of the economy, is in a state of continuous development, during which there is a transformation of some of its elements into other, with the gradual destruction of components that do not ensure the effective functioning of the system, and the formation of new institutions capable of maintaining the sustainability of the updated labor market model.

Based on the results of the study of the basic concepts of market macroeconomic regulation, it can be argued that among the key functions of the state in relation to its regulatory impact on the development of the labor market should be: competitive (stimulating economic activity and increasing labor force competitiveness, providing conditions for economic freedom of the economically active population in the labor market, as well as providing real non-discriminatory access to opportunities for realizing its interests in labor activities).

The labor market is the most complex element of a market economy, where the interests of the worker and the employer are intertwined when determining the price of labor and the conditions for its functioning. The demand for labor force and its supply, and, accordingly, the level of unemployment depends on how successfully the economy operates, in what phase of the economic cycle it is located. The level of income of the population depends on the degree of his labor activity: the lower the income, the more people are forced to work and the stronger the tension increases on it. V. Kozar notes that «... an important characteristic of the international labor market is the degree of labor mobility. The movement of labor resources is gaining in various forms: natural, territorial, species, professional, qualification and social. The greatest importance is the territorial movement

of the labor force, although with the evolution of the international labor market, the importance of other forms is also increasing». In his study, K. Petrenko identified the factors that have a decisive influence on the development of the world labor market, namely: the international division of labor and specialization; scientific and technological progress, informatization and communication; development of international transport infrastructure; international competition; international mobility of capital; structural; changes in the economy price liberalization; international migration.

One of the important factors is the international competition, which has developed mainly through overcoming national isolation. This has led to a struggle in the market between countries for the influence over the information space, which is now of extreme force, and on the use and redistribution of resources. L. Korchevska (2018) argues that «... along with the international market of goods, services and capital, the international labor market, which represents not only the sum of national markets, but also a system based on their interconnections and complementarities». The dynamism of the labor market is influenced by the flexibility of the workforce, which leads to migration processes, as well as the flexibility of capital, which results in outsourcing (from Outsourcing: (external – source – using) use of an external source and / or resource). Modern migration flows are twofold, which means that one country can host migrants from other countries, while citizens of that country travel to other countries. Youth is the main component of the labor market; «... it possesses the necessary potential, the implementation of which in the near future can significantly improve the economic and social situation of society and revive the national and spiritual heritage of the Ukrainian people», the scientists emphasize in their study. Unemployed youth is a special social group, which at some time does not have the same value as work related to its prestige, material well-being and public recognition. This significantly affects the overall motivation of young people's behavior, the motives for choosing and mastering the profession or retraining. More than 1.2 billion people in the world are young people aged 15 to 24 years old. According to the World Economic Forum, 357 million of them never studied and did not work. This number continues to grow. According to the ILO, 90% of economically active population of developed countries are employed in social production, and in agriculture – about 5-10%, and this indicator tends to decline. Also, this study states that in the world, only 25% of employees have a permanent job. The other three-fourths have the opportunity to work on short-term contracts, temporarily or unofficially.

The most developed is the international labor market in Western Europe, where there is freedom of movement of workers between the member states of the European Union on the basis of uniform labor legislation. Currently, no country, even with rich natural resources, developed economies, science, skilled labor and a powerful domestic market, can not remain aloof from

active global integration processes.

The labor market in the European Union – are certain relationships that resulted from the coordination of supply and demand global workforce, wage conditions, protection, establishment of labor, the occurrence of which is caused by the uneven distribution of labor in different countries and differences in national approaches to her play. It is estimated that by 2020, an increase in the number of people aged 65 and over by 14 million people will be expected and a reduction in the number of people aged 20-64 by an average of 3.5 million. In countries such as Latvia and Lithuania due to downsizing trends of the overall economic downturn and budget deficits, significant reduction in wages. In addition, many citizens of working age emigrate from these countries. For the same reason, the employment rate in Bulgaria is declining. Another reason for the decline in employment is the aging of the nation – demographic reasons. In the EU, there is a rather low birth rate, which means «aging» the workforce, a significant increase in its average age. Older workers are more likely to leave work, retire, become disabled as a result of health problems.<sup>12</sup> Reducing the number of workers' hands can slow down growth if it is not compensated by accelerating the growth of labor productivity. The development of the common labor and employment market has a great importance for the future of economic and social prosperity in Europe.

In 2010, the Europe 2020 Strategy was developed, which sets out specific benchmarks that Europe must achieve by 2020 and consists of three major factors for strengthening the economy:

1. Reasonable growth was to establish a better interaction of research, innovation and scientific knowledge that would lead to economic development. It is anticipated that the amount of research funding will increase to 3% of the EU's total GDP. Another goal is to increase the number of young people in Europe with university education to 40%, while the number of students dropping out of education should not exceed 10%, and each person in the EU will have access to the Internet.

2. Sustainable growth: creating a sustainable and competitive economy, expedient use of resources and improvement of the environment by creating environmentally clean technologies. In this way, Europe will become less polluted, and the EU will fill its resources with resources.

It is explored that by reducing the import of gas and oil, you can save 60 billion euros. Also, the low carbon economy will give an opportunity to increase the number of jobs by 2.8 million.

3. Comprehensive growth is aimed at achieving territorial and social consensus and raising the level of employment of the population. It is planned to increase the number of highly skilled personnel in the European Union, provide 75% of people aged 20-64 years to work and reduce by 20 million citizens below the poverty line. Achievement of territorial unity will be due to economic growth and distribution in all close and far-flung territories of the

EU, as well as fighting poverty and improving the labor market, and strengthening social protection. All this will rally, unite and create a stronger society.

The Europe 2020 strategy will strengthen the economy and its various spheres, namely: social welfare, innovation and development, ecology, employment, education. An «all-encompassing» growth of this strategy is aimed at increasing the level of employment and labor mobility, as well as the modernization of the labor market. An example is even that, if the ecological services or educational establishments are developed, since the goal is to increase the number of highly skilled personnel, it will be an increase in the number of jobs that will overcome the above – mentioned negative features of European countries. The development of the labor market, employment growth and the eradication of poverty are of great importance in improving the overall social and economic situation in Europe. In the coming years, the situation in the labor market in Western European countries will undergo significant changes in connection with the new wave of privatization of state property. This process inevitably causes a reduction in the employed. The leaders of Western countries are confronted with the problem of unemployment, which is linked to increased labor market flexibility, which involves expanding the rights of employers in matters of hiring and dismissal of manpower.

For Western countries, an intensive process of redistribution of jobs in favor of more skilled labor is characteristic, while simultaneously «washing up» places for unskilled workers. In these countries, 10% – 15% of all jobs are updated annually. The sector of skilled labor is constantly growing. Thus, managers and qualified specialists account for 50-60% of all vacancies that are opened. The practice and experience of the workforce are rising not only in material production, where the share of skilled workers is traditionally higher, but also in the sphere of trade and services.

Countries with a high general level of highly skilled labor are Great Britain, Denmark and Finland – 27.2% of the working-age population have high qualifications, 55.9% are average; Belgium – 24.6% and 34.8% respectively; Sweden – 23.9% and 53.9%; The Netherlands is 21.4% and 42.6% respectively. Employment rates are comparatively high in these countries: the largest in Denmark is 75.1%, the Netherlands – 73.5%, Sweden – 72.9%, and the United Kingdom – 71.8% of the working population.

The Central Institute of Labor Protection in the Republic of Poland has studied the professions with positive dynamics of development, among them: the administrator of databases; network administrator; computer systems analyst; investment advisor; tax advisor; economist; sales informer; operator of computer equipment; tour operator organizer; hotel services organizer; tour guide; programmer; designer of computer systems; market analyst; banking and loan specialist; finance specialist. Scientists consider the socially significant innovation in this area to be working at a distance using the latest

technologies: virtual offices, virtual networks, the term telecommunication in the United States, teleworking in Europe.

The EU's social and economic development strategy for the period up to 2020 is designed to make it more economically powerful, and citizens – more prosperous. «Our efforts should be more focused on the growth of EU competitiveness, productivity, growth potential and economic convergence. The new strategy focuses on key areas for action: knowledge and innovation, more economics, higher employment and social inclusion», – the conclusions of the European Council say. These three elements are the Europe 2020 strategy. The first is that growth in the EU should be based on knowledge and innovation. It is planned to reach the level of research funding at the level of 3% of the total EU GDP. Another goal is that 40% of young Europeans must have university education, and every citizen of the EU has access to the digital Internet.

In the annual edition of the report «Smarter, greener, more open?» – Indicators in support of Europe 2020 strategy The EU statistical office analyzes how far the EU member states have progressed towards the goals of the long-term EU economic growth strategy (EU 2020). The report also makes recommendations for further action. As for the employment of the population as a whole, the situation is changing for the better. Due to the severe consequences of the economic crisis, it is expected that employment will reach 72% by 2020 (target of 75%). As before, a higher employment rate is shown by men, but the gap between them and women is decreasing (in 2015: women – 64.3%, men – 75.9%). Among other priority areas of activity – Plan for the development of new abilities and increase in the number of jobs. The purpose of this direction is to create the necessary conditions for improving the labor market to increase employment and guarantee the stability of society. By giving Europeans new opportunities by gaining new knowledge and skills, the EU targets future labor force to adapt to changing labor market conditions, which will reduce unemployment and increase the productivity of workers.

At the EU level, the European Commission works in the following areas: to create a labor market, built on flexibility in a dynamic economy and security for workers; to create and adapt legislation that will comply with the principles of reasonable regulation, including tools of labor legislation (working time, rest time, appointment, information to employees), as well as new emerging risks of injury and injury at work; to support intra-European workers mobility through the necessary investments, especially from the European Social Fund; to support the strengthening of cooperation between labor market institutions, including state employment agencies of the EU member states; to strengthen the degree of social partnership, to connect all possible services to solve problems in the field of employment; give a strong impetus to the solution of the problems of cooperation in the field of education and training, including the discussion of these issues by all

interested parties.

Another priority of the Europe 2020 development strategy, «smart growth,» is to strengthen the role of knowledge and innovation as key factors for future growth, the implementation of which is led by the Innovation Union, Youth in Action, and the Digital Agenda for Europe. The study found that the result of this priority action would be to accelerate Europe's innovation potential, improve educational outcomes, improve the quality and outcomes of educational institutions, and take advantage of the economic and social benefits of the digital society.

On January 25, 2018, the first European Education Summit took place in Brussels, which considered strengthening the foundations of the European educational sector: for innovative, inclusive and value-based education.

Summit participants discussed the following issues: how to better solve the problems of inequality in educational systems; how citizens can benefit from the future of European

Summit participants discussed the following issues: how to better solve the problems of inequality in educational systems; how citizens can benefit from the future of European educational space; how education can help convey our shared values; which competencies will be needed for decades to come. EU Commissioner for Education, Culture, Youth and Sports Tibor Navracsics emphasized: «Education is key because it is an education that gives us the skills we need to become active members of our increasingly complex societies. Education helps us adapt to a rapidly changing world, develop a European identity, understand other cultures and acquire new skills that are needed in society, mobile, multicultural and increasingly digital». The participants of the summit identified the need to focus on: the teaching profession; promotion of education in science, engineering, engineering and mathematics; on common values and European identity; on solving the technological revolution and ways to improve the adaptation of education systems to future challenges.

In the Republic of Bulgaria, for example, employment, education and poverty remain inextricably linked. The Eurostat report «European Social Statistics» (2016) concludes that «... the level of education has a very serious impact on the risk of poverty». The study also points out that these relations are most pronounced in Bulgaria, with almost half of the population with a low educational level being at risk of poverty.

The low level of education is also a serious precondition for unemployment – the employment rate of people with primary education is lower than 30%, and for graduates of universities – more than 80%. At present, the employment rate of the able-bodied population aged 20-64 remains 63.5%, while the status of the Bulgarian economy and the dynamics of employment in the country over the past two decades highlight the pro-cyclical peculiarities of the regional labor market. This means that, theoretically, the level of employment is likely to indicate a significant

increase or decrease in 2020, depending on the economic situation abroad, and especially within the EU. Educational goals in Bulgaria include a reduction in the number of drop-outs (up to 11% by 2020) and an increase in the number of graduates (36% by 2020). For both indicators, the country has made progress in recent years, but significant efforts are still needed to achieve the goals of Euro 2020.

The analysis shows that the main efforts of Bulgaria to achieve educational goals should focus on improving education (both in schools and in higher education institutions), so that young people become more active in the labor market. Problems in the education system hinder the relationship between education and the labor market, which is one of the main factors of unemployment among young people. Statistics show that poverty becomes deeper with age after retirement. The display of poverty in the country also shows sensitive territorial differences. Bulgaria still remains among the countries affected by imbalances. However, last year the country emerged from a group of countries with excessive imbalances, which was triggered by good trade and increased economic efficiency. The country makes positive changes in the development of employment both in increasing activity and in reducing unemployment, especially among young people. The project «Active citizenship and good governance in the fight against poverty» was launched and successfully implemented in Bulgaria. The main objective of the project is to improve the quality of policies related to education and employment, jobs and income, poverty and inequality. The expected results of the project are increasing knowledge about the factors leading to poverty in the country with an emphasis on education and the labor market, as well as the development of labor policy proposals based on data and research aimed at achieving real and sustainable outcome.

Thus, the dynamics of the international labor market has a complex socio-economic character, which is determined by the development of labor resources, national labor markets, processes of distribution and redistribution of labor. The development of the modern economy is characterized by substantial changes in the field of employment in the context of the transition to the information society. Ukraine's integration into the global information space and the global information economy requires the definition of a strategic goal, the development of an organizational mechanism, taking into account the conditions for the transition to a sustainable development trajectory and competitiveness of Ukraine's economy.

The growth of the openness of Ukrainian society inevitably leads to Ukraine's increasing involvement in the international labor exchange. All-embracing volumes of emigration from Ukraine are caused by the following factors: high unemployment in the country, including the hidden ones; the difference in living standards and wage levels in Ukraine and the West; the lack of prospects for professional growth for many gifted people; economic instability in the country and the uncertainty of ways to exit from it; lack of

security of citizens; structural restructuring of the economy, process of privatization and privatization; a sharp deterioration of the ecological situation in certain regions, etc.

Ukraine has also become one of the largest donor countries in Europe and in the world. According to estimates from Western scholars, the emigration of a highly qualified specialist is equivalent to investing in the economy of his chosen country a million dollars.

Of course, active migration of labor force for Ukraine brings negative aspects, which are as follows: the country's loss of the most active part of labor potential; rapid decline in population; massive outflow of intellectual frames; the destruction of family ties, etc. However, emigration, besides the negative consequences, also has certain benefits, namely: emigration reduces unemployment and softens social tensions in society; provides opportunities for many of our compatriots to provide their families with means of subsistence; replenishes the budget of the country by transfer transfers; the decisions made by the International Labor Organization (ILO) give Ukraine the right to raise the question of obtaining compensation for the training of labor from the countries possible users of its labor resources.

Ukraine, as a sovereign state, is in a stage of deep economic reforms with the aim of building a socially oriented market economy, is shaping and developing as an organic unity in many markets: land, capital, housing, goods, services, labor, etc. The labor market is an integral part of the general economic market mechanism. It is characterized as one of the most complex socio-economic phenomena of society, which reflects all aspects of his life, manifested the whole variety of his interests and contradictions. Therefore, the process of its functioning is constantly in state's sight, since the reproduction of such goods as labor is the reproduction of labor resources and in general the productive forces of society. In connection with this, there is a need for active employment policy, which includes social protection of the population against unemployment on the basis of employment growth and increase at the expense of this standard of living of the population.

In general, today's labor market in Ukraine has the following characteristics: excess supply of labor supply over demand; low labor cost, its discrepancy with real value; reduction of employment in the sphere of social production, growth of the number of unemployed population; growth of youth unemployment; a low proportion of officially registered unemployed persons with large-scale growth of hidden unemployment; the presence of significant scales of unregulated employment; regional disparities between the availability and need for labor; low professional and especially territorial mobility of labor resources; the absence or lack of proper functioning of the legal norms of organizational and economic mechanisms regulating labor relations, etc .; emigration of highly skilled labor.

The analysis showed that the labor market in the transition period is characterized by a deep crisis situation. The age structure of the population is

steadily worsening, the demographic and economic burden on the working population increases, the unemployment risk increases, unemployment is rising, working conditions deteriorate, incentives for highly productive labor virtually disappear, which leads to the degradation of the individual, the family, depopulation, social stratification and instability in society. The destructive phenomena that take place on the labor market, the practical ineffectiveness of market instruments that should help overcome negative tendencies in the field of employment, require the assignment of existing problems to the main priorities of the socio-economic policy of the state, the solution of which must be based on deeply grounded scientific developments.

In Ukraine, a significant part of the unemployed youth is a contingent of young people – graduates of vocational schools and higher educational establishments who has acquired a profession (specialty) and first enter the labor market. According to experts, «the tendency to increase the number of educated young people in the labor market will deepen in the near future».

At present, the situation on the world labor market is rather complicated, the economic crises that have taken place all over the world have led to an increase in unemployment. The labor policy of the Ukrainian state has not yet acquired the character of a well-considered state policy, which is connected with solving a complex of complex issues, namely: the need to study the situation of the world labor market, studying world experience in the field of regulation of labor flows, establishing relations with the countries – labor force importers. It is necessary to actively use the marketing methodology in the management of labor migration processes.

According to O. Krentovska, «Creation of a system of quality management of labor potential will contribute both to improving the country's investment climate, to increase the economy, and to increase the level of incomes of citizens, and therefore will have a positive impact on the solution of social issues. It is this logic and consistency of actions – the focus on increasing incomes of citizens and creating resources for social programs – underlie all our decisions». The official thanked the World Bank for the powerful assistance that the institution has already provided and continues to provide to Ukraine, and stated the special attention that the Ministry pays for reforming the labor market.

Structural discrepancies between the demand for labor and its supply are sharpened in the context of individual professions and specialties. The most relevant issue is the imbalance in the qualification level, since a significant part of the unemployed citizens are not satisfied with employers due to special requirements regarding the level of qualification and work experience. Such tendencies are observed to this day. According to the State Statistics Service of Ukraine, by the end of June 2018, the population aged 15-70 was 16283.2 thousand people, which was 56.8% of the total population of the corresponding age. D. Zoidze's (2013) study states that... «in Ukraine there is a worsening of the correlation between the supply of labor and demand for it

in all groups of professions, while the most acute is the situation in professions and specialties that do not require a high level of professional training and qualifications of employees. Thus, among the technical employees, workers in servicing and controlling the work of technological equipment, assembly of equipment and machines, 12 persons applied for one vacancy, among the workers in the sphere of trade and services – 13 people, among the representatives of the simplest professions and those who did not have vocational training, – 14 persons, among workers of agriculture and forestry, fish farming and fishing – 53 persons. At the same time, there were 6 applicants for one vacancy among skilled workers and specialists, and 5 professionals among professionals».

The unemployment rate of the population (according to the ILO methodology) for this period amounted to 1600.4 thousand people, which in% to the economically active population of the corresponding age was 8.7%, among them: women – 645.6 thousand people (7.6%), of men – 954.8 thousand people (10.8%). Youth 15 - 24 years 219.4 thousand people, which is 17.1%. The data are given without taking into account the temporarily occupied territory of the Autonomous Republic of Crimea, the city of Sevastopol and part of the temporarily occupied territories in the Donetsk and Luhansk regions.

Analysis of works of domestic and foreign researchers can identify certain factors that cause disproportions between the supply and demand of the workforce, namely: the lack of an effective system for predicting the future need for skilled specialists; lack of balance of labor resources in the state programs of economic and social development, regional development strategies; programs and strategies for the development of certain sectors of public life.

Scientists also include factors that affect the emergence of imbalances in the labor market: demographic (birth rate, mortality, life expectancy, etc.); low wages, which leads to the mass migration of the most active skilled labor abroad; imperfect tax policy to stimulate demand for labor; ineffective state measures to promote small and medium-sized businesses in creating new jobs; lack of effective investment attraction system for modernization of real economy sectors with the preservation of jobs; imperfection of the pension system. Demographers predict that the shortage of skilled workers will continue until about 2030, when the latest technology will allow people to be less dependent. The regional labor market, as well as the labor market of Ukraine as a whole, functions in the conditions of imbalance of demand for labor and its proposals.

In regions, there is a significant imbalance in employment. The reason is different levels of development and economic activity of the regions, as well as political instability in some of them.

Consider the trends in the labor market on the example of a number of regions of Ukraine.

Statistics shows that the number of the employed population of Chernihiv region in 2017 decreased by 2%. The number of regular employees in enterprises, organizations and institutions has decreased by 4 thousand people and amounts to 190 thousand. In particular, the negative impact on the labor market of the region has a crisis demographic situation and migration processes. To travel abroad and to the capital of highly skilled workers makes low quality jobs. From their side, employers argue that it is difficult for them to find the right employees because of the low quality of the workforce and the shortage of workers. One of the reasons for this situation is the discrepancy between the volumes and quality of training of young people for the needs of the modern labor market. At the beginning of 2017, there were 12.4 thousand unemployed in the region, which is by 24.3% less than at the beginning of 2016. 17 people applied for each workplace. It should be noted that in 2017, there were positive changes in the labor market of the region: «The number of vacancies from employers submitted to the employment centers of the region, as compared to the previous year, increased by 2% and exceeded 26 thousand units».

As of January 1, 2017, the registered unemployment rate in Zaporizhzhya Region amounted to 2.2% versus 2.6% at the beginning of 2016. The number of registered unemployed citizens during the same period amounted to 23.3 thousand people, which is by 5.1 thousand people (17.9%) less than at the beginning of 2016, of which women – 50.7%, young people in under the age of 35-37.3%. The number of registered unemployed citizens as of January 1, 2018 amounted to 21.8 thousand people, which is 1.5 thousand people, or 6.4% less than as of January 1, 2017 (23.3 thousand people). Of these, 53.3% are women, 35.8% are youth under the age of 35. During 9 months of 2017, the number of people engaged in economic activity aged 15-70 (according to the ILO methodology) amounted to 723.6 thousand people and decreased by 14.3 thousand people, or by 1.9 in comparison with the corresponding period in 2016 % (9 months of 2016 – 737.9 thousand people); the level of employment in the region decreased by 0.7 percentage points and amounted to 55.5% (in Ukraine – 56.3%).

The state of the labor market in the Donetsk and Luhansk regions remains critical. However, officially the percentage of registered unemployed is decreasing, so in 2016, this ostentatious was 5,605 people, in 2017 – 4839, and in 2018 – 3904. This is confirmed by the indicator of the need of employers in the workers at vacancies of vacancies by the end December 2017, compared with November 2017, decreased by 2.3 times (it was 0.7 thousand people, and 1.6 times more than the end of December 2016). Because of Russian aggression, these areas not only lost much of their economic, especially industrial, potential, but are in a zone of high socio-psychological and economic risk. Therefore, even in regions controlled by the Ukrainian authorities, the employment rate of the population is significantly lower, and the unemployment rate is much higher than in other regions of

Ukraine.

At the end of December 2017, the number of unemployed registered in the employment centers of the oblast (excluding part of the area of the anti-terrorist operation) amounted to 11.8 thousand people, which is 0.3% more than at the end of November 2017, and at 16, 5% less than at the end of December 2016. Of the total number of unemployed, 60.7% were women, 33.5% were young people under the age of 35. The level of registered unemployment at the end of December 2017 amounted to 0.5% of the working-age population.

Among the regions of the country, the Kharkiv region is among the leaders in terms of employment. The average population of the employed population aged 15-70 in the region was 1247,1 thousand people, 1204,7 thousand people. – able-bodied age.

The number of economically active population of the region aged 15-70 in January-September 2017 amounted to 1330.4 thousand on average, of which 1251.6 thousand people were engaged in economic activity, which is 1.0% more than in the corresponding the period of 2016.

The employment rate of the population in the 9 months of 2017 in the Kharkiv region amounted to 60.8% of the total population of the corresponding age. The region occupied the second place among the regions of the country by level of employment. The unemployment rate of the population aged 15-70 (according to the ILO methodology) decreased from 6.1% in 9 months of 2016 to 5.9% during 9 months of 2017 and remains lower than in the whole of Ukraine (9.4%). . Among the regions of the country at the lowest unemployment rate of the population aged 15-70, the region occupies the first rating place. The regional labor market is characterized by a stable level of officially registered unemployment – 1.36% of the working-age population at the end of December 2017. As of January 1, 2018, according to the employment service, the supply of unemployed labor almost 7 times exceeded the demand for it, that is, for the 22.8 thousand unemployed citizens of the region were registered 3.5 thousand vacancies (as of January 1, 2017 at one vacancy on average in the region claimed 8 people). By occupation, the highest number of applicants for one vacancy is among skilled workers in agriculture and forestry, fish farming and fishing (72 persons), and the least – among skilled workers with a tool (3 persons) and the simplest professions (2 persons).

O. Teryanyk (2015) in the scientific research «Analysis of the matching of supply and demand on the labor market in Ukraine» emphasizes that: «... the impact on labor demand is explained by the fact that the more developed the society and the economy, the greater their need for a skilled worker strength. The impact on the offer is conditioned by the constant development of society and the growth of the population, which directly affects the supply of manpower. And the growth of the housekeeper affects the amount of wages, which, in turn, depends on the offer on the labor market».

Consequently, scholars argue that similar tendencies are characteristic of regional labor markets in different regions; , namely: reduction of the number of economically active population; natural population decline; crisis demographic processes; labor migration; reduction in the number of full-time employees; unregulated employment.

This is confirmed by the conclusions of the study of V. Cherna (2016) that the migration flows from Ukraine after EuroMaydan intensified more rapidly, only 247 thousand Ukrainians received the right to permanent or temporary residence in the Republic of Poland – 60% more than a year earlier. On average, the European Union countries increased by 30%. The researcher notes that «the peculiarity of the migration situation and migration policy in Ukraine is that our state acts simultaneously as the country of origin, destination and transit of migrants».

This, on the one hand, causes numerous problems, and on the other hand, it gives advantages and new opportunities associated with migration. The consequences of labor migration processes can be conditionally divided into groups depending on the nature of the influence and the scope of their manifestation, to be determined separately on the one hand, socio-economic, demographic, moral and psychological, cultural and educational, political and legal benefits and losses, on the other – to assess the impact on the macro (for society / state) and the micro level (for a specific person, a migrant worker).

Minister of Education and Science of Ukraine L. Grynevych (2018) emphasizes that: «Vocational education as a factor of socio-economic development of Ukraine is extremely important. This is a sphere that should lead to a lot of partners on the site. It cannot do only the Ministry of Education and Science. We should do everything in partnership with the government, parliament and employers». The quality of the training of specialists is one of the main indicators that determines the competitiveness of the institution of vocational education, therefore, the positive assessment of vocational education institutions in the local labor market depends to a large extent on the effectiveness of its interaction with the enterprises-consumers of graduates. Among the measures that require priority implementation is the development of a program of professional orientation of young people for acquiring relevant occupations and the creation of a reserve of skilled and working personnel that employers could accompany during training. Analyze the state of the system of vocational education (VE) in a number of regions in Ukraine.

As of January 1, 2018, the Chernihiv Region's system (VE) covers 20 state-owned VETIs, including 3 higher vocational schools, 1 vocational education center, 12 vocational schools, 2 vocational schools and 2 educational establishments for penitentiary institutions. The training of labor personnel was carried out with 72 labor professions for 6 branches of the economy, including: industry – 1680 students, agriculture – 721, transport – 647, construction – 755, trade and catering – 1351, housing and communal

services and non-productive types of consumer services of the population – 541. In response to the demands of the regional labor market, over the past three years, TVEI of the region received licenses for the right to conduct educational activities in the professions: «An assembler of insulation systems construction L», «Operator of information and software processing», «Electrician of the security and fire alarm system», «Guard», «Pedicurist», «Visagist-stylist», «Worker of the farm», «Instructor of individual driving». Mobility of graduates in the labor market contributes to the training of skilled workers in VETI for integrated professions (75% of the total number of professions).

In the Chernihiv region there are 8 educational and practical centers (EPCs) of branch direction, among them EPCs: construction technologies of the trademark Ceresit (based on the Chernihiv professional building lyceum), modern agrarian technologies (based on the Sosnitsky professional agrarian lyceum), modern car-care center (based on Chernigov Higher Professional School), hairdressing and decorative cosmetics (on the basis of Chernihiv professional lyceum of everyday life), restaurant service (based on the Chernihiv center of professional education), modern plumbing and innovative building technologies «KNAUF» (Chernihiv-based professional lyceum of rail transport). The largest number of employed people in recent years is observed in the wholesale and retail trade, agriculture and industry.

The system (VE) of the Zaporizhzhya region, which is closely linked with the economic peculiarities of the development of the region; the formation of giant complexes – industrial and metallurgical, agriculture, railways. In 2018, 47 state-owned VETIs work in the region: 8 (17%) of higher vocational schools, 4 (8.5%) vocational education centers, 29 (62%) professional lyceums, 1 (2%) structural subdivisions of higher educational institutions, 5 (10.5%) of vocational schools at penal institutions; including industry (13), engineering (10), metallurgy (2), construction (6), transport (4), service sectors (7), training 126 occupations, 71% of which integrated, and 6 specialties according to the educational qualification level «junior specialist». The rate of reduction is an average of 14%, including by industry: agriculture (18.3%), transport (15.3%), services (14.3%), machinery (13.9%), metallurgy (5.7%), construction (4.9%). Indicators of the implementation of the public procurement plan indicate an annual decrease in the recruitment of the overwhelming majority of schools. Obviously, there are objective demographic reasons for this state. However, a parsimonious analysis of the implementation of the VETI government procurement plan proves that, being in the same conditions, only 10% of TVEIs constantly preserve and even increase the contingent of students, and the majority reduces it annually. A similar picture takes place in relation to other important indicators.

The VET network of the Kharkiv region comprises 39 establishments for 18 industries of the region's economy for 121 profession. 7 regional vocational education centers based on 17 APs were created. Work continues on the

creation of 5 more regional centers instead of 10 vocational education institutions. The State Educational Establishment «Regional Center for Professional Education of Sewing Production and Services of the Kharkiv Region» has opened the Training and Practical Center for modern sewing technologies and design, which has installed the latest sewing equipment for the amount of 330 thousand UAH. The Bogodukhiv Professional Agricultural Lyceum has created a modern Educational and Practical Center for the profession Tractor-driver of agricultural production. Equipment for the equipment was purchased in the amount of 19.9 million UAH. 52 Certificate of the right to own immovable property has 37 establishments of vocational (vocational) education of the region (80.4%), an act on permanent use of land plots – 26 (56.5%).

22 institutions of professional (vocational) education work in the Lugansk region under the control of the Ukrainian authorities (16 are professional lyceums, 3 are higher professional schools, 1 are separated subdivisions, 2 are educational institutions of the I-II accreditation levels), which carry out training skilled workers for such branches of the state economy as: agrarian – 3 institutions of education, construction – 5, culinary and service sectors – 4, automotive – 1, mining – 2, industry – 1, communications – 1, others – 1 – for 44 professions. On the basis of three areas of the TVE, educational and practical centers were opened. Six educational establishments introduce the introduction of dual education elements into the professional training of skilled workers.

In the Donetsk region, 46 VETIs operate on the controlled territory, 4 institutions are in the process of reorganization, 64 VETIs remained in the uncontrolled territory, none of them moved to the controlled territory (according to the branch direction: industry – 23, transport – 4, construction – 8; sphere services – 3, trade and catering – 2, agriculture – 7).

A key factor for providing regional labor markets by competitive specialists is the lack of a proper system for forecasting the needs of labor personnel. The main problem associated with the collection of data on the labor market and their use for the purpose of planning PONs is the impossibility of identifying employers with medium – and long-term needs in the workforce due to economic instability in the country and their reluctance to publicize development plans.

Despite the crisis in the global economy, the overall decline in demand for foreign labor, the attraction of highly skilled workers and foreign students remains the priority of the migration policy of all developed countries, which confirms the presence of long-term incentives for international migration, but with the change of migration priorities in the context of transformation world economy. It should be noted that the formation of the world labor market is an integrated process, driven by the movement of labor and the policy of world integration.

Therefore, in the regional labor markets there was a decrease in the

number of people employed in the region's economy and the level of employment of the population as a whole, as well as the reduction of the average number of staff members. The main challenges in the region are the mismatch of labor supply and demand, the lack of high-quality jobs in the labor market with decent conditions and wages, a constant demand for workers in the industries of production and services (maintenance, operation and control over the work of technological equipment, assembly of equipment and machinery , work with tools, trade, services), low quality workforce, the need for workers of the simplest professions, structural shortage of personnel in some sectors of the regional economy. For today, the world labor market is developing very dynamically, the phenomenon of migration is becoming widespread.

## Maritime Terminology in the Format of International Communication

In the context of globalization and European integration of Ukraine, the issues of adequate mutual understanding at the level of professional contacts in various fields are of particular importance. One of the priority spheres of interaction in the world community is the maritime industry. The vision of the future-oriented maritime policy of the European Union was expressed very expressively by J.-M. Barroso: “Europe’s past, present and future is anchored in the oceans and the seas. Only if we take good care of them, the oceans and the seas will be able to care for us and future generations. A maritime policy for the EU can help releasing Europe’s tremendous growth potential, while protecting our marine environment. Through responsible management of our common marine resources, the oceans and the seas can remain a source of wealth and pleasure for everyone in Europe years ahead” (Barroso, 2005). The potential of the maritime industry is also noted in Article 411 of the Agreement on Association with the EU. The development of cooperation in this field and the identification of ways for an integrated maritime policy under the Agreement implies “establishing a regular dialogue and facilitating diverse networks between stakeholders” (Uhoda pro asotsiatsiyu, 2014). Thus, the key maritime policy strategies in the document are aimed at establishing a regular dialogue to share best international practices, develop common approaches to the use of maritime space and promote an integrated approach to maritime affairs. Each of the established strategies is based on a significant amount of knowledge, which is represented primarily by specialized maritime terms and the terms of the law of the sea. Moreover, the solution of the global problems of the international level related to the safety of states and the issues of safe shipping depends on the interpretation of most of the concepts of this industry.

Consequently, professional communication, based on the understanding of terms in their exact meaning and adequate translation in the framework of international cooperation, is associated with the problem of studying professional vocabulary, “the effectiveness of international contacts of the state and its place in the global division of labor depends on the successful solution of this vocabulary” (Vakulenko, 2015: 10). What has been said determines the relevance of our research and attracts the attention of scientists.

Currently, there is a small number of works devoted specifically to marine terminology. In particular, these are works by Ukrainian scientists at the end of the twentieth century and the beginning of the twenty-first century. E. M. Motuzenko, L. V. Yarovoy, E. A. Voitseva, N. N. Kornodudova, O.Ya.Andrianova of a Multi-Vector Orientation: From Fishery and Shipping Terminology to naval terminology. At the same time, all researchers are

guided mainly by the works of B. L. Bogorodsky and A. Gorbach, published in the first half of the twentieth century, which reflect the themes and history of some maritime and shipping terms, analyze their origin and functioning, and point out lack of research. Therefore, the remark of A. Gorbach, voiced more than 60 years ago, that maritime and shipping terminology has not been developed in historical and normative and lexicographical terms (Horbach, 1958), and today is relevant.

Activity in the study of marine terminology is observed at the end of the twentieth century. We associate it with an interest in the maritime sphere of activity and the entry of Ukrainian seamen into the international labor market. At the same time, interest in terminology is spiraling, not stable, depends on language policy. Despite the fact that linguists initiate the creation of dictionaries, dictionaries do not always meet the requirements of a rapidly developing language for specific purposes. Therefore, the increasing need for inventory, unification and codification of terms.

Consequently, the first stage of the work should be an inventory of marine terminology: the selection, description and classification of all terms related to this field of knowledge.

The modern system of the marine industry is represented by an extensive complex of various terms. The complexity of the object of study is that this industry includes a number of interdependent components, representing the vessel as both an engineering structure, vessel management processes, transportation process management, activity conditions, and the law of the sea. The complex synthesis of sciences is reflected in the composition of this professional language. The largest percentage in this system falls on engineering terms, special names associated with the management of the vessel, cargo transportation, safety and vital functions of the vessel. At the same time, they all constitute the historically developed, but at the same time mobile vocabulary of the language. This is due to the fact that navigation is one of the most ancient human activities, which is also evidenced by marine terminology.

It is heterogeneous in origin. In its composition there are original terms that have their roots in deep antiquity, and foreign languages borrowed for use from other languages in accordance with the needs of development.

The development of the Ukrainian language vocabulary is associated with river and sea nominations that existed in the East Slavic period before the times of Kievan Rus (V-VI century), such as *bereg*, *poberezh'ye*, *puchina*.

The greatest intensity of the process of the distribution of sea names falls on the end of the 9th century, when the lands of the glades, Ilmen Slavs, Krivichi, Radimichi and other tribes united into one state called Kievan Rus. A connection of Kievan Rus with other states and peoples carried out mainly by waterways. Therefore, according to Sharyhina, O., “a kind of shipbuilding system was formed, its own Slavic ships, most suitable for the mixed (river-sea) type of sailing-rowing vessels, were produced and used

massively”(Sharyhina, 2009: 63). During this period there is a massive construction *lodij*, *nasadiv* (*nasadnih lodij*) and other vessels that allowed the Kiev princes only in the IX century to carry out seven trips to the Black and Mediterranean Seas. As a result, in the active use of that time such well-known terms are now fixed, such as *korma*, *choven*, *nevid*, *ostriv*, *veslo* other.

In addition to the primordial words, in the lexical composition of the Ukrainian language a large place was borrowed, for example, *sudno*, *bort*, *yakir*, *vitrylo*. The evidence of this is the documents of the 7th - 9th centuries on ancient river and sea navigation. Thanks to the navigation, the inhabitants of the Northern Black Sea region could transport their goods to Byzantium.

Written monuments from the time of Kievan Rus contain linguocultural information about the influence of various languages on the formation of shipping and shipbuilding terminology. During this period, many words come from the Scandinavian languages to the Ukrainian language. Researcher A.Gorbach cites as examples such examples.: «Botya (the semi-curving edge of the boat to which the sheathing is nailed) comes from longtime Norwegian word *biti*; *yakir'* (from longtime Ukrainian *kítva*, *kotvitsya*) – from longtime swedish *ankari*; *shchogla* (russian *machta*) from ancient uvorvezhsky *sigla*» (Mykul'chyk, 2003). The scientist pays attention to the names of marine fish: *sel'd'* (ancient Norwegian *sild*), *skat* ("sea cat", "sea fox") - from longtime Norwegian *scata*. Such old Novgorod ship names came from Scandinavia *shneka*, *shnyaka* (ancient Norwegian *snekkja*) and *busa* (ancient Norwegian *bussa*) (Mykul'chyk, 2003).

For sea voyages in the 9th - 12th centuries, the Great Waterway from Scandinavia to Byzantium was used. Maritime vocabulary of the time replenished by the nomination of ships. The fleet of the time "made *chovny*, *struhy*, *nasady*, *loyvy*, *shneky*, *shytiky*. They were sailing-rowing, had anchors, rigging» (Kononenko, 2009: 258).

In princely times, the following Greek-Byzantine terms become a source of replenishment of the Ukrainian language vocabulary: *parus* (greek - faros, the original designation of "a piece of matter", "cloak"), *kanava* – *rov*, *kanal* (greek - kanava, the original designation of "basement", "cellar"; latin - canava), *kanat* – *verevka* (greek - *kannata*), ancient ukrainian *katart' other* (Mykul'chyk, 2003: 75).

In the 12th century, we are already seeing a certain classification of the names of ships, which carried professionally valuable information. Under *korablyamy* and *lodyamy* rusich understood only big ships, and smaller ones had other nominations *dubas*, *dubok*, *č□ven*, *odnoderevka*, and almost simultaneously with them in the Dnieper, Dniester and Volga water basins a new type of vessel appeared – *galey*, inherited from the Genoese colonists who then lived on the Dnieper (Dotsenko, 1994^ 19). By the middle of the XII century, a name appeared in the annals - *palubnaya lad'ya* («*palubna*

*lodíya*»), which belonged to Prince Izyaslav. Together with the names of the ships, the terminology of the entire maritime sphere was created.

In the XII-XIII centuries, according to the researcher, B. L. Bogorodskiy, there were not separate single marine terms, but a coherent, rich and peculiar terminological system that dominated the Black Sea was formed. She "was transferred here by the Venetians and the Genoese from the ships of the Mediterranean" (Bogorodskiy, 1958: 207).

The Tatar-Mongol invasion in the XIII century deprived Kievan Rus of access to the southern seas, for a long time violated the navigation on the Black Sea. Researchers note that shipping terms of German-Polish origin began to appear in Ukraine only in the XIV century - with the development of river trade, but they gained influence on the marine terminology only in the XVI-XVII centuries. It is only from the 16th century that the names of German-origin ships are found in the Ukrainian language: *shkuta*, *líkhtan*, *bat*, *brander* (Andriyanova, 2004: 60).

In the 16th-18th centuries, the center of the struggle against the Crimean Tatars, Turks, and Poles was the Zaporizhian Sich. In the course of this struggle, the Cossacks paid considerable attention to sea trips, and therefore, to the fleet, which had its own specifics in the Sich. Shipbuilding has reached a high level here. From the Cossack workshops out of the vessel of various types of construction and purpose, which were called: *baydak*, *baydara*, *dub* (*dubas*, *dumbas*, *dubok*, *dubyshche*), *lypa*, *monoksyla*, *sandal*, *furkat*, *shchebeka* (*shebeka*), *struh* (Fomenko, 1966: 108)

Terminological borrowings of the Cossacks period were mostly Turkic. In particular, the words begin to be used in the language *chayka* (*choven*), *cherdak* (*paluba*), *burunduk* (*kanat*), *saha* (*richkova zatoka*); *baydak*, *baydara*, *barkas* - see the rowboats *kayuk* (*richkovyy choven*) (Pan'ko & Kochan & Matsyuk, 1994: 75). Despite the fact that the word *chayka* is of Turkic origin (*choven*, from Turkic *şajka*), its appearance is associated with the Ukrainian Cossacks. Indeed, "it was a purely Zaporozhye invention — a sailing-and-paddle big sea boat, in which from 50 to 70 people could fit with equipment, weapons and provisions" (Serhiychuk, 1992: 5), the unique design of which "allowed the Cossacks to overcome dangerous Dnieper rapids and win battles with sluggish Turkish galleys" (Kononenko, 2009: 258).

The expansion of the Cossack flotilla had an impact on the development of Ukrainian marine terminological vocabulary; trade relations with various countries, naval campaigns replenished the Ukrainian language with the names of ships of foreign origin. At the same time, many common terms of river and sea themes were added.

In the XVI-XVII centuries, in the opinion of most linguists, the formation of the Ukrainian scientific style took place. The development of marine terminology during this period became the ground for the emergence of a scientific style of a maritime orientation. It developed under the influence of the Byzantine tradition, using the experience and achievements of Latin, in

close contact with the Polish scientific speech. In addition, in the XVI-XVII centuries - in the period of the “Ukrainian Renaissance” - attention to the Italian language as a source of replenishment of the vocabulary of the literary language arises, and the Ukrainian language also includes borrowings from the French language.

We consider it important to note the fact that the Ukrainian scientific terminology of the 17th century influenced the development of the scientific style of the Russian language. This trend changed at the beginning of the XVIII century. The process of interaction acquired the opposite direction: Russian scientific terminology, which absorbed borrowings from German, French, Dutch, English, is actively included in the general cultural dictionary of the Ukrainian literary language (Rusanivs'kyy, 1988: 170-171). During this period, there are especially many borrowed marine terms for designating objects and phenomena of the sailing fleet. Thus, the terms *frigate*, *classic*, *brig*, *brigantine* and others appear in the Ukrainian language *fregat*, *klíper*, *brig*, *brigantina* and others.

In the XVIII - XIX centuries, the nautical language for special purposes was dynamically replenished with Dutch terms (*vaterliniya*, *kil'*, *tros*, *forshteven'*, *shpangouty* and others) and English terms (*rumb*, *tral*, *avral*, *brig*, *pirs* and others). Borrowings from German (*shtandart*, *frakht*, *rang*, *vest*, *kitel'* and others) enter the language, as a rule, “through Polish mediation” (Morozov, 2000: 38); and from French (*port*, *gardemarin*, *balansir* and others) - “through Polish, and then through Russian mediation” (Morozov, 2000: 38).

The borrowing process also continued during the XIX - XX centuries. Entering the language, foreign words not only enriched the vocabulary of the Ukrainian literary language, but also testified to changes in the life of society.

Thus, maritime terminology presents historical and cultural information about the development of society, an interesting feature of which is the European vector of development and orientation on cooperation.

At the same time, the information reflected in marine terminology is not only of historical and cultural value, but also of professional significance, which makes it possible to reach a qualitatively new level of professional communication.

By the mid-twentieth century, humanity has accumulated a significant amount of knowledge and experience in the maritime industry. This knowledge required new terminological fixation.

In modern Ukrainian, various word-formation resources are used to create a new maritime term. The choice of the optimal nomination method is a complex process, it is determined by objective and subjective components, external and internal factors.

Ukrainian scientific and technical marine terminology uses the following key ways to create a new term:

1) the original names for a specific scientific concept: *povzun, místok, kotel, opír, strum, techíya, vuzol, choven*;

2) foreign words for the name of new concepts: *konteyner, overtaym, menedzher, taym-charter, layner*;

3) the creation of new names with the help of existing in the language of word-formation models: *turbonagnítach, krenuvannya, protitisk, shlyuzuvannya*;

4) phrases for the name of scientific concepts: *yekholot sudnoviy, díysniy gorizont, dreyf sudna, líníya bortu*.

For the creation of the term, the nominative means existing in the language are often used in a new function for them - the function of naming a specific scientific concept. This is explained by the fact that the concepts of science are much larger than the words for their nomination. As a rule, there are two main types of secondary nomination: metaphor and metonymy. Metaphor is always a comparison. The most common basis for metaphorical transference in the marine terminological system are:

- similarity of the appearance of the nomination object: *kosa, mufta*;
- functional similarity: *provodnik, zerkalo, palets, golovka*;
- functional and external similarity: *kotel, pech', uzel, okno, nos*.

The predominant number of terms is created on the basis of the metonymic “process-object” transfer: *utechka, zazemleniye*.

A rather large group of nominations is created on the basis of the transfer “process - result”: *izmereniye, obmotka, razryv*.

There is also a terminology based on the transfer “property - quantitative indicator”: *prozrachnost', rezkost', vlazhnost'*.

The processes of nominating marine concepts, a large number of borrowings, and features of professional use lead to scientific discussions about the appropriateness of a particular term. Such discussions often touch upon the problem of selecting a national or foreign language name for a specific scientific concept. At the same time, Ukrainian sailors are guided by the international terminology provided by the English language, as evidenced by data from a survey of students and cadets of the National University of Odessa Maritime Academy. This preference explains the work under the flag of other states and work in mixed crews, which, in turn, implies the need to speak a common (English) language of international communication and documentation: *akustika, dreyf, trauler, farvater, energiya*. acoustics, drift, trawler, fairway, energy. Calculating the term, if we consider this phenomenon in the language for special purposes, facilitates the perception of professional information in a specialized foreign language space. In this regard, we consider as relevant the remark of I. Kochan that “terminology cannot completely do without borrowed words, otherwise it will close in its national circle and will not integrate into the global space” (Kochan, 2009: 25).

The study of maritime terminology showed that in the course of historical development, Ukrainian had its own terms for the designation of many marine concepts, as a result of which concepts appeared that had several names - synonyms.

At the same time, the presence of several names to denote the same concept in professional activity makes it difficult to perceive information. Given that the term implies the exact name and description of a concept *term*, the phenomenon of synonymy is considered particularly undesirable in the language for special purposes.

The problem of synonymy in the business language has several problems. Let us dwell on the main ones.

In different areas of activity, the same terms are used with different contents. For example, the notion of *tender* for a sailor means “sailing single-masted vessel with slanting sails. One of the types of yachts. It has 2-3 forward triangular sails - jib. In the sailing military fleet - the smallest ship” (Morskoy slovar.), and for a lawyer or economist, a *tender* may mean “1) open competitive bidding (open tender) or closed, for a limited number of participants (closed tender), a competitive order placement form; 2) a written offer, an application for a subscription to securities, an intention to conclude a contract or to deliver goods; 3) the price of the goods offered by its manufacturer, based on the price level offered to its competitors” (Ekonomicheskii slovar'). Or the concept of a *skula* for a doctor would mean a paired facial bone under the eye socket, as well as a corresponding place on the face under the eye or wide, protruding cheekbones (Ushakov, 2012), and for a sailor, the *skula* cheekbone is “a place on the ship’s hull where the board, when rounded, becomes nasal or aft part” (Ushakov, 2012). And such examples can be given a significant amount. Therefore, first of all, a clear professional differentiation of terminology is needed.

Secondly, it is very important terminological use and adequate translation from language to language.

In terms of frequency of use, the term *sudno* is high frequency. In the Ukrainian literary language, other terms such as *korabl'*, *layner*, *yakhta* and the like are used in parallel to refer to this concept, but they are not absolute synonyms in the language for special purposes. A similar situation is observed in professional English. The *sudno* is translated as *ship*, *vessel*, *craft*, *boat*. Naturally, the question arises: what term to use. Even professional dictionaries for an unprepared person do not give an opportunity to understand. For example, the Russian-English Marine Technical Dictionary of V. Lysenko (Lysenko, 1998) the term *sudno* translates as *ship* and *vessel*, and then gives examples of relatively different vessels, using both terms. Other authors follow the same principle (Lysenko, 1998: 470). In terms of national term systems, the words *ship* and *vessel* are given as absolute synonyms. However, the cognitive information embedded in these concepts has a fundamental difference for specialists. The answer to the question of the

context of the use of these terms is found in the Consolidated Maritime Labor Convention (Konventsiya, 2006). In the English version of this document, the term ship is used in relation to vessels of “gross tonnage of 500 or more”, which distinguishes it from the term vessel, although ITF still prefers to use the name vessel.

*Vessel* in modern English is understood as something in which something is contained or transported and means, as a rule, medium ships, and, almost always, nonmilitary ships, and *ship* is interpreted as a form of transportation, implying seafarers' accommodation, but mainly large vessels, as well as all warships. In business English, another term is used to denote the term vessel - the term boat. This term usually refers to small vessels, boats, boats.

Thus, for the language for special purposes, the cognitive information content of the term is also of fundamental importance. It is the cognitive content of the term that allowed linguists to consider it as a unit of professional communication, which stores the knowledge and experience of people engaged in one or another type of activity. The terms “verbalize the logical model of a certain system of knowledge or activity and act as the main cognitive reference points within these systems” (Golovanova, 2008: 26).

Within the same terminological system of the maritime industry in the perspective of different sciences, the cognitive characteristics of the same term can have distinctive formats. The term *sudno*, taken for example, is considered not only as an engineering and technical object, but is also one of the fundamental ones in the law of the sea. From that, this or that floating object qualifies as a sea vessel, its legal status and, accordingly, those legal consequences, which arise in the process of navigation, largely depend. In the Convention on Conditions for Registration of Ships (1986), it is defined as “any self-propelled seagoing vessel used in international maritime trade for the carriage of goods, passengers, or both, with the exception of vessels with a gross tonnage of less than 500 registered tons” (Konventsiya, 1986). International Convention for the Prevention of Pollution from Ships (Konventsiya, 1997) defines a *ship* as a ship of any type operated in the marine environment and includes submarines, floating equipment, as well as fixed or floating platforms (Article 2). The same definition of a vessel is also contained in the Convention for the Protection of the Marine Environment of the Baltic Sea Region (Konventsiya, 1992). Distinctive moments in definitions can have significant legal significance, since the scope of the provisions of the law of the sea in the field of navigation applies to the social relations that arise in connection with the use of ships for various economic, scientific and cultural purposes.

### **Conclusions**

The presented information emphasizes the importance of inventory, codification and unification of maritime terminology, and the tools of the new cognitive direction in linguistics provide great opportunities not only for

analyzing the historical and cultural potential of terms, but also intend to treat the term as “a verbalized special concept” (Leychik, 2009), which contributes to the updating of definitions, focuses on a complete conceptual description and corresponding linguistic design of professional vocabulary y. Actualization of attention in the educational process on borrowed terms will allow faster adaptation of specialists in the context of international communication.

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## Postgraduate Pedagogical Education System of Scientific and Pedagogical Staff Member: Challenges and Perspectives

The development of domestic system of postgraduate education as a European social model of lifelong learning in a civilization crisis is not only a condition, but also an active factor of progressive changes in the elements of productive forces, the acceleration of scientific and technological progress and the development of the country's production. We are witnessing a powerful wave of energy-ecological, demographic, technological, financial-economic, geopolitical and socio-cultural crises that have embraced the entire global space and threaten the whole of humankind. These crises can be overcome in the second third of the XXI century on the basis of high indexes of epochal and basic innovations, the result of which will be the formation of humanistic-noospheric post-industrial civilization, a new model of globalization, multipolar world-building based on dialogue and partnership of civilizations.

A specific form of civilization's existence is its instability, which manifested in the Ukraine. In certain spheres subordinated elements of general civilization instability are:

- 1) environmental instability, which is the driving element of general instability;
- 2) social instability, which is manifested in extreme poverty and increasing social contradictions;
- 3) military and political instability, manifested in the proliferation of weapons, rising costs of arms and armies;
- 4) demographic instability (according to the data of the Ptoukha Institute for Demography and Social Studies of the National Academy of Sciences of Ukraine the population of Ukraine decreased by 9.5 million people for 24 years);
- 5) financial and economic instability, which manifests itself in the exceptional shakiness of the world's financial, stock, credit markets, exchange rates, and currencies; gigantic external debt;
- 6) the inter-civilization instability that aggravated, as a kind of contrast between the carriers of Western liberal and traditional Eastern traditions;
- 7) moral instability, which has reached the scale of falling values, manifested in the growth of corruption and other destructive phenomena;
- 8) instability of personal life, expressed in violation of constitutional human rights at the state level, increase in crime against the individual, increase in terrorist acts.

In the case of the unification of humankind against the obvious threats based on certain values and targets, one of the priority factors is lifelong

learning as a component of the European social model of lifelong learning in a civilization crisis. Continuity is considered in the modern cultural and educational context as an idea, the principle of education, the quality of the educational process, the condition for the formation of a person, - is one of the key factors in the formation of qualitative human capital. Over the last decade, the system of knowledge generation and transfer has fundamentally changed, and their volume and spectrum have multiplied several times.

Moving to lifelong learning by solving the problem of providing quality human resources, providing the country's human resources innovators where basic education periodically must be complemented by programs further, postgraduate education and organized not as a completed education but as the basis (the foundation), supplemented by other programs. This requires a graduate of a higher education institution, in addition to the knowledge gained in a narrow profession, to develop on the student's early stage their ability to study throughout their professional life, develop communication skills, adaptability, self-improvement, organizational and group efficiency, and low and other qualities.

To implement an innovation breakthrough in post-graduate education as a component of the European social model of lifelong learning in a civilization crisis, an innovative upgrade of public policy is needed, which should be implemented through:

- creation of effective innovative European integrated legislation;
- formation of a long-term forecasting program for socio-economic, scientific-technological and territorial development of Ukraine;
- high-level development and consolidation of national innovative educational programs and projects by proactive approach on the basis of resources;
- effective incentives to attract investments to innovative scientific and educational projects through private-public partnership, tax and customs preferences for participating corporations, creation of an international methodological innovation-technological exchange and state insurance of innovative risks and scientific programs;
- targeted training of education managers, academics, civil servants for the implementation of innovative scientific and educational programs and projects;
- creation of target organizational structures for the implementation of the strategy of innovative progress for national innovation programs and projects, consortia, holdings, strategic alliances;
- creation of a joint educational and scientific council for forecasting, strategic planning, innovation programs and projects under the guidance of the National Academy of Pedagogical Sciences of Ukraine.

According to the data of the World Economic Forum in Davos in 2016, more than a third of the competencies (35%), which are currently considered key to the labour market, will radically change to 2020.

However, the Fourth Industrial Revolution will reload a knowledge society with advanced robotics and autonomous transport, artificial intelligence and machine learning, advanced materials, biotechnologies and genomics by 2020. Some jobs will disappear, and jobs that the imagination does not even exist today will become a common occurrence. There is no doubt that future workers of all industries at all levels will have to bring their competencies in line with the requirements of the labour market, at a rate that is consistent with the pace of progress. High-tech society and orientation towards innovation in its development necessitate the continuous professional development of pedagogical and scientific-pedagogical workers. Therefore, in general a postgraduate education, along with an open education, is considered as key levers of human capital development, productive forces and social growth.

Nowadays, the issue of continuous and constant updating of key competencies of the forward-looking format of pedagogical and scientific-pedagogical staff of institutions of higher education, which directly carry out training of specialists for the modern economic-industrial complex of the country with the orientation towards the future, appears to be one of the most urgent.

We will consider the model of competence of a modern specialist oriented toward the future from two points: the possibility of scientific substantiation of the model of competences of the future and the coefficient of usefulness of these models in the context of promoting professional development of the employee, his motivation and adaptation in a changing environment.

Using the definition of the concept of competence as "the basic characteristics of the individual, the result of which is an effective and / or excellent performance of work" or as such "a combination of knowledge, skills, abilities, motivational factors, personal qualities and situational intentions, which provides an effective solution to the tasks of the executor a certain class in a particular organization, in a certain workplace, in a certain production team". We will consider the six main semantic groups of competencies, which in our opinion should first of all be owned by scientific and pedagogical workers of institutions of postgraduate education:

1. *Interaction and collaboration with other people* - forms the first, largest semantic group of competencies of the future. There are tactical, "skilled" competencies, for example, business correspondence or public speaking skills (16% of competences in this category) inside this group, as well as more fundamental personality qualities: willingness to work together, emotional intelligence, empathy or client orientation (74% of competencies).

2. *Thinking and problem solving* – the second-largest group that brings together 15 competencies. The largest of them (30%) is a critical thinking, that is, the ability to correctly evaluate and analyse facts and statements, make decisions about why to trust and what to do. These skills are useful

today, and in the future – necessary, especially in the context of growing information overload and mixing of the objective (actual) picture of reality and the phenomenon of the past.

3. *The ability to study and openness to a new one* closes a peculiar trio of leaders. This group combines such qualities as the ability to learn, curiosity, openness to new experiences. All competences of this group are presented relatively evenly and it is difficult to distinguish the main ones. However, in aggregate, these three groups cover almost half (48%) of competencies of the future. It is about the fact that the future success of an employee depends largely on how he can live with others, think and study.

4. *Innovation and creativity*, above all, involves determination and courage, readiness for creative experimentation and making mistakes.

5. *Digital knowledge and skills* include programming, knowledge of robotics basis, and the ability to use new technologies consciously.

6. *Consciousness and self-control* - is the ability to control own attention, find meaning in work and life, vitality, ability to build their own plans and, in general, understand themselves.

Consequently, the system of post - graduate education should ensure continuous professional development and the improvement of both the content of the educational process and the competence of scientific and pedagogical workers of institutions of postgraduate pedagogical education. It is about motivating, creative, highly qualified innovative educators capable of organizing a modern open-end educational environment centered on a personality that learns to provide its individual educational trajectory as a coach, facilitator, tutor and moderator responsible for their ongoing professional development.

At the same time, educational practice shows that these specialists do not have a real motivation for personal and professional development, their use of mostly outdated didactic means, an increase in the digital divide between subjects of the educational process, lack of skills in researching problems using modern means, processing large data arrays, summarizing and presenting the results, collaborating online in educational, social and scientific projects, etc.

The importance of a clear policy for teachers noted the recommendations on establishing the status of the teaching staff Institutions of Higher first Education of the UNESCO General Conference (November 1997). First of all, it is paying due attention to scientific research, updating and improving pedagogical skills of teachers on the basis of advanced training programs that stimulate the continuous introduction of innovative elements in educational teaching practice in higher education institutions.

To prepare the educational and pedagogical staff of education for the conscious adoption and effective implementation of innovations in the educational field in the practice of professional activity called for a system of continuous improvement of qualification, fundamentally new in its essence.

Law of Ukraine "On Education", Concept of the development of Ukrainian education for the period 2015-2025, Strategy of Higher Education Reform in Ukraine till 2020, its main priorities are determined by the openness and diversification of educational services.

Of great importance in the study of problems are the scientific positions and ideas for the development of postgraduate pedagogical education, in particular, the creation of a system of open postgraduate pedagogical education, the development of standards for the training of senior and pedagogical workers, the organization of educational process on the basis of ECTS, modular and accumulative principles (V. Oliynyk, 2017, 2013, 2012, 2010) and so on.

At the same time, scientific and pedagogical workers should have the appropriate subject matter and knowledge and (competences of the future) in the field of economics, which is aimed at professional training of specialists of the future.

In the context of Ukrainian realities, the problem of diversification of the system of continuous improvement of the qualification of management and pedagogical workers in the conditions of open postgraduate education remains insufficiently researched. This, for its part, is reflected in a number of challenges that restrain and reduce the effectiveness of the processes of implementation of educational reforms in the practice of the professional activities of managers and pedagogical staff of educational institutions and need urgent resolution. In particular, these are:

- the need to acquire new competencies and approve corresponding changes in the ideological, value, professional spheres of leading, pedagogical and scientific and pedagogical workers, the impossibility of providing them with established methods, forms and technologies of teaching;

- the need for continuous professional development, the annual improvement of the skills of these workers by different types, forms of education and the lack of normative and legal support for the recognition of their results acquired through informal and informal education, effective models and multivariate programs of professional development;

- the need to train educational workers for the creative solution of professional tasks and the lack of capacity for a traditional qualification system to effectively ensure this process;

- the need for education workers to intensively master the innovative content and technologies of educational activity, in particular the new State standards of primary education, etc., and the limited ability to meet it in the short term in the system of postgraduate education.

In this context, an extremely important role is assigned to continuing **postgraduate pedagogical education**, which is a strategic resource for the development of national education, its quality and competitiveness. It is the continuous postgraduate pedagogical education designed to provide a

high standard of professionalism in pedagogical, scientific and pedagogical, managerial staff of all levels of the educational system.

That is why this branch of education should be the flagship of qualitative changes in the formation of a new era, which not only keeps up to date, but also ahead of it.

Qualitatively new continuous postgraduate pedagogical education must definitely function in an open education.

What is the system of postgraduate pedagogical education of scientific and pedagogical staff in Ukraine nowadays?

First of all, let's assume that postgraduate education is a system of training and development of specialists with another improvement in their qualifications in accordance with time, world standards, personal and production needs, scientific and general cultural level, development of creative and spiritual potential.

An important component of it is postgraduate pedagogical education, which provides continuous improvement of professional knowledge, skills and abilities of pedagogical, scientific-pedagogical and educational personnel through education, retraining, specialization and internship on the basis of the latest technologies, achievements of science and production.

The system of postgraduate pedagogical education is multi-elemental and is considered as an ordered collection of interconnected educational institutions, management bodies and methodological units that realize the task of continuous professional growth of educational staff. It consists of subsystems that deal with the development of specialists in the system of pre-school and general secondary education, vocational (vocational and technical) education, higher education, as well as leading educational staff.

It is natural that continuous postgraduate pedagogical education of scientific and pedagogical personnel as a complex system education implies the integrity of interconnected components (subsystems) and its particular unity with the social environment, which is open nature and manifested in changes both in the environment and in the system.

Nowadays, for the existing postgraduate pedagogical education of scientific and pedagogical staff, is characterized a situation, when it is devoid of basic systemic features and in the process of becoming as a system is in the "native" state.

Despite the intensification of scientific research on higher education pedagogy, a number of issues regarding the system of professional improvement and development of teachers of higher education institutions remains to be elaborated.

The analysis of information and scientific literary sources made it possible to reveal:

- absence in the state of the purposeful system of continuous improvement of the qualification of scientific and pedagogical workers;

- realization of professional improvement by scientific and pedagogical workers in accordance with the established law in separate branch and classical institutions of higher education;
- practicing part of institutions of higher education to improve the skills of their scientific and pedagogical workers;
- non-prevalence in the practice of professional improvement of scientific and pedagogical internships at domestic enterprises, organizations, scientific institutions and laboratories;
- introduction of postgraduate training of masters from the specialization "Pedagogy of Higher School" in the specialty "Educational / Pedagogical Sciences".

In the continuation of 1991 - 2012 postgraduate pedagogical education of a scientific and pedagogical worker in high school was carried out through an internship at the leading departments of higher education institutions. With the adoption of the Provision on the upgrading of qualifications and internship of pedagogical and scientific and pedagogical staff of higher educational institutions in 2013, the development of this system lays the foundations of continuity and multivariate professional development, the primary importance of gaining a course and qualification upgrading. The normative determination of the volume of training programs is important (in hours and credits - in accordance with the national and European credit transfer system).

Considerable attention is paid to the peculiarities of the content of the programs of advanced training in accordance with the types of training, the need to take into account the sector specificity and scientific direction of scientific and pedagogical workers. If the programs of long-term professional development are directed at the in-depth theoretical and practical training of this category of workers for the renewal and acquisition of new competencies necessary for a qualitative professional activity in modern conditions, then the short-term - on the comprehensive study of modern and actual scientific problems in the field of education, science, pedagogy, relevant normative legal acts, domestic and foreign experience, raising the level of professional culture, etc. Internship involves the practical mastering and improvement of competencies acquired by employees because of theoretical training, within a particular specialty. At the same time, foreign internships started in accordance with the Provision on the training of students and postgraduate students, internships of scientific and research staff in leading higher educational institutions and scientific institutions abroad (Resolution of the Cabinet of Ministers of Ukraine of April 13, 2011, No. 411) provides an opportunity to increase the theoretical level, conducting author's (fundamental and / or applied) research, providing information exchange and disseminating scientific contacts.

A promising and new stage in the development of the system of postgraduate pedagogical education of scientific and pedagogical workers is

the adoption of a new wording of the Law of Ukraine "On Education", which provides for the introduction of an annual professional development of specialists in the field of education based on:

- new models of advanced training, based on the organization of multivariate of schemes and content of training, promotion of the best educational practices;
- free choice of forms, content, terms and institutions / institutions / organizations for their own advanced training;
- systematic encouragement of scientific and professional activity, academic mobility (international and internal), scientific and pedagogical workers;
- extension of the practice of their creative vacations and internship (in particular abroad), etc.

However, for the full practical implementation of these provisions of the Law "On Education", no relevant state legal and organizational acts have been created. In this sense, the regulation of postgraduate education in general in the Law of Ukraine "On Adult Education", which is currently being developed by the Ministry of Education and Science of Ukraine, is of paramount importance. It is also important to create mechanisms, primarily economic ones, for upgrading the qualification according to the voucher approach ("money goes for a teacher"), according to the accumulation system, mechanisms for recognition of professional development in conditions of informal and informal education, etc. To ensure quality training of teaching staff is necessary and determining the leading institutions of Higher first education, basic businesses and organizations as platforms internship with master new knowledge and innovation.

Consequently, postgraduate pedagogical education of scientific and pedagogical personnel is at the stage of development and in this process it has to acquire the continuity of its elements, the interconnection of retraining, internship and advanced training, in particular in the conditions of formal, informal and informal education, communication of the field of socio-economic a state complex with a system of professional development of scientific and pedagogical staff of institutions of higher education of the corresponding profile, development of the subsystem of internal (corporate) support and / or support individual and professional development of teaching staff and others.

Taking into account the peculiarities of the current stage of socio-economic development of Ukraine and the educational system, the following directions of implementation of elements of open education are the most promising for our country:

1. Given the needs of Ukrainian society, the situation in the system of higher education and the complex problems of social and demographic nature, elements of open education can be widely used in distance education and education throughout life. More and more people of middle age will be

involved in the training. Here, telecommunication technologies, which provide an opportunity not only to tell, but also to show, simulate a particular situation that can bring significant positive results in the short term.

2. Open education technologies, namely technologies for the creation and dissemination of electronic publications, can play a significant role in overcoming the lack of quality teaching materials. It is a variety of textbooks and manuals, teaching materials for students and teachers, students and teachers in digital formats. Electronic publications make it possible to make such teaching materials much cheaper and more affordable, and to work with them more convenient and efficient.

3. Electronic publishing, digital content sharing and collaborative work enable them to significantly improve the quality of teaching through ensuring an effective exchange of experience and diverse educational materials among teachers. The actuality of such work is determined not least by the great academic load on the teachers.

4. Elements of open education can provide a higher level of transparency of the education system - what is taught and studied, which materials and techniques are used, what are the educational achievements of students, what is the quality of work of teachers and teachers. That is, the education system through these elements of open education can become more transparent to the society, and, on the other hand, it can be better managed.

The main vector of change should be the priority of cooperation (synergy) and mutual assistance in the implementation of the global cultural project "civilization of security". The active and active factor of modern multifaceted vision of the international educational system there is a new humanism, aimed at the noospheric development of man and civilization, which takes into account both the values of traditional religious communities and the individualistic axiology of industrial and post-industrial civilization.

The main constraint on the path of economic growth and the innovative transformation of the Ukrainian economy is the reduction of the number and the deterioration of the quality of labour resources; higher and vocational education does not provide the country with innovators' talents - talented young scientists, designers, engineers, technicians, skilled workers, managers, therefore, there are no basic innovations. Skilled innovation personnel. Without focusing on demographic challenges, the scenario of an innovative breakthrough unambiguously focuses on the multiple increase in labour productivity based on the development of highly effective technologies, shifts in the structure of employment in favour of processing industries through the reduction of extremely branched, parasitic spheres of circulation and management. In this regard, vocational and higher education should make a decisive turn to the preparation of a qualitatively new generation of innovators based on a competent approach.

At the time of implementation of the concept and program of development in Ukraine, the system of post-graduate education as a

component of the European social model of lifelong learning in a civilization crisis, in which it is necessary to determine the following key points:

- Identification of models for assessment and recognition of prior learning.
- Connection of national models to recognize pre-training with a European qualifications framework, increasing comparability and transparency.
- Creation of criteria and mechanisms for the recognition and validation of non-formal education in educational and professional activities.
- Definition of basic skills and key competencies.
- Reduction of significant differences with EU countries in key skills and key competences.
- Training of staff for a lifelong learning system in the following areas: teaching; management; scientific and analytical support; use of the latest technologies; curriculum planning; support (technical, administrative, organizational).

In the context of the modernization of the educational sector and the implementation of the Laws of Ukraine "On Higher Education", "On Education", the system of post-graduate pedagogical education, on the one hand, should provide conditions for re-training local education workers in conditions of decentralization, on the other - in accordance with the European integration processes, provide continuous updating of knowledge of working teachers with the latest scientific and methodological approaches in accordance with the quality standards of education.

The answer-performance reformatting the challenges of education in Ukraine in the context of the establishment and development according to public order training system for life as part of the European social model of continuous education in the crisis of civilization, on the initiative of doctor of pedagogical sciences, professor, academician V. V. Oliynyk created the first Ukraine in the self-governing (autonomous) institution of education by type of distributed university – Ukrainian open University Postgraduate Studies in the structure of All-Ukrainian public association "Consortium of institutions of postgraduate education".

This is a motivated step towards creating on the territory of Ukraine an innovative system of postgraduate education leading, pedagogical and scientific and pedagogical personnel of the branch of education, conducting educational activities related to the training, retraining and advanced training in the fields of knowledge "education", "social and behavioural sciences", "Management and administration "and other, fundamental and applied research. The Open University is called to become the leading scientific and methodical centre of postgraduate education with the developed infrastructure of educational, scientific, scientific-educational and scientific-production divisions with an appropriate level of personnel and logistics, which will promote the spread of scientific knowledge and adult education.

The scientific, methodological and organizational basis of the Ukrainian Open University of Postgraduate Education, the combined staffing and material and technical potential of regional institutes of postgraduate pedagogical education and continuing education academies provide the opportunity to maximally meet the requirements of the education system staff regarding the content and quality of retraining and continuing education programs that connected with the implementation of reforms for the joint implementation of innovation programs; work on accredited programs and integrated educational projects in the system of providing educational services; conducting scientific research, certification of scientific and pedagogical personnel. Learning for Life in Ukraine national level is marketed as a full educational field with appropriate attention to monitoring and checking the quality and ensuring recognition of different forms of education.

The growing variety of cognitive and information queries from different segments of the population cannot be met within existing existing forms of traditional education. The problem of the inconsistency of the formed education system with the new needs of society and man is aggravated. This creates the demand for the latest approach to the organization of mass educational activities of adults - training must respond to diverse interests and opportunities of citizens, to fit in their lifestyle organically, to take into account the specifics of requests of a contingent and even individual groups of the population. Education throughout life is intended to raise the level of general knowledge and expand the opportunities for citizens to participate in the cultural, social and political activities of the country. It should contribute to the further democratization of society, as well as contribute to strengthening the position of a person in professional activities.

Creation of the first in Ukraine Open University of postgraduate education, the main purpose of which is to achieve the set goals in the continuous professional growth of educational, pedagogical and scientific and pedagogical staff of education - a powerful step in the process of formation of the national education system for life as an integral part of the European social model of lifelong learning.

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## Technological Integration by Invention of New Qualitative Means for Food Industry

Integration changes of modernity envisage merging, uniting, becoming of new links and restoring the once broken between separate sections of not only economic, social, cultural and even linguistic processes. Attracting and implementation of energy efficiency and environmental processes is a major task of high technology. That is why technological integration is one of the most pressing challenges of our time. For effective implementation in the "European technological space" precisely technological integration is the basic task that has been set before the agricultural, industrial and economic sectors of Ukraine. Attracting of new modern technological processes in various production fields is a prerequisite for the formatting of Ukraine as a state with a powerful sector of production of competitive products. Undoubtedly, the main emphasis is on the food industry sector.

Modern requirements for domestic production and its successful promotion to the world market require compliance with quality standards. There are special requirements for the food industry, including dairy products. The main task facing the Ukrainian producers is to ensure high taste properties and safety for consumers with optimal pricing policy. As stated in [1] "safety is the absence of harmful chemical and biological impurities, including pathogenic microorganisms and poisonous substances. Microbiological stability is the potential for storage of products without deterioration".

That is why special attention is paid to modern technologies of processing and production of dairy products. So application of the principle of circulating CIP cleaning has become the main trend in the effective and economical solution to the problem of washing and disinfection of technological equipment [1].

Due to inaccessibility of internal surfaces their washing and disinfection are the biggest problems. Really developers offer a lot of detergents. A detailed analysis of the modern market of alkaline detergents is presented in [2].

Mixtures for washing produced in France, Estonia, Sweden and Germany have excellent detergency, but the high price, that significantly increases the cost of raw materials.

The alkaline mixture «CircoSuper AF» and «CircoSuper AFM» should be used only in soft water and water of medium hardness.

Due to commercial confidentiality the manufacturers do not represent the concentration content of components of mixtures. Therefore, known patented detergents were taken by the authors as control means.

For example, a known alkaline detergent is used in a CIP sink for preliminary processing of process equipment [3]. It relates to the production of technical detergents and cleaning agents for the processing of equipment of food industry enterprises. This composition contains (% by weight) an optimized mixture of alkyl glucoside and ethoxylated alcohols (1.0 – 3.0), sodium hydroxide (3.0 – 5.0), triethanolamine (0.5 – 2.0), tetrasodium salt of ethylenediaminetetraacetic acids (0,1 – 1,0), silicone emulsion (0,1 – 1,0) and drinking water (up to 100). The disadvantage of this product is a fairly high cost due to the use of an optimized mixture of alkyl glucoside and ethoxylated alcohols (Berol LFG-61) manufactured by Akzo (Sweden). In addition, the use of triethanolamine, which is dangerous in the concentrated state, requires the use of only the finished mixture of industrial production. And it also significantly increases the cost.

The known alkaline detergent-disinfectant [4] for sanitary treatment of milking equipment and dairy equipment containing (in mass %) sodium hydroxide – 5,0, soda ash – 0,5, catamine – 10, sodium hydrosilicate – 4,0, trilon B – 0,5 and distilled water – 80. The disadvantage of this composition is a significant number of its components, which increases its cost. Moreover, the surfactant (catamine), which is contained as a major component and in a fairly significant amount, has a negative effect on the environment and a specific bad odor. In addition, such disinfection requires strict compliance with the concentration limits, and this complicates the use of composition.

The authors also investigated the well-known alkaline detergent-disinfectant mixture "Syntrol" (type 2) [5]. It is recommended for the washing of dairy industry technological equipment and can be prepared both at the chemical plant and directly at dairy enterprises. Caustic soda (sodium hydroxide) – 26 (mass, %), surfactant (sintanol DS-10) – 2.0 (mass, %), trilon B – 9.0 (mass, %), water – up to 100% are the chemical composition of the alkaline mean.

The disadvantage of this tool is the overestimated concentrations of all components, which is the cause of the thermodynamic instability of the system. As a result, during storage, the sedimentation process is observed. In addition, this mixture has corrosive aggressiveness to the equipment material and high enough foaming ability. Therefore, the use of this mixture in CIP systems (Clean In Place) can cause damage to the equipment. High concentrations of components are the reason an overpriced cost of the detergent solution.

To solve one of the parts of a series of problems, the authors carried out researches, developed and proposed solutions for washing and disinfection of dairy equipment in the Clean in Place mode (CIP) [2, 6 – 8]. Due to the difficulty of accessing the internal surfaces of the technological equipment of the dairy industry in the CIP mode, these processes of washing and disinfection are the biggest problem.

The cycle of experimental studies carried out by the authors for several years has given a positive result in the creation of competitive detergents that can be used not only in the dairy industry, but also in other areas of the food industry [2, 6 – 8]. Obviously, it was necessary to solve the problem of creating a cheap and high-quality alkaline mean for washing and disinfection of the dairy industry technological equipment, as required by the methodology [1, 5]. But the task of optimizing the conditions of the proposed means to identify more efficient mode of application, including for energy saving, is also very important.

Therefore, the purpose of the first part of our work was to create a cheap alkaline detergent for effective cleaning and disinfection of the interior surfaces of the dairy industry technological equipment in Clean In Place mode (CIP).

The task of the development of the formulation of an effective alkaline detergent for sediments dissolution (hydrolysis of fats and proteins) before treatment with acid solution was the basis of our work.

The purpose of the second part of our work was to optimize the conditions for the use of cheap alkaline mixture, prepared by the authors, for efficient washing and disinfection of the interior surfaces of technological equipment of the dairy industry in CIP- mode (Clean In Place).

The relevance of the work consists in the possible practical solution of the problem of washing and disinfection of the internal surfaces of the dairy industry technological equipment in the automatic mode.

The main benefits are safety when used; the absence of unpleasant odors; the possibility of using tap water; availability of raw materials; ease of preparation; low cost; the possibility of using both large dairy enterprises and small farms.

The object of the research was to study the washing effect of the alkaline mixture in the case of dilution by water in a wide range of concentrations and temperature changes to the permitted values.

The subject of our research was alkaline detergent, developed at the Department of Chemistry of the Poltava National Technical Yuri Kondratyuk University.

Determining the optimal concentration and the minimum temperature at which the washing effect is maintained was the main task of our work.

The invention presented in the work relates to the production of detergents for washing and disinfection of equipment of enterprises of the food industry (internal surfaces of the dairy industry technological equipment). It can be used for the washing of milking machines, various containers for the transportation of milk, pipelines, including the Clean In Place method [1] prior to acid treatment to provide an efficient and economical solution to the washing problem and disinfection of internal surfaces of technological equipment in hard-to-reach places.

Dairy pollutions have specific chemical composition and certain features that determine special methods of sanitization. That is why washing with water and even ordinary detergents is insufficient [5, 9 – 12].

Contaminants that are formed and remain on the surface of equipment by chemical composition are divided into three groups.

1) This is the so-called milk film. The main components of it are fats and proteins. It is contamination remaining from contact with the surface of cold milk.

2) It is pollution in the sediment of soft consistency. Its main chemical composition is calcium phosphate and denatured protein. This kind of sediments is formed after the milk is heated to 80°C.

3) According to the chemical composition of the third group of contaminants – a complex consisting of serum proteins and inorganic substances. They are formed and remain on the surface of the processing equipment after the heat treatment of milk at a temperature higher than 80°C. Their feature is high durability. They cannot be destroyed by an increase in temperature. This process only strengthens them [13].

Thus, the nature of pollution and the degree of their strength depend on the temperature and length of processing of dairy raw materials. The chemical composition and properties of sedimentary deposits depend on the acidity of the dairy raw material and the processing temperature. There is a regularity - the greater the acidity of milk, therefore, the amount of pollutant sedimentation is the greater in some times [13].

Detergents are used as solutions. They should have the following properties: low surface tension, good wetting, ability to remove milk protein and insoluble calcium salts, emulsify fat residues, have no toxic effects, do not cause corrosion of the equipment, low foam formation and well rinse off the surface of the equipment [14, 15].

Since the main components of pollutants are proteins, fats and inorganic substances in a complex with proteins, it is essential that the washing solutions are alkaline and acidic. Since proteins and fats are hydrolyzed in a strongly alkaline environment, and complexes of inorganic substances dissolve and remove from the surface of the equipment with acids, then initially the equipment is treated with an alkaline solution, and then acidic mean [5, 9].

Both in the concentrated state and at dilution to the specified concentration, the alkaline solutions must have an appropriate active alkalinity, which is determined by acid-base titration [5].

The problem is solved by the fact that the alkaline detergent proposed by the authors consists of sodium hydroxide, trilon B, syntano DS-10 and water. Such a chemical composition ensures its high activity, effective washing ability and disinfecting properties, does not corrode metal surfaces of equipment. In addition, it does not form foam and sediment when using tap

water. The chemical composition of invented and proposed alkaline mean is indicated in [16].

The authors determined the pH of the proposed concentrated alkaline solution is 14.0 and pH= 13.0 at dilutions to the recommended concentrations. The use the mixture of optimally selected concentrations solutions of strong alkali, a complexing agent with a moderate content of surfactant provides a detergent that has a high pH and provides the necessary washing and disinfection effect over a wide range of concentrations.

In the process of detergent preparation, the authors found that the concentration of the solution should be different depending on the type of material equipment, which needs to be cleaned. The technological equipment of dairy enterprises should be made of stainless steel and glass. And these materials are chemically inert to the detergent solution.

The solution density according to the invention at 20°C is 1,210-1,215 (g/cm<sup>3</sup>). The solution is transparent, colorless and odorless. Since the solution is non-foaming, it can be used in high pressure at CIP-mode.

In order to the modes optimization of the most effective use of the proposed solution, a series of experiments on the removal of milk contaminants in the form of films (exposure 1 day) applied to plates of food stainless steel was performed by the authors. Contaminated plates were stationary in static mode without mechanical intervention for 15 minutes under the influence of the proposed alkaline detergent and solutions of different degrees of dilution at different exposure temperatures (from 55°C to 80°C) without further treatment in an acid solution according to works [1, 5]. Concentrated solution was primary. Other solutions were prepared from the primary concentrate by dilution with distilled water in ratios of 1:1, 1:2, 1:3, 1:4, 1:5, 1:6, 1:7, 1:8, 1:9, 1:10 and 1:99.

The washing effect of the alkaline detergent was determined by the weight method in accordance with the method [17]. Its essence is that the steel plates with stainless steel of food stamps size 80×40×2 mm are used. After contamination according to the procedure described above, and purification, the obtained results are compared with the reference pure sample, taking into account the final contamination (M). Final contamination (M) is the ratio of the mass of pollution to the unit area of the contact surface of the sample. The units of measurement are g/cm<sup>2</sup>. The mass of pollution is determined by the difference in sample mass with final contamination after cleaning with a detergent and a clean specimen.

The results of experimental studies are presented in Table 1.

Thus, the washing effect occurs throughout the range of dilutions. The authors investigated the washing effect of the proposed alkaline solution without further treatment in an acid solution at the lowest recommended temperatures, respectively [1, 5].

Table 1

## Investigation of the washing effect by alkaline mean at the temperature of 80°C

Nº Sample	Weight of Sample, g	Weight of sample with milk film, g	Weight of milk film, g	Sample area ( $\times 10^{-4}$ ) m <sup>2</sup>	Weight of sample after treatment with an alkaline mean, g	Weight of the residue after treatment, g	Final pollution (g/m <sup>2</sup> )	Notes
Alkaline mean								
1	5,67265	5,68775	0,01510	7,8	5,67240	-0,00440	0,00	Insignificant reduction of the pure sample mass, complete removal of the film, visually clean surface
Alkaline mean diluted 1:1								
2	6,34510	6,35545	0,01035	7,75	6,34510	0,00000	0,00	Complete removal of the film, visually clean surface
Alkaline mean diluted 1:2								
3	6,16020	6,18175	0,02155	7,68	6,16020	0,00000	0,00	Complete removal of the film, visually clean surface
Alkaline mean diluted 1:3								
4	5,81465	5,83675	0,02210	7,44	5,81465	0,00000	0,00	Complete removal of the film, visually clean surface
Alkaline mean diluted 1:4								
5	6,07800	6,08885	0,01085	7,44	6,07800	0,00000	0,00	Complete removal of the film, visually clean surface
Alkaline mean diluted 1:5								
6	5,71360	5,73095	0,01735	6,82	5,71360	0,00000	0,00	Complete removal of the film, visually clean surface
Alkaline mean diluted 1:6								
7	6,02380	6,04475	0,02095	7,75	6,02380	0,00000	0,00	Complete removal of the film, visually clean surface
Alkaline mean diluted 1:7								
8	5,97500	5,99220	0,01720	7,44	5,97500	0,00000	0,00	Complete removal of the film, visually clean surface
Alkaline mean diluted 1:8								
9	6,06950	6,08575	0,01625	7,75	6,06950	0,00000	0,00	Complete removal of the film, visually clean surface
Alkaline mean diluted 1:9								
10	6,22310	6,24505	0,02195	7,75	6,22310	0,00000	0,00	Complete removal of the film, visually clean surface
Alkaline mean diluted 1:10								
11	6,17590	6,19365	0,01775	8,37	6,17590	0,00000	0,00	Complete removal of the film, visually clean surface
Alkaline mean diluted 1:99								
12	6,18430	6,20205	0,01775	8,12	6,18430	0,00000	0,00	Complete removal of the film, visually clean surface

Source: Author's experimental research

The results of experimental studies are presented in Table 2.

Table 2

## Investigation of the washing effect by alkaline mean at the temperature of 55°C

Nº Sample	Weight of Sample, g	Weight of sample with milk film, g	Weight of milk film, g	Sample area ( $\times 10^{-4}$ ) m <sup>2</sup>	Weight of sample after treatment with an alkaline mean, g	Weight of the residue after treatment, g	Final pollution (g/m <sup>2</sup> )	Notes
Alkaline mean								
1	5,67240	5,68385	0,01145	7,8	5,67240	0,00000	0,00	Complete removal of the film, visually clean surface
Alkaline mean diluted 1:1								
2	6,34510	6,36175	0,01665	7,75	6,34510	0,00000	0,00	Complete removal of the film, visually clean surface
Alkaline mean diluted 1:2								
3	6,16020	6,18190	0,02170	7,68	6,16020	0,00000	0,00	Complete removal of the film, visually clean surface
Alkaline mean diluted 1:3								
4	5,81465	5,83575	0,02110	7,44	5,81465	0,00000	0,00	Complete removal of the film, visually clean surface
Alkaline mean diluted 1:4								
5	6,07800	6,10230	0,02430	7,44	6,07800	0,00000	0,00	Complete removal of the film, visually clean surface
Alkaline mean diluted 1:5								
6	5,71360	5,74745	0,03385	6,82	5,71360	0,00000	0,00	Complete removal of the film, visually clean surface
Alkaline mean diluted 1:6								
7	6,02380	6,04925	0,02545	7,75	6,02391	0,00012	0,15	A slight increase in mass, a feeling of the oily surface to the touch
Alkaline mean diluted 1:7								
8	5,97500	5,99640	0,02140	7,44	5,97520	0,00020	0,27	A slight increase in mass, a feeling of the oily surface to the touch
Alkaline mean diluted 1:8								
9	6,06950	6,08425	0,01475	7,75	6,06980	0,00030	0,39	A slight increase in mass, a feeling of the oily surface to the touch
Alkaline mean diluted 1:9								
10	6,22310	6,23735	0,01425	7,75	6,22350	0,00040	0,52	A slight increase in mass, a feeling of the oily surface to the touch
Alkaline mean diluted 1:10								
11	6,17590	6,19720	0,02130	8,37	6,17650	0,00060	0,72	A slight increase in mass, a feeling of the oily surface to the touch
Alkaline mean diluted 1:99								
12	6,18430	6,20205	0,01775	8,12	6,18559	0,00130	1,60	A slight increase in mass, a feeling of the oily surface to the touch

Source: Author's experimental research

Therefore, the washing effect occurs even at the lowest recommended temperature without acid treatment. This indicates the high efficiency of the proposed alkaline mean.

The authors performed a series of experimental studies of the washing effect of the proposed alkaline mean without further treatment in an acid solution at intermediate temperatures at the largest dilutions.

The results of experimental studies at the temperature of 70°C are presented in Table 3.

Table 3

**Investigation of the washing effect by alkaline mean at the temperature of 70°C**

N <sup>o</sup> Sample	Weight of Sample, g	Weight of sample with milk film, g	Weight of milk film, g	Sample area ( $\times 10^{-4}$ ) m <sup>2</sup>	Weight of sample after treatment with an alkaline mean, g	Weight of the residue after treatment, g	Final pollution (g/m <sup>2</sup> )	Notes
Alkaline mean diluted 1:6								
1	6,22310	6,24458	0,02148	7,75	6,24458	0,00000	0,00	Complete removal of the film, visually clean surface
Alkaline mean diluted 1:7								
2	5,97500	5,99545	0,02045	7,44	5,99545	0,00000	0,00	Complete removal of the film, visually clean surface
Alkaline mean diluted 1:8								
3	5,71360	5,73465	0,02105	6,82	5,73465	0,00000	0,00	Complete removal of the film, visually clean surface
Alkaline mean diluted 1:9								
4	5,81465	5,83579	0,02114	7,44	5,83579	0,00000	0,00	Complete removal of the film, visually clean surface
Alkaline mean diluted 1:10								
5	6,34510	6,36635	0,02125	7,75	6,34533	0,00023	0,30	A feeling of the oily surface to the touch
Alkaline mean diluted 1:99								
6	6,18430	6,20205	0,01775	8,12	6,18487	0,00057	0,70	A feeling of the oily surface to the touch

Source: Author's experimental research

Obviously, there is an effective washing of the milk film in static conditions at the highest dilutions.

The 100% efficiency of the proposed detergent alkaline product is confirmed by the results presented in Table 1.

The cost of 1 liter of alkaline means for washing and disinfection of milking machines by the method of a detachable circulating sink is 16 UAH (0.57 USD).

The results of experimental studies at the temperature of 60°C are presented in Table 4.

Table 4

**Investigation of the washing effect by alkaline mean at the temperature of 60°C**

No Sample	Weight of Sample, g	Weight of sample with milk film, g	Weight of milk film, g	Sample area ( $\times 10^{-4}$ ) m <sup>2</sup>	Weight of sample after treatment with an alkaline mean, g	Weight of the residue after treatment, g	Final pollution (g/m <sup>2</sup> )	Notes
Alkaline mean diluted 1:6								
1	6,17590	6,19602	0,02012	8,37	6,19602	0,00000	0,00	Complete removal of the film, visually clean surface
Alkaline mean diluted 1:7								
2	6,06950	6,08965	0,02015	7,75	6,06971	0,00021	0,27	A feeling of the oily surface to the touch
Alkaline mean diluted 1:8								
3	6,02380	6,04388	0,02008	7,55	6,04418	0,00030	0,39	A feeling of the oily surface to the touch
Alkaline mean diluted 1:9								
4	6,07800	6,09904	0,02104	7,44	6,07839	0,00039	0,52	A feeling of the oily surface to the touch
Alkaline mean diluted 1:10								
5	6,16020	6,18122	0,02102	7,68	6,16075	0,00055	0,72	A feeling of the oily surface to the touch
Alkaline mean diluted 1:99								
6	6,16020	6,20445	0,02015	8,12	6,0856	0,00130	1,60	A feeling of the oily surface to the touch

Source: Author's experimental research

The method of using the proposed detergent solution is standard [5] and energy-saving. The main stages of washing and disinfection are as follows [5]:

- the equipment outside is rinsed with water from the hose;
- residues of milk and dairy products are washed with warm (room temperature) or cold tap water (the duration of rinsing depending on the remnants on the surface of the equipment lasts 5-7 minutes);
- the equipment is washed with alkaline solution at a temperature of 55-80°C (duration of alkaline washing depending on the type of equipment is on average 10-15 minutes);
- after washing with an alkaline solution, the equipment is rinsed with warm or hot water to remove alkali residues for 5-15 minutes. The effectiveness of rinsing is checked for the presence of alkali in washing waters (by phenolphthalein).

After rinsing from the remnants of the alkaline solution, the equipment is washed with an acid solution (temperature 70-85°C, duration 25-30 min) for

the purpose of prevention, as well as for disinfection and removal of insoluble sediments.

## Conclusions

1. The alkaline composition formulae for cleaning and disinfection of milking units and milk processing equipment in automatic mode (Clean in Place) have been invented.

2. The main benefits of the proposed acidic mixture are safety when used; the absence of sharp and unpleasant odors while meeting all the requirements for cleaning and disinfectants; the possibility of using tap water; availability of raw materials; ease of preparation; low cost; the possibility of using both large dairy enterprises and small farms.

3. An alkaline mixture for cleaning and disinfection of milking machines by CIP method was investigated.

4. The optimal modes of efficient use of alkaline detergent have been developed and proposed.

5. It was found that for the complete cleaning of a fresh milk film (1 day) the washing effect occurs throughout the range of dilutions ( $t=80^{\circ}\text{C}$ ).

6. At minimum of recommended temperatures ( $t=55^{\circ}\text{C}$ ) the complete cleaning of a fresh milk film (1 day) occurs before dilution to 1: 5, inclusive.

7. At a temperature of  $t = 70^{\circ}\text{C}$  the maximum dilution of 1: 9 is permissible. There is also a complete removal of the precipitate without further treatment with an acid solution.

8. When washing at a temperature of  $60^{\circ}\text{C}$ , the use of a 1: 6 dilution solution is acceptable.

9. It is necessary to optimize the conditions of use of the invented and recommended alkaline and acid [6] solutions. The result of greater energy efficiency of their complex application according to the methodology is expected.

With all these advantages and low cost, it can be prepared directly at enterprises before use, can be applied on both small farms and large dairy enterprises. The proposed alkaline means allows solving the problems of washing and disinfection of technological equipment of the dairy industry in CIP mode.

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## **Critical Analysis of the Evolution of Educational Paradigms on the Basis of Noohumanism in the Era of Artificial Intelligence**

An unconventional approach to the analysis of the evolution of educational paradigms on the basis of the link between technological and cultural changes is considered in the article. The period of time from the appearance of written language up to the present era of artificial intelligence (AI) has been under review. Such concepts like "humanism, neo-humanism, noo-humanism, transhumanism" have been studied. The broad objective of the article is to explore new ways to solve the crisis problems of mankind. Specific tasks are focusing on the evolution of humanism to the level of noohumanism at the time of the implementation of the first eco-safe technologies and the use of artificial intelligence. It is proved that in the philosophy of education it is expedient to restore the invention of V. Humboldt - the concept of "neo-humanism" and transform it into a more perfect "noo-humanism". The modern tendency to appearance of new scientific terms connected with the noosphere concept is explored. They are needed to describe innovations in higher education, research, production, management, ecology, etc. New terms form noolexicon. The particular importance of the term "noo-humanism" for the humanitarian education is underlined in the article. The phenomenon of "transhumanism" movement in its moderate and useful, and extremist and dangerous variants is explored. It is proved that the threats that mankind is facing today are based on the intention of the financial elite of the world to maintain its position by replacing modern humans with obedient and guided robots whose brains are "improved". It is indicated that the only real way to the equitable future for all humanity is the paradigm of noo-humanism, the transition to nootechnologies, the development of the noosciences and the construction of the noosphere. Much attention is paid now to the creation and development of artificial intelligence (AI) and to its contradictory nature. The phenomenon of artificial intelligence should be used only on the principles of noohumanism together with the possibilities of the nootechnologies and the noosciences.

Recognizing the well-known fact of the irreversible environmental degradation and the apparent excess of the limits of environmentally sustainable development, we would like to point out the harmful activities of the media including Internet along with the most social networks because of the absence of world conventions "On Ethics of Journalism" and "On the Responsibilities of Homo Sapiens". If some days pass without grandiose acts of terror or major catastrophes, the news media report on the flooding in the densely populated areas due to the rapid melting of glaciers due to the mythical "global warming". Unfortunately the world of scientific publications

supports this version of "catastrophe" but their activities is usually limited to warnings and global appeals. It is announced that hundreds of participants of the famous Davos-19 Forum which will take place in the end of January 2019 will do the same.

The author of this article is constantly communicating with the youth who is being prepared to work in the national health system, therefore the sphere of our common interests is opposite to the priorities of the above mentioned media. We are concerned about the growth of gap between the realities of life and the possibilities of mankind, between primitiveness and spirituality. The first tendency manifests itself in the intensification of explosions in mosques and in the streets, the second - in the rapid progress of molecular medicine and the first successes in the attempts to use the alternative sources of energy and artificial intelligence. The dilemma of realities and opportunities for the medical sphere was especially well analyzed by a well-known physician and scientist, academician of NAMS and the Hero of Ukraine V.M. Kazakov [2; 3]. In his appeal to the medical students of Ukraine he said not only about the importance of information and technology in the process of studying, but also about the importance of conscious opposition to the aggressiveness and immorality as the main threats for the society.

There are many materials on the humanitarian crisis, but even in the decisions of the world environmental forums of 1992, 2002 and 2012, there exist only general challenges to the protection of the environment and the fight against poverty. We did not find concrete tools to eliminate global threats. Therefore, we consider the analysis of the latest scientific discoveries that could save humanity as the main aim of our study, along with a comparison of those methodologies and principles that could have high chances to ensure overall success.

The set of tasks of this article is in analyzing the chain of ideological paradigms - humanism, neo-humanism, noo-humanism, transhumanism - in order to form scientifically grounded conclusion regarding the principles of medicine of the XXI century and to create facilities with the help of which teachers of medical schools in Ukraine can do their best in the process of teaching the future professional physicians for noosociety - the society of future.

The interactive interdisciplinary method that consistently takes into account the fact that our goal requires a comprehensive consideration not only of methods and means of medicine but also of many exact and humanitarian sciences plays an important role in solving problems. The greatest priority is in attention to the discoveries of the last years and the prospects of their application in education and medicine.

First the main terms should be specified. The definition of the concept of "humanism" can be found in the Oxford Philosophical Dictionary: "Humanism is a tendency to emphasize a person and his status, importance,

authority, achievement, interests or power" [12, p. 401]. An article in it became a classic and points out that the humanist movement was initiated in the Ancient Greece by the activities of the Sophists and Socrates in the 5th century B.C. However, an increase in the number of isotope and biological dates suggests that the distribution of the first signs of the three world religions - Judaism, Christianity and Buddhism - occurred from the eastern part of the Great Trypillya long before the formation of Ancient Greece [6]. Scientists from Israel and other countries agree that the ideas of Avest as a moral standard for these religions arrived in Persia from the northern territories. We note the phenomenon of symmetry of the construction of the Indian Vedas and the Iranian Avest, which can be interpreted as a differentiation into the branches of the unified movement of people and ideas to the south, which was the source of the original Zoroastrianism of the East of the Great Trypillya.

For a "balance" with Oxford, we cite the Soviet "Philosophical Encyclopedic Dictionary" (1989): "Humanism (from the Latin *humanus* - human, human), in its broad sense, is a historically varied system of views that recognizes the value of a human being as an individual, his right to freedom, happiness, development and manifestation of his abilities. It considers the well-being of a human being to be the main criterion for assessing social institutions, and the principles of equality, justice, humanity the desired norm of relations between people; in the narrow sense - culture of the Renaissance. The ideas of humanism have a long history. The motives of humanity, dreams of happiness and justice can be found in the works of oral folk art, literature, moral-philosophical and religious concepts of different peoples, starting from ancient times. In times of Renaissance, humanism acted as a holistic system of views and a broad stream of social thought for the first time, causing a real revolution in culture and outlook of people "[11, p 139]

Both Encyclopedias, though in different words, indicate that the reason of this this coup was in change of relations between the triad "church - a state - a citizen". In response to the appeals of the leaders of Italian humanism with their critical thinking and intellectual boldness, people tried to rid of the feeling of "sinfulness" as well as of fears of the churchmen and began to realize their independence and self-sufficiency. Even a relatively weak humanistic flow proved to be enough to inspire the Reformation.

We would like to draw attention to the fact that ancient humanism is the answer to the main needs of so called "agrarian society", which was formed after the invention of new means of livelihoods in the Middle East and a small number of other places. It is practically universally known that its significant improvement took place in medieval Italy, which for several reasons became an economic and cultural leader in Europe. Classic Italian Humanism is the creation of a small group of educated and well-off people who, from the love of the Fatherland, actively studied the Roman-Latin heritage and tried to use

their achievements in new conditions. They first came to the conclusion that a man is an independent creature of God and obtained from him the right to the position between God and the environment.

At that time, Europe was a very active and contentious conglomerate of dozens of independent political units. This continuous competition has led not only to the acceleration of economic development and military-trade expansion for the most part of the land, but also to the evolution - even the improvement - of the concept of "humanism".

In German-speaking parts of the Europe where the industrial production was developing very fast they invented their own version of humanism. After a number of improvements and additions, a new version of European humanism - German neo-humanism - was created by the famous philosopher, philologist and statesman Wilhelm von Humboldt (1767-1835). During a brief period he radically reformed the state system of compulsory education and created a surprisingly successful Berlin Research University (1810), which quickly became an indisputable leader in the world. German neo-humanism has become an effective accelerator of state progress in economics, science, technology and military affairs. Thanks to the Prussian system of education and upbringing a citizen has become a personality who respected the European and national past, spoke several languages and had worldview based on the achievements of the exact sciences.

Unfortunately, the German political elite used its scientific and educational complex to settle scores with its neighbours and to create the sadly known patriotism of "true Germans". The active participation of Germany in the organizing of two world wars had catastrophic consequences in education and culture, devaluing neo-humanism as a national ideological achievement. Only at the end of the twentieth century the Germans managed to recognize the deep causes of state crimes, condemned Nazism and its principles of education, and now use neo-humanist-European neo-humanism (though without accentuating of the concept of "neo-humanism").

In general, the need to make conceptual conclusions from the disasters of world wars led to such positive results as the founding of the United Nations with its attractive charter provisions, a number of known world conventions, the rapid increase in duration of education, and among the negative - the unexpected aggravation of the competition between two military states, the Soviet Union and the United States. It is no coincidence that among intellectuals throughout the world an idea of some kind of association and joint action to stop the tendencies of a military or similar competition has appeared.

In the Western world, the organization and activities of the Club of Rome, a few dozen of whose members actually acted independently of any government, had an unexpectedly large positive effect. An Italian businessman and talented manager Aurelio Pecceya is considered to be the founder of the Club of Rome, which was supported by some influential

officials of intergovernmental organizations. The undisputed success of the Club of Rome can be explained by the accumulation of the "best brains" of the planet in it and the deliberate refusal to use their capabilities to support any particular state. It is not surprising that almost immediately the experts of the Roman Club declared about a very unpleasant fact: the planet has already deserted the path of positive "Promethean progress", since humanity is rapidly accumulating means of its complete self-destruction (the book "The Limits of Growth", 1972 [7]).

For the subject of the article, A. Pecceya's attempt to revive the best cultural, educational and scientific achievements of the pre-war Europe, which W. Humboldt and his followers formulated as "neo-humanism" is particularly important. However, he does so in a rather peculiar way - he does not mention at all the German-educated, scientific and humanistic achievements of the nineteenth century, nor the prominent philosophers of the past. But in general, his analysis, assessments and conclusions are undoubtedly correct and applicable even now: "A human being has conquered the planet and now must learn to manage it, understand the difficult art of being a leader on Earth. If the planet is aware of the complexity and instability of its current position and assumes some responsibility, if it can reach the level of cultural maturity that will enable it to perform this difficult mission, then the future will belong to it ... Only New Humanism is able to ensure the transformation of a man, to raise his quality and ability to a level that corresponds to the new ever-growing responsibility of a man in this world "[9, p.211]" .

Despite the Cold War, the most respected scholars of the leading rivals tried to support the humanistic paradigm as a means of protecting peace and upbringing in respect for the laws of ecology. For example, academician N.M.Moiseyev (1917-2000) is recognized throughout the world. He has become famous for the first precise quantitative predictions of the terrible consequences of the global thermonuclear conflict. Among the American humanists, "the palm of the championship" must be given to a professor-sociologist from the USA Paul Kurtz (1925-2012). His efforts have had a significant impact on the resolution entitled "Neo-Humanism: A Declaration of Secular Principles and Values - Personal, Social and Planetary," backed by dozens of representatives of the humanities and arts from different countries of the world (text [8] has 102 signatures). Significant achievements were made by P. Kurtz Institute of Science and Human Values. It should be noted that his personal qualities P.Kurtz got during the Second World War, taking part in the destruction of German Nazism and meetingi the first manifestations of Stalin totalitarianism.

The above mentioned "Declaration-102" can be considered as a significant achievement of Western humanistic thought. Our detailed study proved the great influence of P. Kurtz and the Declaration-102 on the revival of the concept of neo-humanism in the leading universities of the United

States and Russia. The declaration has many positive aspects, but it is not devoid of ideological shortcomings that stem from the contemporary ideas of Western scholars and politicians. This is a very important document, supported by the authority of UNESCO, therefore we recommend to use it in the process of higher education in Ukraine.

The intention to restore the ideas of neo-humanism can not be considered an exceptional achievement of Western-leaders. We paid close attention to the fact that the Asian variant of new ideas arose in India in the form of a peculiar world of this unique combination of mythical and realistic - the movement of Ananda Marga (The Way of Bliss). Let's point out an interesting fact: under the guidance of the preacher П.П. Sarkara (1921-1990), this movement reached a level of genuine neo-humanism and captured more than 100 states of the world. The US leadership and the press did not have much respect for the new doctrine, but some scholars and lecturers decided that it was advisable to recall the achievements of V. Humboldt, having initiated the process of a modest Renaissance-2 in the West.

The arrival of the new millennium was accompanied not only by the flow of various predictions of the future, but also by a high-tech revolution, with its computer and nanotechnologies leadership. There was a competition for leadership between ICT and nanotechnologies. In 2000 the Ukrainian scientist K. Korsak discovered a completely harmless to the biosphere and man microscopic group and in 2010 he proposed a successful term "**nootechnologies** (wise technologies)" and a number of derivative concepts - noosciences, noothinking, noophilosophy, noopedagogy and others. The scope of the article does not allow to specify several less promising alternatives for the use of concepts with the letters "noo-". by the other scientists. But their inventors (O. Anoprienko, G. Sikorska, R. Shindaulova) did not go beyond the harmful to the biosphere industrial technologies, and, unlike K. Korsak, did not propose ways to eliminate environmental and other threats to the existence of mankind. We tried to study this issue in recent publications, where the concept nooexicon was used [4; 5].

Drawing on the works of K. Korsak and his small scientific group, we propose a movement from the mentioned above forms of neo-humanism of the industrial period, to real noohumanism which is based on not harmful for the planet and human beings noobiotechnologies and nooprocesses. We propose the following definition for this promising concept: **noohumanism** - the paradigm of a nooscientific relation to a person, his status, importance, powers, aspirations, interests, power and other activities on the basis of the permanent achievements of the noosciences and nootechnologies in the social boundaries of the noosociety and in the space of the noosphere.

In addition we consider the reminder of the permanence of the nooscientific achievements as very significant, because through the joint work of millions of scientists and technologists the accumulation of up-to-date knowledge about nature and mankind accelerated. Their application to

education and tutoring means providing all those who deal with children and youth with the latest knowledge in nooconnectology, nooneuro-molecular biology, nooethology, noohistory and several other modern sciences, are especially useful for eliminating well-known educational and pedagogical problems: adolescent crisis, deviations in human development at different stages of life from the moment of birth up to the very old age, and others.

We consider noohumanism not only as an advanced world outlook and a philosophical paradigm that in modern conditions develops the achievements of predecessors. For the author, noo-humanism is an instrument for working with students of the Kiev Medical University, whose heterogeneous structure forces to use the latest scientific achievements of a universal character that significantly dominated over traditional classical and national psychological and pedagogical knowledge and methods. The author considers the noo-humanist influence and upbringing as the concentrated use of the latest scientific achievements of a large group of modern sciences in the study of a human being in general, and first of all of the general laws and peculiarities of the human brain and the entire nervous system.

A typical example of the application of the principles of noohumanism is our communication with students who have come to study from Muslim countries. All of them are guided by the provisions of the Koran, which, to a large extent, are far too different from those of Ukraine or Europe. Islamic culture and worldview are not at all opposed to the Indo-European ones in many respects, therefore in order to avoid emotional or other misunderstandings with Islamists, we refer to the facts relating to the thinking, emotions and human behavior that are accumulated by new precise sciences and can not be rejected or denied. Students perceive them not as cultural or other standards of Ukrainian or other European people, but as scientific laws and achievements, which have undeniable applicability both in medicine of the XXI century, and in the creation of their own plans for their medical activities.

We persuade students that to overcome the crisis in the development of the whole of mankind, to eliminate the danger of total collapse and even to overcome smaller problems is quite possible, if to rely on the principles of neo-humanism and replacing environmentally harmful industrial technologies with wise nootechnologies. Medicine of the XXI century is developing in a rather controversial way. The above mentioned V. Kazakov writes a lot about danger of the erosion of Hippocratic morality and other achievements of our great predecessors and the accumulation of undesirable phenomena in healthcare that can undo the positive influence of nanotechnology and nootechnologies.

As a serious part of these new dangers, we consider transhumanism - a young and quite rapidly changing complex of realistic and idealistic views, which proclaims as the main purpose the movement along the chain of "trans-human - post human - immortal humanoid". The framework of the article

excludes a detailed analysis of all this phenomenon, since there are a lot of monographs and significant publications on this topic as well as the flow of e-materials of various kinds ([1; 8]; etc.).

In general, its main variants are based on the bright prospects of using the NBICS technologies (a synergistic set of nano, bio, intellectual, cognitive and social technologies) that have to radically improve people and to turn them into more advanced human beings with virtually infinite life span. Usually it is believed that the movement of transhumanists goes from the American science fiction writer and futurist Fereydun Esfedyari (1930-2000). He chose the path of the philanthropist and honestly endowed people with positive hopes, looking for us all the way to happiness. It was he who introduced the term transitory human (in the attached content we choose the translation "transformed person").

Spontaneously several associations were grounded, more and more manifests appear. From the Intrenet and other sources, we learned about the World Transhumanist Association (The World Transhumanist Association). It was created in 1998 by only two leading Western scholars. The idea belongs to the Swedish philosopher Nick Bostrom who after throwing up the Stockholm University and choosing the theme of protecting mankind from the inevitable cataclysms, found favorable conditions in the British Oxford. There, along with local scientist David Piras,, enthusiastic about the idea of constructing a "technological paradise" through vaganism and other changes in people's behavior, launched new editions (the most important of them was a peer-reviewed journal "Journal of Ethics and Emergency Sciences".

At first the founders of the WTA and the magazine while looking for supporters made just simple statements then when they were heard by a lot of people they changed the name Humanity+ and created "Transhumanist Declaration" (<https://humanityplus.org/philosophy/transhumanist-declaration/>). We consider it important to give its original text:

Humanity stands to be profoundly affected by science and technology in the future. We envision the possibility of broadening human potential by overcoming aging, cognitive shortcomings, involuntary suffering, and our confinement to planet Earth.

1. We believe that humanity's potential is still mostly unrealized. There are possible scenarios that lead to wonderful and exceedingly worthwhile enhanced human conditions.

2. We recognize that humanity faces serious risks, especially from the misuse of new technologies. There are possible realistic scenarios that lead to the loss of most, or even all, of what we hold valuable. Some of these scenarios are drastic, others are subtle. Although all progress is change, not all change is progress.

3. Research effort needs to be invested into understanding these prospects. We need to carefully deliberate how best to reduce risks and expedite beneficial applications. We also need forums where people can

constructively discuss what should be done, and a social order where responsible decisions can be implemented.

4. Reduction of existential risks, and development of means for the preservation of life and health, the alleviation of grave suffering, and the improvement of human foresight and wisdom should be pursued as urgent priorities, and heavily funded.

5. Policy making ought to be guided by responsible and inclusive moral vision, taking seriously both opportunities and risks, respecting autonomy and individual rights, and showing solidarity with and concern for the interests and dignity of all people around the globe. We must also consider our moral responsibilities towards generations that will exist in the future.

6. We advocate the well-being of all sentience, including humans, non-human animals, and any future artificial intellects, modified life forms, or other intelligences to which technological and scientific advance may give rise.

7. We favour allowing individuals wide personal choice over how they enable their lives. This includes use of techniques that may be developed to assist memory, concentration, and mental energy; life extension therapies; reproductive choice technologies; cryonics procedures; and many other possible human modification and enhancement technologies.

The Transhumanist Declaration was originally crafted in 1998, modified over the years and adopted by the Humanity+ Board in March, 2009. [13].

We consider it logical that the the spread of the ideas of transhumanism in post Soviet countries has a certain delay. The Russians with their national organization "Russian Transhumanistic Movement" oriented on cryonics turned out to be the leaders (web-site <http://www.transhumanism-russia.ru/>).

The leader of its branch "Russia 2045" D.Itkov confidently promises cybernetic immortality by means of transferring the "entire content" of the human brain to a completely artificial body with the common name "avatar". For him the provision of immortality is a simple technical question of the periodic replacement of some details. In general, "Russia 2045" created its own "Transhumanistic Manifesto", which is larger than British and contains not seven, but ten points [8].

Without analyzing its text in detail let's emphasize the importance of the four words in the introductory part of the T-manifesto - "Transhumanism - the materialist philosophical movement." They testify that the Russians immediately separated from the "spiritual world" and from the beliefs of the majority of the Indian population where people believe in the eternity of the "Soul" and the infinite chain of its relocation from one temporary place of existence (body) to another.

The Russian "Transhumanistic Manifesto" clearly shows the fears of its authors of the inevitability of death, because the first seven provisions in

various versions repeat the belief that all other people are just as scared as they are and dream only of immortality. One can even say that the T-manifesto proposes the assertion of the identity of "happiness" and "very long life". By the way it is quite typical also for the Western countries to identify "progress" with a higher level of comfort and longer life expectancy.

From the publications of the transhumanists, we became convinced that they see "a posthuman" as a rational, and completely independent, oriented on "knowledge and perfection". However, human brain functions normally only in the process of continuous response to emotions and experiences. Therefore if a man loses the ability to act emotionally, it suffers and can hurt himself and others. Such clinical cases of complexity of the life of "sure rationalists" are well known in modern medicine.

If to look from an outside perspective on all the ado about the idea of artificial and technological improvement of a human being for the sake of "happiness and immortality" we can notice the phenomenon of "fondrayasing", i.e. raising money everywhere especially from the rich people. Most modern transhumanists at best remain dreamers, in the worst case become "collectors" of other people's money making promises to create miraculous medicines first, and the means to immortal life later.

That's how we are discussing such complex questions with the students of our medical establishment. We were lucky that after 2000, in the process of carrying out scientific research in cooperation with the Institute of Higher Education of the National Academy of Sciences of Ukraine, we were able to see the birth of the "sciences of the future" - a system of views on the possibility of creating environmentally safe and wise technologies that would save humanity. Studying the publications of transhumanists has shown that the discoveries of K. Korsak and his research group are still unknown in the West (including N. Bostrom and his colleagues). We joined the views of K. Korsak and selected a very promising concept for our study - noohumanism as an ideological basis for the development of higher education, the construction of a noosphere and a society of the future ([4; 5], etc.).

Our students with a bitter enthusiasm perceived the fact of the appearance and prospects of neotechnologies, noonuk and noomedicine. They almost instinctively felt that the "market" health model from the United States was not applicable to our modern conditions. They have already seen evidence that this model limits the creativity of a physician who becomes a manager of special private services. It destroys the national ethos of the medical sphere, removing it from the basic principles of European humanism and the Oath of Hippocrates.

Fortunately, the genetic archetype of thinking and behavior of Ukrainians as a whole is directed at the rejection of aggressive individualism; it is against the glorification of the achievement of wealth at any price, and so on. It is the main strategic direction of the educational and pedagogical activities of the author and colleagues at the Kiev Medical University at the

PUVVO because the high quality and true security of life for the whole society are possible only on the basis of respect for justice, kindness and decency.

As "Conclusions", we want to add to the last few paragraphs the statement that with the invention and the inevitable rapid improvement of "Artificial Intelligence (AI), mankind once again confirms the orientation of its technological evolution to the creation of means to enhance their bodily capabilities. A few million years ago, a piece of flint or obsidian in the palm of a hand strengthened the ability of teeth, nails and fingers, and the beginning of the XXI was marked by the invention of supremital AI as a "brain amplifier." All inventions eventually had at once two applications - pathic and military. The same thing happens with artificial intelligence, but this tool is still too primitive, and its ability in decades do not dare predict neither ICT specialists (as R. Kurzweil) nor professional futurologists. Unfortunately, none of them use the concepts of "nootechnology" and "nooscience", so we do not advise students to consider their predictions as "Truth" directing them only to technical and ICT indicators.

The true future of mankind is based on the nootechnology and the noosciences. We encourage students evaluating AI to use not only these "terms from the distant future," but also the combination of noothinking and national cultural and medical achievements.

## **Formation of the Meritocratic Scientific Elite of Ukraine in the Era of the Digital Revolution: Fragments of History and Contemporary Challenges**

At all times, the foundation of the emergence and development of nations and peoples at the most significant turning points of the history is the activity of a certain stratum of prominent personalities who, with their active actions, by hard work, inspiring the society for progress and the creation of new socio-political and economic formations. These prominent personalities forever remain deservedly in the memory of mankind as the driving forces of the historical development of states, nations and peoples. Within the framework of this work it is proposed to investigate the contribution of various prominent personalities, both in the field of scientific activity and in the field of industrial labor, which during the turbulent twentieth century created our present and changed the future of mankind. All these individuals undoubtedly created a well-deserved, meritocratic elite of nations from which they originated. The main goal of this article is the research in the historical retrospective of various options for creating an effective algorithm for the formation of a meritocratic reserve, both industrial, and the scientific, which will provide effective mechanisms for the implementation of the talents of the new generation of young scientists in Ukraine.

In order to fully and objectively study the process of formation of the meritocratic elite, it is proposed to get a closer look at the essence and definition of the categories - conceptual apparatus of the terms "meritocracy" and "elite".

We will first define the term "meritocracy".

The "Political Dictionary" provides the following definition of this term.

"Meritocracy (from the Latin *meritus* - worthy and Greek - *kratos* - power of the most gifted) is one of the elites concepts in western political science, the basis of which is the principle of personal service in the exercise of political power and social management. The supporters of the meritocracy proceed from the fact that in the basis of a scientific and technological revolution, persons with special abilities and virtues, high intellectual qualities and qualifications that meet provide the progress of the scientific and technological revolution should be governed."

"Wikipedia" interprets the essence of the term "meritocracy" as follows.

"Meritocracy (literally "the power of dignity", from the Latin *meritus* - worthy and Greek - *κρᾶτος* - power, rule) is the principle of governance,

according to which the leaders must originate from the most capable people, regardless of their social or economic origin. Used mainly in two values. The first meaning of the term involves the creation of initial conditions for objectively gifted and hard-working people, so that they in the future would have a chance to take a high social position in conditions of free competition.

The second meaning corresponds to the system opposite to the aristocracy and democracy, in which leaders are appointed from among the specially guarded talents.

The term was first used by English sociologist M. Young in the anti-utopia "Elevation of Meritocracy, 1870-2033" (1958), which describes a futuristic society where the social position is determined by the coefficient of intelligence (IQ).

Later in the term "Meritocracy" there was a different meaning, which was adopted by the supporters of the general equality of opportunities. In his book *The Future of Post-Industrial Society* (1973), Daniel Bell believed that meritocracy would eliminate bureaucracy, as well as change the social structure of society as a whole. Representatives of neo-conservatism in western sociology (Zbigniew Brzezinski) also maintained similar views. "

Regarding the definition of the term "elite" it is also proposed to refer to several sources in order to more accurately and objectively evaluate this social phenomenon.

In particular, Wikipedia provides the following explanation for this term.

"Elite" (from the French elite - the best, selected) in sociology - a small group of people who controls a most of wealth, privileges, political power or knowledge and skills in society. "

The "Political Dictionary" offers the following disclosure of the essence of this term and social phenomenon.

"Elite" - a social-philosophical and political science concept, according to which any society is divided into a "chosen" minority that manages the society, and the "unorganized" majority that is the object of governance. The modern concept of elites arose on the verge of the XIX and XX centuries. (V.Pareto, G. Mosca, J. Schumpeter, R. Michels, V. Lipinsky). Certain ideas, which are elements of the theory of elites, were expressed by Heraclitus ("the best person") and Plato (the reign of the aristocracy). The theoretical foundations of the concept of the elite form the position about the natural origin of the elite, its social functions, varieties, patterns of origin and evolution ("circulation of the elite"), the nature of the links "not elite" and "counter elite".

In modern political science, great attention is paid to the problem of "democratic elite", its place in the state. At the heart of elitism is the idea of innate human giftedness, the presence of such qualities that determine the ability to best perform power functions in society. Elite - a relatively small group of people, which is characterized, in contrast to the "mass", by

cohesion, homogeneity, leadership experience, developed interpersonal connections. The social base of the elite, as a rule, is made up of privileged sections of the population.

The ruling elites were rarely replenishment, from personalities who, as a rule, have completed prestigious educational institutions, integrated into the institutions of government (the monopoly of the elite).

In the structure of governance and social functions distinguish political, administrative, financial, scientific, military, ideological, technological, industrial, church, trade union elite. Theorists of elitism believe that their representatives are marked by the presence of special biopsychological qualities ("the cream of society" - Pareto, "blue blood" - Dontsov), in particular tricks ("foxes") and determination ("lions"), which help to carry out functions of manipulation and coercion. One of the main theses of modern elitism is the principle of the meritocratic (English merit - dignity, responsibility), and not the social nature of the "best" (G. Mosca, D.Bell). The existence of many elites generates the need for their consensus (balancing, complementing and deterrence). A vital need to ensure the existence of an elite is its ability to upgrade, rotation based on competition, otherwise the elite is doomed to degeneration that threatens social stability."

Thus, by analyzing the definition of these two terms and concepts, it is possible to draw a certain conclusion regarding: first, the direct link between these socio-political and philosophical concepts, and secondly, it should be noted that the term "elite" is larger in volume and includes and reveals the essence of not only meritocratic but also other elites, in particular political, administrative, financial, scientific, military, ideological, technological, industrial, church, trade unions and others.

Thus, for a more complete and objective analysis of the possibilities of forming a new meritocratic scientific elite of Ukraine at the present stage of its historical formation, it is proposed to analyze the fragments of the historical periods, most interesting, according to the author's article, relating to the formation of small, situational groups of scientific format, as well as the formation of entire social meritocratic strata, regardless of socio-political and economic formations, which served as a basis for the emergence and formation of these meritocratic elites.

### **Formation of the meritocratic industrial elite during period of the making of industrialization in the USSR**

Analyzing the issues of the motive social forces during the first five years during the years of industrialization in the USSR, it should be noted that the process of industrialization at the beginning of the existence of the young Soviet state was significantly accelerated and became possible only due to the emergence of such a phenomenon as socialist competition among the labor collectives of mines, plants and the factories that formed the basis of the Soviet economy of those times.

Certainly, the main driving force of this process was the meritocratic industrial elite, the formation of which was due to the corresponding socio-political and economic factors, such as the emergence of social lifts for representatives of the new industrial class of workers in accordance with the labor contributions of each, a powerful machine of party- bureaucratic and media propaganda, which brought to the all-state level previously unknown names and individuals, new communication links between representatives of the rulers party power and workers, which were provided through the press and the local branches of the party system.

Below is proposed to familiarize a few, in the article author's opinion, of the characteristic means by which the socialist party system of state power in the USSR carried on the social rise of some of the most prominent representatives of the working class in order to form a deserved (meritocratic) elite to accelerate the progress of the industrialization in the USSR.

In particular, it is proposed to analyze the influence of mass propaganda on the emergence of the social policy movement of the socialist competition in the USSR during the years of industrialization and the introduction of effective mechanisms for motivating the working class, for example, by raising the social authority of ordinary miners Nikita Izotov and Alexey Stakhanov, as examples of selfless, highly productive labor that stimulated the development of the Soviet economy.

In support of the above-mentioned theses it is suggested to get acquainted with the quotation from the collection "Innovators" under the general editorship of Y. Vasilkova.

"The glory of the miner Nikita Izotov began with the appearance of his article "My method" in the newspaper "Pravda" of 11.05.1932.

"I work 10 years as a miner in one of the largest mines of Donbass - at the Gorlovka mine №1," wrote Izotov. For several years I exceeded all the plans and tasks. Now day by day I execute 400-500 percent of the norm ...

While working on mine, I try to transfer my experience to others. For example right now I have a student Zolotarev ... He works for five days, but already has success."

It should be noted that Nikita Izotov was not only one of the prominent founders of the socialist competition among the labor collectives in the USSR during the first five years of industrialization, which definitely makes it possible to attribute it to the representatives of the meritocratic industrial elite of the socialist state, but also was the founder of the first in the USSR a peculiar school of miners, which he created on the basis of a specially selected section of the mine on which he worked.

Izotov school was based on the three rules: 1. The school has always worked on the most backward section of the mine; 2. The composition of the school was variable, based on the principle of rotation, as soon as the lagging miner increased the rates of coal production - he immediately transferred to another site, thus transferring gained knowledge and experience to his new

colleagues at work; 3. Any lagging worker from any part of the mine, at his request, immediately transferred to Izotov school.

Thus, Nikita Izotov entered into the history not only as a worker-innovator, who gave impetus to the development of labor competition during the construction of a fundamentally new socialist state, but also certainly one of the founders of the mentors movement in industry, which created the necessary basis for the formation of future meritocratic labor elites in the USSR.

By the way, it should be noted that this historically grounded concept of acquiring labor skills directly in production is being actively implemented now in Ukraine within the framework of the program of "dual education".

Thanks to the intensified work of the socialist propaganda machine and its main speaker during the period of industrialization-collectivization - the Pravda newspaper, fame about achievements of Nikita Izotov and his followers had spread far beyond the Donbas. There were appeared "Izotovtsy" of the metallurgical, petroleum industry, machine building, "Izotovtsy" of construction, transport, agriculture.

At the Dzerzhinsky metallurgical plant began to hold "Isotov Days". The best workers, who achieved outstanding results - steelmakers, gas engineers, machinists reported on how they mastered the skills of handling machinery.

At the Kharkov plant of agricultural machines "Sickle and Hammer", one of the advanced brigades of molders declared itself "Izotovskaya" and took the patronage of brigades that had lower production rates.

Also, it is proposed to get acquainted with the propaganda-political methods used by the Soviet party state machine, due to which the high social status and authority of the next hero of the Stakhanovsky-Izotovsky movement - Alexey Stakhanov - was ensured.

In further a quote from the above-mentioned collection "Innovators": "On 02.09.1935 in the newspaper "Pravda" an article with the following contents appeared: "Kadiivka miner of the mine "Central-Irmino" comrade Stakhanov, in commemoration of the 21st anniversary of the International Youth Day, put a new all-union record on labor productivity by work on jackhammer. During the six-hour shift, Stakhanov gave 102 tons of coal, which is 10 percent of the daily mine production, and earned 200 rubles. Comrade Stakhanov overtook the unsurpassed masters of coal - Grishin, Sviridov, Murashko."

Earlier such indicators could not be achieved.

In the first half of 1935, the average change in the productivity of the miner by work on jackhammer in the Donbass was 6.7 tons. The records for the extraction of coal for change belonged to the miner Sviridov from mine № 10 «Artem» - 40 tons, Murashko from the mine «Red Proinfintern» - 50 tons, Grishin from mine № 4/2-bis «Irmino» - 85 tons. Their names were named in the article of the newspaper Pravda.

Alexey Stakhanov's name never earlier appeared on the pages of Soviet newspapers.

Sergo Ordzhonikidze, the People's Commissar for the Heavy Industry of the USSR in 1932, having read the article in the Pravda newspaper about Stakhanov, immediately called by phone to newspaper's editorial staff with the requirement to motivate the industrial workers with a series of articles on the achievements of Stakhanov. This led to the emergence of one of the most massive socialist competitions, which was named after its "discoverer" - Alexey Stakhanov. Following Stakhanov in the Donbass, dozens and hundreds of coal miners came out for a record.

The Pravda newspaper immediately prepared and published a series of articles calling for the development of the Stakhanov movement, and the miner's competitions for the greatest productivity began, which gradually turned into the all-state miner's movement. It should be noted that Alexey Stakhanov was helped in established of the labor record by the team of the best assemblers of the mine area, where the record was set, namely the workers Shchigolev and Borisenko. Stakhanov during the establishment of the record whole shift was performing the cutting of coal, and Shchigolev and Borisenko fixed the worked out space.

Thus for the first time indicators of coal felling were significantly exceeded, not only due to the enthusiasm of one miner, but also due to the coordinated work of his team.

Achievements of the Stakhanov-Izotov movement were highly appreciated in the speeches of the top leadership of the USSR at the XVII Party Congress in February 1934, in particular by the chairman of the AUCEC G. I. Petrovsky, and also a member of the Presidium of the CEC of the USSR N. M. Shvernik.

Thus, in the above-mentioned examples of the formation of separate representatives of the meritocratic industrial elite in the USSR during the first five-year period of industrialization, it is possible to identify the basic principles and mechanisms for constructing a new generation of meritocratic strata of the workers, which became the main driving force behind the construction of a socialist state, namely:

1. Total use of instruments of propagandist influence on society, on all levels, beginning from regional and ending an all-union level, foremost using the main speaker of state propagandist machine - newspaper "True".

2. A grant of different of communication platforms to the front-rank participants - workers of Stakhanov-Izotov movement is for advancement and propaganda of ideas of socialist emulation.

3. Creation of base mentor's institutions, that pawned bases of transmission of labor experience and skills to the next generation of workers, which also assisted the increase of productive indexes of colleagues on a workshop.

4. State support of propaganda of achievements of the best representatives of socialist contest on the level of supreme guidance.

**“The Manhattan project”: features of the formation of a scientific meritocratic pool, problematic issues**

Within the scope of this study, it is also proposed to address and analyze the various aspects and issues that arose during the integration of prominent scholars within the framework of the so-called "Manhattan Project", a state program of the US Government during Second World War, which became the basis for the creation, as nuclear weapons, and the use of a "peaceful atom" in the postwar years, and forever changed the concept of warfare throughout the world.

For a more complete and objective understanding of the organizational and structural elements of the "Manhattan Project", it is suggested to refer to the reference information on Wikipedia:

"Although the Manhattan Project has involved more than thirty different research and production centers in collaboration, it has mostly been carried out in three secret scientific cities: Los Alamos, New Mexico, Oak Ridge, Tennessee and Henford, Wash.

The location in Tennessee was chosen because of the large amount of cheap hydroelectric power needed to enrich uranium in giant magnet of ion separation. Henford was chosen due to the location near the river with water supplies to cool the plutonium reactors. The selected places were far from the coast outside the reach of a possible hostile attack on the part of Germany or Japan.

The Los Alamos National Laboratory was built on a flat top of the mountain, at the location of a former private school for teenage boys. In addition to the existence as main "think tank", Los Alamos was responsible for the final phase of bombing, using mainly materials and components made elsewhere. Los Alamos's own products included enclosures, explosive lenses, and the production of core bombs from materials that are suitable for splitting."

It should be noted that the head of the "Manhattan Project" was appointed Colonel of Engineering Troops Leslie Groves, the scientific project manager - Robert Oppenheimer, a prominent American physicist of German origin.

And now, it is proposed to give the floor to the journalist Vsevolod Ovchinnikov who carried out a thorough analysis of various aspects of the "Manhattan Project", which was reflected in his research work entitled " Hot ashes. Chronicle of a secret race for the possession of nuclear weapons."

"The Manhattan project was conceived with magnitude. According to Groves, as already mentioned, two billion dollars were given. When it was difficult for scientists to choose which of the ways to create an atomic explosives would preferable - whether to go on a path to enrichment of

uranium-235, or build reactors to accumulate plutonium in them - the Pentagon solved their doubts very simply. It was decided to do both at once.

Groves believed that the scale of the project required to connect to its implementation of the largest industrial concerns. Corporation "Union Carbide", which has long been supplied the military department with explosives and poisonous gases, had been engaged in the construction of a uranium-235 enrichment plant.

In the Valley of river Tennessee, the city of Oak Ridge, with eighty thousand inhabitants, arose. The experimental base for the Oak-Ridge plant served the Ernest Lawrence Physics Laboratory at the University of California at Berkeley.

Another secreted city - Henford, with sixty thousand inhabitants, grew up in a barren desert on the south bank of the Columbia River. Enrico Fermi led the design and construction of industrial reactors for the accumulation of plutonium.

Contract for the construction of these companies, Groves handed over to "DuPont", one of the founders of gunpowder production in North America.

Theoretical studies and experiments related to the "Manhattan Project" were conducted at the Metallurgical Laboratory in Chicago, as well as at the Harvard, Princeton, and Berkeley Universities.

Oppenheimer soon came to the conclusion that it was necessary to combine the efforts of various groups of scientists and to concentrate them in one place. Groves initially treated this idea with caution. He preferred that each participant in the project knew only the task entrusted to him and remained in complete ignorance of everything else.

Oppenheimer did not deny that major industrial facilities, like the factories in Oak Ridge and Henford, were designed, built and operated completely independently and even secretly from each other.

But at the same time, he considered an important condition for the success is free communication of scientists, the opportunity to jointly overcome the difficulties that arise.

In the end, Groves reluctantly to agree to the creation of such a scientific center, having decided to place it in some remote place, where scientists would be easier to isolate and keep in control."

Leslie Groves himself, in his own research entitled "Now it's possible to tell about it. The History of the Manhattan Project" devoted to the history of the "Manhattan Project" notice:

"The goal set before the Y project (so-called bomb-making work) was unparalleled in history. She demanded the dedicated work of engineers, metallurgists, chemists, physicists, as well as military personnel (some of them had to use manufactured weapons in combat conditions). And until the project implementation has not started significantly, it was generally difficult to imagine what the most difficult problems might have occurred when working in Los Alamos.

Therefore, the timetable for the implementation of individual sections of the project was simultaneously both certain and uncertain. The bomb was supposed to be ready after receiving a sufficient amount of dividing material, but when it would be happened, nobody could not say.

In search of an organization capable of doing this work, I carefully selected various firms and research institutions with research experience which were be uploaded not so much that it did not allow them to fulfilled our work. The most appropriate organization was the University of California. It cannot be said that the university's leadership with great zeal has joined us, but in the end it was agreed.

This happened after I convinced Robert J. Sproul (the president of the university) that the university's participation would best solve our main task. The nucleus of the Los Alamos organization consisted of different groups of scientists who worked in Berkeley under the direction of Oppenheimer. It was reinforced by a number of people involved by Conant, who as a president of the NDRC and the president of Harvard University had a tremendous influence.

The problem of attracting worthy people was very complicated, as the scientists of the country were fully engaged in important defensive works. As civilians, scientists had complete freedom to choose work, so we had to persuade they to move to us, especially since this transition was associated with the inconvenience of isolation and the constraints that arise from the grounds of secrecy. Many of those we was needed were accustomed to living in cities or in the outskirts of metropolitan centers, and the prospect of life in remote, deserted areas seemed to them to be very uninteresting. Especially a lot of trouble was brought to us by engineers and technicians, although they did not have to live in conditions of strict isolation."

It should be noted that, prior to the Second World War, the question of the possibility of creating a nuclear weapon, scientific and theoretical research in the field of nuclear physics, were involved not less prominent scholars from European countries, such as Frederic Joliot Curie, Hans von Halban, Lev Kovalsky in France, which worked at the department Nuclear Chemistry at the College de France. In Germany, similar studies were carried out by physicists Otto Han and Fritz Strassmann. In the United States worked at this sphere, as already noted by Robert Oppenheimer, Enrico Fermi and Leo Szilard.

But why it was during the "Manhattan Project" that phenomenal success was achieved?

In the authors of the article opinion, the reason lies not only in the generous funding project by the United States government, but also in synergy, combining the intellectual potential of outstanding talented scientists under the leadership of Robert Oppenheimer, the successful combination and collaboration of scientists and the corporate sector, which made a significant contribution, in the first place by providing material- a

resource base for conducting the necessary research. As well as use of the results of scientific research of others, first of all European scientists, which were given to scientists of the "Manhattan project" by the US government too.

It is also proposed to draw attention again to the problem questions were faced before the organizers of the "Manhattan Project":

1. Lack of proper means of communication between the structural-organizational elements of the "Manhattan Project".

2. Lack of the possibility of attracting a scientific meritocratic reserve in the field of nuclear physics from other countries, in particular European, which was also caused by poorly developed means of global communication and the presence of political contradictions of the wartime.

3. The need for scientific research in the atmosphere of strict control and observation for the individual scientists and the scientific community as a whole, which clearly prevented the legal protection of intellectual property of individual participants in the "Manhattan Project".

4. The obligation of scientists to work remotely from their place of permanent residence, which, according to the author of the article, had a negative impact on the moral and psychological state of the research team.

5. The problem of attracting a scientific staff who worked in other research projects taking into account the military situation at that time in the United States, which could also be successfully solved in the presence of modern means of communication.

### **Modern perspectives of forming the meritocratic scientific elite of Ukraine in the paradigm of the digital revolution**

For a more complete and objective analysis of the current state of Ukrainian science in the context of the ongoing digital revolution, it is suggested first to draw attention to the thoughts and visions of several prominent scientists-innovators in the initial era of the formation and development of world-wide communications facilities, in particular the global digital web - Internet.

The first in this large list of prominent personalities is undoubtedly Vannevar Bush, a professor at the Massachusetts Institute of Technology, a dean of the engineering school of the Massachusetts Institute of Technology, who during World War II was the main military advisor to the administration of US President Roosevelt. The biggest innovation introduced by Bush was his plan, which suggested direct contracts with universities and industrial research centers, instead of the creation of new government laboratories.

After the end of the war, in July 1945, Bush prepared an analytical report to US President Roosevelt in which he spoke for funding from the state budget for fundamental research that was to be conducted in conjunction with universities and industrial enterprises.

"The result of fundamental research is new knowledge," wrote Bush. - It is a scientific capital and is the source from which to draw the practical use of knowledge."

Also, V. Bush said: "New products and new processes do not appear immediately in the finished form. They are based on new principles and new ideas that, in turn, appear as the result of scrupulous work in the fields of pure science. In a country that depends on others in the new fundamental areas of knowledge, technical progress is slowing down; this country loses competitiveness in world trade ... The successes of science, if transferred into practical space, mean more jobs, high wages, shorter working hours, more abundant harvests, more leisure time, more time for rest, more time to learn to live without hard excess work, which in recent years has been the fate for the common man."

Thus, if we analyze the statements of V. Bush, it is possible to draw the following conclusions:

1. The state should finance the development of fundamental research that forms the theoretical-cognitive basis for applied science.

2. It is necessary to create direct communications between the state in the person of the respective state bodies generating strategic goals of the development of the national science and universities and industrial research centers with the purpose of realization of fundamental research in the applied format.

Also, analyzing the contribution made by scientists who laid the basic theoretical principles on which the Internet network operates, it is not possible to bypass the next prominent figure of the scientific world, namely Joseph Carl Robnett Lycklider, a psychologist and prominent digital technology specialist, which is the author of two basic principles on which Internet network was founded. This is primarily the principle of decentralization of the network, which involves the dissemination of information flows in the network in any direction, and secondly the availability of a communication interface, which provides the possibility of interaction of the user and the personal computer in real time.

These basic principles for building the Internet were disclosed and explained in the author's article by J.C.R. Lycklider, entitled "Symbiosis of Man and Computer," which was published in 1960.

In his article, Lycklider said: "The hope that not many years will pass, and the human brain will be closely linked to the computer. As a result of such a partnership, it will be possible to think in the way that the humans brain were never succeeded, and data processing will take place in a way that is unattainable for devices operating with information today."

Concerning the creation of the communication interface for complementary interaction between man and computer, Lycklider wrote: "People are outlining goals, formulating hypotheses, defining criteria and making assessments. Computational machines perform routine work, which

is required in order to become possible to penetrate the essence of the phenomenon and make the right technological and scientific decisions."

And finally, it is also proposed to mark the significant contribution made by the next "founding father" of the Internet - Douglas Engelbart, who on December 9, 1968, in San Francisco, made a presentation (which later received the second name of "mother of all presentations") of his author's system of intelligence enhancement oNLine System, or NLS, which has forever entered the history of digital technology and has become the basis for many innovations that have found their use in the future.

In particular, during the presentation D. Engelbart proposed a fully functioning prototype of the computer mouse and presented the following revolutionary at that time software samples, in particular: the placement of several functional interactive windows on the monitor screen, computer graphics, electronic editions, online magazines in format blogs, email, messenger, hyperlinks, video conferencing like «Skype», as well as the ability to edit documents, including multiple users at the same time.

Undoubtedly, the contribution to the development of digital technologies of this ingenious personality - it is difficult to overestimate. D. Engelbart significantly ahead of his time, at least for decades.

Thus, after analyzing the basic principles of global digital network - Internet are developed by prominent innovators V. Bush, J.C.R. Lycklider, D. Engelbart and others, it is possible to formulate a number of effective proposals, according to the author of the article, for the construction of a new meritocratic generation young scientists of Ukraine, widely applying the possibilities of digital technologies and using the principles, means and methods of building the meritocratic elites of the past which was investigated in this article, namely:

1. The creation of a digital global telecommunications platform (hereinafter - the Platform), which will become a peculiar platform for fundamental and applied scientific researching to custom from the representatives of the state and non-governmental corporate industrial sectors. The aforementioned Platform should be based on the one from basic principle of building the innovative system "Blokchain" - the principle of decentralization of data.

2. To provide unimpeded access to the services of the above-mentioned Platform of scientists, irrespective of their scientific rating and status, determined by the state authorities, previous achievements and received regalia, that is means that anyone - starting with a student to professor should have access to the services of this Platform.

3. Among the services of the above-mentioned Platform is proposed to allocate the following:

- instant fixing of patents for innovative solutions and inventions in several parallelly created databases, including the database of the World Intellectual Property Organization (Geneva);

- the possibility of initiating the creation of virtual groups and adding to those groups who are already engaged in one or another scientific research, any person who is interested and has experience or suggestions in this area of scientific work;

- the possibility of organizing, at any time, an interactive contact between the participants of the created group, engaged in one or another direction of scientific research, located in any part of the planet;

- the possibility of direct receipt from the customer of payment for research carried out by the executor of works.

4. Creation of a resource-communication centers system throughout the country, possibly in the form of coworking clubs, whose main goal is to: create the appropriate conditions for the realization research potential of young graduates graduating from higher education institutions, regardless of their social or personal status.

5. Creation of a powerful network of mentoring on the basis of the above-mentioned resource-communication centers for the purpose of consultations and scientific-theoretical support of young scientists.

6. Creation of research institutions directly on the basis of organizations industrial-production profile with the provision of unhindered round-the-clock access to the services of the above-mentioned Platform.

7. The main principles of constructing the above-mentioned Platform and scientific-research institutions should be the principle of decentralization, relating as about the placement of research results in databases of the above-mentioned Platform, as well as locations of scientific-research institutions which not necessarily have to be located in the industrial-production territory of the corporation-customer of scientific research and the principle of interactive communication of representatives of the scientific and corporate sector too.

Thus, gradually, the strata of the best representatives of the scientific community among the new generation of researchers and inventors (the new scientific meritocratic elite of Ukraine) in the process of cooperation between the corporate and scientific sectors will be distinguished and formed, which will create a powerful foundation for the restoration of the national economy on the basis of modern principles, will open new ones opportunities and prospects for the creation of the industrial base of Ukraine of the XXI century.

Making conclusions also offers an overview of the future prospects for the development of the Internet, that expressed in two global corporate programs «Starlink» and «One Web».

"Wikipedia" regarding the "Starlink" program reports the following:

"Starlink" - a project by the American company "Space X" for the development of an inexpensive and high-performance satellite platform for the production of communication satellites and the launch of a large number of them (constellation) into space. The new communication system thus created will be able to provide access to broadband (high-speed) Internet in

remote areas of communication. For this, the system must be supplemented with ground transmitters.

The project began in 2015, and the first two satellites were successfully launched in the test flight on February 22, 2018 by a "Falcon 9" missile. Launching other constellation satellites will begin no earlier than 2019-20 years. Until mid-2020, "Space X" plans to send about 12,000 satellites to certain orbits.

According to "Space X" data, 57% of people on Earth are lack to access to the Internet. The emergence of a communications satellite network from "Space X" was officially announced in January 2015. Its estimated ability to transfer Internet traffic from its full size is 50% and 10% - in large, densely populated cities.

In March 2017, "Space X" shared plans to form a constellation of "V-band satellites that will be located in non-geosynchronous orbits to provide communication services" in the electromagnetic spectrum, which had not previously been "widely used for commercial communications. "It will be called the "V-Band Constellation" (VLEO) and will consists of 7518 satellites that will follow the previously announced 4,425 satellites operating in the Ku and Ka ranges. A larger group (7'518) will be launched into an orbit with a height of 340 km, and a smaller (4'425) - will work at an altitude of 550 and 1'200 km."

The construction and functioning of the "One Web" global telecommunication system are similar.

So, in summarizing, it should be noted that the creation of a global digital platform for collaboration and cooperation of the scientific and corporative sector proposed in the framework of this study has prospects not only within our country, but also with a gradual increase in the Internet access will open new opportunities and prospects for young scientists from all over the world to join in the research, creating the scientific and technological basis of the next stage of scientific and technological progress.

## **Conclusions**

Thus, in the framework of the conducted research, the author analyzed the basic methods, means and principles of the formation of the meritocratic industrial elite in the USSR during the first five years of industrialization in the 30 years of the twentieth century. Also, the analysis of the main aspects and problems of the formation of the meritocratic pool of scientists who worked on the implementation of the "Manhattan Project" was conducted.

Were determined the main key figures that laid the theoretical and applied foundations of the global Internet network are identified the challenges and perspectives faced by the scientific community in the era of new opportunities provided by the ongoing digital revolution at its present stage, proposals have been made regarding the formation of a meritocratic reserve of young scientists in Ukraine in the framework of global cooperation

with scientists from other countries on the one hand and the corporate sector on the other, based on the opportunities provided by the global digital network - the Internet.

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## Ship Navigation in the Northern Part of the Black Sea. Gales

In the Northern part of the Black sea there are such large sea ports as Odesa, Chernomorsk (Ilyichevsk), Kerch, Novorossiysk, Sevastopol, etc. This is an area of intensive shipping. This area is often affected by gales, especially from the North-East and East. Gale is the main factor limiting the work of Maritime transport. Storms on the Black sea has a significant danger, as sometimes reach exceptional strength. There are frequent cases of damage and even wreck of ships at sea. Losses from one particularly dangerous storm can amount to loss of life and millions of losses. So, in 2008 off the coast of Bulgaria cargo ship "Leo Tolstoy" sank. The year before when entering the Kerch gut a several vessels wretched – bulk carriers, tankers. Due to a strong storm on January 7, 2019 in the Black sea, 140 km North of the Turkish port of Samsun, the cargo ship VOLGA BALT 214 sank. The waves broke the ship in half. In all cases, people were killed. Certainly not only weather should be blamed for the tragedies. But the absolute factor is that the wreck of ships occurred in stormy weather. Skippers should have information about the wind regime in the navigation area. The wind itself has a large dynamic load on the ship. It is proportional to the velocity squared of the wind and it is greater depending on the sailage of the vessel. But most importantly, the wind creates waves, creates stormy weather. Navigators should have an idea of how long a storm can last, what speeds and what directions winds could be in a given period of the year; which areas are particularly dangerous. Performance characteristics of wind must be considered when planning the sailing and when analysing the navigation of the ship. Wind characteristics should be taken into account when choosing a place for mooring, when planning loading and unloading operations in ports, bays and on external yards, in the production of hydraulic works in the coastal and shelf zones.

The most common and decisive factor in the formation of the shallows of the coasts, is foul. Causing the wave motion of water masses, the wind determines the energy transmitted to the sea, causes the negative surge and storm run-up, leading to a violation of the operation, and sometimes to the destruction of hydraulic structures. Sea-level surges play an important role in the practice of navigation. So, while offshore winds the water in the port area of the Black sea retreated from the shore, that led to the unfitness of the shallow berths. Therefore, it is important to know and take into account the repeatability, continuous duration of surge and offshore winds in different directions. All this points to the need for comprehensive studies of wind characteristics.

**Analysis of recent publications.** The study of the winds of the Black Sea and especially its northern part received great attention at all times. In the work [1] as a result of the study of storm activity in the North-Western

part of the Black sea for a long period (70 years in Odesa and 30-40 years in other places), the assumption is made about the recurrence and duration of gales. Under the "gales" refers to the criterion adopted in the weather service - the wind speed over 15 m/s.

Of the most significant recent publications should be identified Kabatchenko I. M. [1, 2], in which the characteristics of the wind are considered on weathermaps. These are not actually observed values of the wind, but the results of calculations of the wind on the baric field. The author notes that "the archive of weathermaps for the open areas of the Black sea [obtained] regime functions of the distribution of storm wind speeds." For open sea areas, this is practically the only option for obtaining information, as is known, meteorological observations on the main sea are not currently being conducted. Observations on ships are carried out only in exceptional cases. The information obtained from the analysis of weathermaps is very approximate, since the maps themselves are constructed by extrapolating data from the coast. However, if the data obtained from the weathermaps can be used far from the coast, it is necessary to have more accurate and detailed information about the wind regime when approaching the port. It is known that the pressure field is a smoothed characteristic due to the peculiarities of the change in pressure in the atmosphere. The pressure in space changes smoothly. And nevertheless there is a clear relationship between the wind field and the pressure field, the wind at the coast from point to point can vary greatly. In General, weathermaps give a pressure field at a fixed height - the calculated height of the sea level. The wind regime on land is determined not only by the pressure field, but also by the orography of the place. On the weathermaps orographic features is not visible. The hydrological features, and the influence of the configuration of the coastline, the height and steepness of the slopes, their directivity cannot be detected, that is, all that creates local features of the wind regime. Thus, working with weathermaps is a priori filters out local features of the wind regime off the coast. In addition, weathermaps are issued 4 times a day (00, 06, 12, 18 hours GMT) with an interval of 6 hours between observations. Observations at meteorological stations are carried out in 3 hours. It is clear that much more accurate characteristics of the wind regime can be obtained by analyzing the data of actual observations of the direction and speed of the wind.

Issues of continuous and total duration of gales in different regions of the Northern part of the Black sea and in different time periods have not been considered to date.

**Goals and objectives of the study.** The purpose of this work is to determine the continuous and total duration of gales in different areas of the Northern part of the Black sea. Gales are generally accepted criteria for wind speed-winds of 15 meters or more per second.

The objectives of the study included the collection of observations, determining the directions of surge and offshore winds for individual ports,

the calculation of the total and continuous duration of surge and offshore winds and their probabilistic characteristics, the determination of the maximum speeds of different directions.

**The main material of the study.** In the present work used selections from the diaries of the weather from hydrometeorological centre of Sevastopol, Odesa, Ochakov, Khersones, Novorossiysk during the 12-year period (1977 -1988.). These were observations that were carried out every 3 hours, that is, during the day 8 observations were made. The length of the series for each item was more than 35,000 members (observations). A thorough analysis of the initial data, assessment of their reliability and homogeneity was made. Detailed information and a large amount of observations allow us to consider the findings obtained to be reliable.

Analysis of the materials used showed that weak and moderate winds prevail throughout the year, their frequency is 80-90%. The frequency of significant ( $\geq 10$  m/s) winds in the study area is 7-17%. The object of study in this paper are strong ( $\geq 15$  m/s) winds. They are not often observed, but they are associated with storms at sea and adverse processes off the coast.

The number of days with gales in the Northern part of the Black sea is shown in the table.1.

Table 1

**Number of days with strong wind**

	Odesa city	Ochakov	Khersones	Sevastopol	Novorossiysk	Total
Number of days in all years	183	127	391	122	516	1342
Average per year	15.5	10.6	32.5	10.2	43	112
Rates	13.86	29.14	9.46	9.09	38.45	100

Although the absolute value of this applies only to the period of years considered in the work, qualitatively it shows how windy is this or that area of the coast. The windiest in the Northern part of the Black sea is the port of Novorossiysk. On average, there are more than 40 days in a year when gales are blowing. This accounts for almost 40% of all strong winds in the North of the Black sea.

The wind regime in the ports is formed under the influence of atmospheric circulation and orography of the coastal part. In winter, the circulation of the atmosphere is determined by the interaction of the anticyclone crest over the South of Ukraine and (or) North of Novorossiysk and relatively low pressure over the warm Black sea. In summer, the area of relatively low pressure spreads over Ukraine, and over the black sea areas the pressure is higher.

In the Black sea there are no peninsulas deeply outstanding in the sea and there are relatively few bays. The largest one is the Odesa Bay. Adjacent to the Gulf of Odesa, the Black Sea Lowland, part of which consists of inter

liminal spaces, is a steppe lowland which slopes slightly towards the sea. On the coast of the sea the lowland ends with steep cliffs up to 40 - 50 m height

Much of the black sea coast is mountainous. To the North and North-East of Novorossiysk there is a mountain range which plays a major role in the occurrence of a surge wave there in winter - very strong northeastern winds. In Novorossiysk North-easterly winds dominates. This is due to the circulation and orographic features of Novorossiysk. Mechanisms of occurrence of surge wave in the area of Novorossiysk are as follows. Under the appropriate synoptic conditions, cold air passes through The Markhot pass (here during the surge wave the average wind speed often reaches 50-60 m/s) and by passing along the slope, falls with great force on the Tsemess Bay.

The average number of days with surge wave per year is more than 40, of which 31 days are cold (especially often in November-December). Every year in Novorossiysk there is a surge wave with a wind speed of up to 34 m/s. the temperature in winter when the surge wave drops sharply, sometimes falling below  $-20^{\circ}\text{C}$ .

The destructive effect of the surge wave on the coast is enhanced by the fact that strong gusts of wind spray the water in the Bay, which is freezing, forms ice of high power, covering the icy crust of the ship, standing in the Bay on the pier, embankment, Telegraph poles, trees, cars, houses. There were cases of ships deluging under the weight of icing. Usually surge wave lasts a day, but there are cases when it lasts 2-3 days, and sometimes up to a week with small breaks. It is noted that surge wave in winter in the open sea surge wave does not extend beyond 10 km from the shore. Thus, when the surge wave in Novorossiysk becomes catastrophic, the vessel is preferable to be at sea at a distance of several more than 10 km.

In the area of Sevastopol, the sea coast, located to the north of the city and port, is part of the Crimean mountain range. Here, the coastal part of the mountains very steeply descends to the sea, forming an extremely narrow strip of the beach, which disappears already with a swell of 3 points. Sevastopol is sheltered from the northern winds by the Crimean Mountains and protected from the southern winds, since it is located in a closed bay. Therefore, there the number of days with the wind more than 15 m / s is small.

In Ochakov, too, there is a small number of days with strong wind. Ochakov, by being in the lower reaches of the Dnieper estuary, is closed at the south from the Black Sea winds.

Khersones can be associated with the open sea. In the open sea, winds are stronger and are observed more often than off the coast (with the exception of Novorossiysk).

The study of the regime of gales shows that their total frequency (days) varies widely - from 15 days on average to 22 days in Odesa and about the same in Ochakov, least of all in Sevastopol (average number of days is 10,

maximum -17, port protected from wind), most of all in Novorossiysk - an average of 43 days with gales, a maximum of 52 days, less than 28 days with no winds at all (Table 2).

Table 2

**Average monthly and annual total wind repeatability, speed  $\geq 15$  m / s (days)**

Ports	Months												year
	1	2	3	4	5	6	7	8	9	10	11	12	
Odesa city	1.6	2.3	1.1	0.9	0.7	0.4	0.6	0.9	0.9	1.6	2.1	1.9	15.2
Ochakov	0.6	2.0	0.6	1.2	1.2	0.6	0.3	0.6	0.4	0.7	1.3	1.1	10.6
Khersones	4.4	3.6	3.3	2.6	1.7	1.1	0.9	1.1	1.6	2.9	4.0	4.7	32
Sevastopol	0.9	2.0	1.2	0.6	0.7	0.3	0.3	0.2	0.7	0.6	0.8	1.6	10.2
Novorossiysk	5.2	6.4	6.3	2.2	1.6	0.7	1.0	1.8	2.9	5.7	4.2	5.0	43.0

The total duration of gales on average for the year is about 115 hours in Odesa and half in Ochakov (table. 3). The shortest duration of gales in Sevastopol is about 45 hours per year. The longest duration of winds is more than 15 m / s in Novorossiysk. The average for the year is about 500 hours.

Strong gales in the Northern part of the Black sea, as expected, are observed mainly in the cold season. In the cold period, pressure gradients increase and, accordingly, wind speeds increase. During the summer months, strong winds in the northern part of the Black Sea are not observed. Thus, in Ochakov and in Sevastopol in July, a wind speed of more than 15 m / s is observed on average once every 3 years. In Odesa, in the summer months, wind speeds only once every two years can reach storm values. In the open sea (Khersones) and in Novorossiysk, there is practically no single month that storm winds do not blow there. In the winter months in Novorossiysk, 5-6 days, a quarter of a month, gales blow. In the open sea, there is a more even distribution of gales - is from one day in July to about 5 days in December. These are average for the considered period by day characteristics. It is interesting to find out what is the duration of a gale in hours. The average for months and for the year the total duration of the wind, with a speed of  $\geq 15$  m/s in hours is given in Table 3.

In Odesa, a gale in the summer is observed for 2-3 hours, in the winter months its total duration can reach up to 15 and even 18 hours (February). In the open sea, gales blow from 7 hours in the summer to 30 hours in the winter. In Novorossiysk gales are very common. In general, gales blow about 500 hours a year. In the winter months it is up to 90 hours, it's minimum is in July-5 hours. by month and year the total duration of the wind speed  $\geq 15$  m/s (hours).

General conclusion-gales in the Northern part of the Black sea prevail in the cold period of the year. However and in other seasons catastrophic winds

are possible. Cargo ship "Leo Tolstoy" sank in September. In this regard, the wind regime should be considered separately in the cold period and in the warm period. The cold period refers to the months from October to March. The warm period covers the months from April to September inclusive.

Table 3

**Average total duration of wind, speed  $\geq 15$  m / s (hours) by months and for a year**

Ports	Months												year
	1	2	3	4	5	6	7	8	9	10	11	12	
Odesa city	11.2	17.7	8.2	7.7	3.7	2.5	3.5	3.2	6.7	15.5	19.2	14.7	114.3
Ochakov	3.7	10.0	4.0	5.0	3.5	2.5	1.5	3.2	1.5	2.7	7.5	5.7	51.0
Khersones	31.0	23.7	23.2	16.7	9.5	6.5	7.7	5.5	7.0	16.2	24.2	31.0	202.7
Sevastopol	4.5	9.0	6.7	1.7	2.5	1.2	0.7	0.5	4.0	2.5	3.7	8.0	45.6
Novorossiysk	55.9	90.0	78.2	19.3	14.5	11.5	5.0	16.9	27.0	63.0	48.0	59.3	487

In the period from October to March winds of the North-Eastern quarter of the horizon prevail over the Northern part of the sea. The predominance of these winds is particularly pronounced in the coastal zone and weakens as moving to the sea. This is due to high pressure on land and depression over the sea. These winds cause the storms, negative surges, lowering the water level. In Novorossiysk, they cause the surge wave, and sometimes it may become catastrophic. Sometimes this distribution of pressure and wind over the sea is briefly disturbed by the emergence of Mediterranean cyclones to Ukraine with strong southern, south-western and westerly winds at sea. But it was then that particularly heavy storms were observed off the coast of Odesa. It is then that will be the largest dynamic acceleration of the wind, covering the entire Black Sea from the coast of Turkey to Odesa. These winds cause a surge phenomenon.

In the present work, the offshore winds and surge winds directions of the Black Sea for the considered areas of the Black Sea (Table 4) are highlighted. For Odesa surges are the winds of the eastern and southern quadrants. For Sevastopol and Novorossiysk, these are winds of southern and western directions. The offshore winds are northern winds driven for the entire northern part of the Black Sea, for the Odesa and Ochakov it is the western, and for Novorossiysk - the eastern winds.

The calculation of the frequency of occurrence of the winds offshore and surge directions showed that in Odesa 57% of the winds with a speed of 15 m / s and more are the winds of the offshore directions, and 43% produce a surge effect. The highest frequency of winds of the offshore directions is observed in November, and the lowest is in June. The maximum of surge winds is observed in February, the minimum - in July (tab. 5)

Table 4

<b>The direction of the surge and offshore winds</b>					
Winds	Odesa city	Ochakov	Khersones	Sevastopol	Novorossiysk
Offshore	W, NW, N	W, NW, N	N, NE, E, SE	N, NE, E, SE	N, NE, E
surge	S, SE, E	S, SE, E	S, EW, W, NW	S, EW, W, NW	S, EW, W, NW

In Ochakov, 60% of winds with a speed of more than 15 m / s are offshore winds, and 40% of them produce a surge effect. Most often, storm winds of the offshore directions are observed in December, and the lowest is in July. The maximum of surge directions is in February, and the minimum is in July.

In Sevastopol, 53% of gales are offshore winds, and 47% are surge winds. The greatest frequency of winds with a speed of  $\geq 15$  m / s of offshore directions is in February, the lowest is in August. The maximum of surge directions is in February, and the minimum is in July.

In Khersones, 66% of gales are offshore winds, and 34% are surge winds. The greatest frequency of winds of offshore directions is in January, the lowest is in July. The maximum of offshore directions is in December, and the minimum is in May.

In Novorossiysk, 83% of gales have offshore directions, 17% are surge directions. The highest frequency of the winds of the offshore directions is in February, the minimum - in June, the maximum of the surge directions - in January, the minimum - in June.

In tab. 5 shown the average for months and for the year the number of days of offshore (s) and surge (n) gales.

Table 5

**Average by months and per year the number of days of offshore (s) and surge (n) gales**

ports	months												year
	1	2	3	4	5	6	7	8	9	10	11	12	
Odesa (C)	0.8	0.9	0.5	0.6	0.7	0.2	0.6	0.7	0.6	0.9	1.1	1.0	8.4
Odesa (n)	0.8	1.6	0.6	0.4	0.3	0.2	0.1	0.5	0.2	0.8	1.1	0.9	7.5
Ochakov (c)	0.2	0.7	0.5	0.5	0.7	0.5	0.2	0.5	0.4	0.4	0.7	1.0	6.7
Ochakov (n)	0.4	1.2	0.2	0.2	0.5	0.2	0.1	0.2	-	0.3	0.6	0.2	4.2
Khersones (c)	3.5	2.2	2.5	2.0	1.2	0.9	0.2	0.8	0.6	1.7	2.2	3.2	20.9
Khersones (n)	1.1	1.6	0.9	0.2	0.2	0.3	0.7	0.2	1.0	1.1	1.9	1.7	19.9
Sevastopol (s)	0.4	0.7	1.0	0.2	0.5	0.2	0.1	0.2	0.2	0.2	0.3	0.6	5.3
Sevastopol (n)	0.5	0.9	0.4	0.3	0.2	0.2	0.2	0.1	0.6	0.4	0.5	0.8	5.4
Novorossiysk (c)	4.7	6.3	6.2	2.2	1.6	0.7	1.0	1.7	2.5	6.0	4.4	4.7	43
Novorossiysk (n)	0.3	0.1	0.2	0.1	0.1	0.1	-	-	-	0.1	0.2	0.2	1.4

In Novorossiysk, the surge winds of gale force practically do not exist. Another situation is in the North-Western part of the Black sea (Odesa). Here in winter there are storms every winter month. These storms should be

dangerous, since a large dynamic acceleration of the wind can create high speeds and great commotion.

Maximum wind speeds during the storm are given in Table. 6 With offshore winds in the cold period, wind speeds can reach 25-28 m / s in Odesa and Novorossiysk. During the warm period, offshore winds usually have somewhat lower velocities. Surge winds in winter in the entire northern part of the Black Sea can be more than 20-23 m / s. During the warm period, the surge winds do not have such high speeds and are the same throughout the northern part of the Black Sea. The maximum observed wind speed reached 28 m / s. This was observed in Novorossiysk (Table 6).

Table 6

**Maximum storm wind speeds (m / s)**

	Odesa city	Ochakov	Khersones	Sevastopol	Novorossiysk
Offshore wind, CP	25 (1, ≥ 20 2 times)	20 (2)	20 (5)	20 (1)	28 (3, 8 times)
Offshore winds, WP	20 (2)	18 (1)	20 (2)	18 (1)	25 (2, ≥ 20 7 times)
Surge winds, CP	25 (1, ≥ 20 3 times)	20 (1)	23 (1, ≥ 20 2 times)	20 (2)	25 (1, ≥ 20 3 times)
Surge winds, WP	18 (1)	18 (1)	18	18 (1)	20 (1)

CP- the cold period, WP- the warm period. The number of cases in the period under review is given in brackets.

As it is known, the waves in the sea depend not only on the wind speed, but also on the duration of the wind, and on the size of the water area where the wind acts - on the length of the dynamic wind acceleration.

The skipper takes into account how long the storm may last. In order to make the right decision regarding the change in the travel due to weather conditions, it is necessary to have information about the probability of the continuous duration of the storm. In the present work, the continuous duration of gales was determined. The calculation of the duration was done with an accuracy of one term, that is, with an accuracy of 3 hours (urgent observations). All cases of the investigated wind are distributed over time intervals. According to the total number of cases and the number of cases falling on each interval, the recurrence, probability and integral probability of different durations of gales are calculated (Table 7).

The largest continuous duration of one storm was recorded in Novorossiysk. Northeast winds blew for 93 hours. It was a cold period of the year. It is in the cold season when the offshore winds prevail. Usually, in 90% of cases, northeastern storm winds (surge wave) last continuously in Novorossiysk for no more than a day.

The probability that the storm will last more than 40 hours is 8%, that is unlikely. In 50% of cases, the gale winds of the offshore directions even in Novorossiysk in winter do not exceed 6 hours in duration. In the remaining

places of the northern part of the Black Sea, the continuous duration of offshore winds in winter is 70–80% of cases does not exceed 6 hours. Surge storm winds in Novorossiysk practically do not happen in winter. In other places of the region under consideration, the storm surges rarely exceed 12 hours. Only in Odesa, the surge winds can last for a very long time, and there was a case when the storm lasted 60 hours.

Table 7

**The distribution of the continuous duration of gales (provision in percentage)**

Duration in hours	Odesa city	Ochakov	Sevastopol	Khersones	Novorossiysk	Odesa city	Ochakov	Sevastopol	Khersones	Novorossiysk
1	2	3	4	5	6	7	8	9	10	11
Surge winds, cold period					Offshore winds, cold period					
3	57.3	66.7	48.9	58.4	91.7	45.5	56.5	75.0	54.4	34.7
6	72.0	89	71.2	73.3	100	68.9	79.6	96.9	76.9	51.7
9	80.8	94.5	82.3	84.2		82.5	87.3	100	89.5	61.6
12	89.6	100	91.2	88.2		90.7	92.5		92.7	67.7
15	92.5		93/4	01.2		92.0	95.0		95.3	74.6
18	-		95.6	92.2		93.3	97.5		96.4	78.2
21	94.0		-	96.1		94.4	100		99.0	82.3
24	95.5		100	98		97.1			99.5	86.1
27	-			99		100			100	88.3
30	97.0			100						88.3
33	-									90.3
36	-									90.9
39	-									91.7
42	98.5									92.3
60*	100									93.1
75										98.8
93										100
Surge winds, warm period					Offshore winds, warm period					
3	91.3	94.5	75.0	68.8	85.7	66.7	64.6	100	55.2	37.6
6	-	100	87.5	81.3	100	75.0	90.4		77.0	54.3
9	100		100	93.8		80.6	96.8		87.3	70.1
12				96.9		88.9	-		92.4	78.4
15				-		91.7	100		97.5	89.2
18				-		94.5			100	93.4
21				-		100				95.9
24				100						95.9
27										96.7
30										97.5
39										99.2
42						—	—	—	—	100

\* - missed hour intervals in which there were no cases

Let's take a closer look at the wind and, accordingly, the navigation mode in Odesa. In winter, about half of all winds 50% is the winds of the northern quarter of the horizon (NW, N, NE). The recurrence of the winds of the remaining points does not exceed 10-11% each. South-western winds of 7–8% are observed most rarely. The average wind speed is 6.2-6.7 m / s. The number of days with wind at a speed of 15 m / s and more is 4-5 cases per month, a maximum of 12-13. The probability of wind speeds of more than 18 m / s - 1.0-1.8%, more than 20 m / s - 0.23 - 0.3% (Table 6).

Wind speeds of more than 20 m / s can be observed with any wind direction other than the south-west. In 32% of cases of the annual number of days with a wind of 15 m / s and more, is observed in winter and these are storms from the northeast and east. The duration of storms can be up to 12 hours. In cold winters the icing is possible, swimming conditions, approaching to the pier are difficult.

Spring. With the prevailing winds of the northern quarter (total frequency of about 40%), the frequency of southeastern and southern winds increases to 40%. North-west (about 20%) and southeast (22-25%) winds are most frequently observed. The average wind speed during the season decreases from 6.0 m / s to 5.0 m / s. Monthly there maybe 3-4 days with wind speeds of 15 m / s and more, the maximum number of days can reach up to 10-12. The probability of wind speeds above 18 m / s is small, in March a little more than one percent (1.3%), in the other months it is no more than 0.3%. Nevertheless, in March a storm is possible at wind speeds of over 25 m / s (0.2%), 62% of spring storms are observed from the east and northeast.

Summer. Breeze circulation is well developed. The north-western winds (25-32%), southeastern (14-19%) and southerly (13-16%) winds have the highest repeatability. The average speed of 4.7 m / s. Monthly 2-3 days with wind speeds of 15 m / s and more are possible, the maximum can reach 6-7 days per month. The probability of wind speeds greater than 18 m / s does not exceed 0.2%. The maximum wind speed is observed from the prevailing wind directions.

Autumn. The wind is unstable in direction, the frequency of occurrence of individual points is 11-14%, slightly more often the frequency of north-east winds is 18%, the rarest westerly and south-westerly winds are 8-10%. Wind speed is constantly increasing from 5 m / s in September to 7 m / s in November. Accordingly, the number of days with wind speeds of 15 m / s and more from 2 to 4 increases. The probability of wind speeds above 18 m / s - 0.8% in October; wind speeds of more than 25 m / s - 0.1% are possible.

The strongest winds are characteristic for the autumn-winter period, when cyclonic activity is especially developed. Rafting phenomena for the region of Odesa and Ochakov are caused by the north and west winds, and surge conditions by the winds of the east and north-east directions. Offshore winds were observed in the rear of relatively deep cloughs of Northern

cyclones. Surge winds were noted on the southern periphery of a vast anticyclone centered on land.

For Khersones and Novorossiysk, the directions of the surge and offshore winds are opposite.

In April, the restructuring of the baric field takes place. The winds blowing from sea to coast prevail. In the warm period, wind speeds rarely reach high values. The continuous duration of gales does not exceed 10 hours. The exception is Novorossiysk. Here and in the warm period, offshore winds with a speed of more than 15 m / s are frequent. Their continuous duration can be up to 40 hours. They are observed mainly at the ends of the warm period, that is, in April, August and September.

**Conclusions and prospects for further research.** Thus, the obtained characteristics complement the complex picture of the wind regime of the northern part of the Black Sea with new data that can be used when planning trips and choosing the vessel's route.

In Novorossiysk, even when there is the strongest surge wave, at a distance of 10 km from the coast, the sea can be relatively calm. In the northwestern part of the Black Sea (Odesa) with strong surge gales all the sea to the shores of Turkey is in a gale.

Prospects for further development are associated with the allocation for each month of areas of the least dangerous for the passage of vessels in the northern part of the Black Sea in terms of wind regime and, consequently, storm activities.

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## Formation of Concepts of Higher Choreographic Education in Ukraine

The current social progress of Ukraine's integration into the European community requires the active modernization of all levels of the educational sector, in particular its higher level. A special place in the cultural and educational space of today is the higher education of the artistic profile, focused on the training of specialists capable in independent reflection and creative interpretation of artistic processes and phenomena, ready for continuous personal and professional growth, social and professional mobility. It is a multidisciplinary dialectical process realised in different organizational forms of various educational levels and directions. In this context, we interpret higher choreographic education as an independent branch of artistic education with its structure, institutionalized in specialized institutions of higher education and research-and-teaching units of universities. Under the general laws of development of artistic education, each link of higher choreographic education has its own goals and its specific content characteristics. Formation of content concepts of higher choreographic education is a multifaceted problem in the field of pedagogy of art, which requires a generalized scientific analysis and comprehension in the present. The study of the pedagogical potential of the art of choreography becomes particularly actual in the measurement of the modern educational paradigm, as choreographic art is actively gaining the status of a socio-pedagogical factor that helps to the formation of creative abilities, aesthetic culture, meaningful personal qualities in the different age-old audience. Accordingly, it has an intense interest, as a means of multifunctional influence on a person. This fact confirms the importance of expanding complex scientific researches in the field of choreographic pedagogy, as well as their methodological substantiation.

The conceptual foundations for the development of higher choreographic education are highlighted in the works of well-known methodologists of professional choreography: G. Berezova, E. Valukin, K. Vasylenko, V. Vronskiy, K. Goleizovskiy, Y. Grygorovych, Y. Hromov, R. Zakharov, F. Lopukhov, I. Moiseiev, I. Smirnov, other specialists of the branch. Some aspects of the problems of functioning of the system of higher choreographic education, its structural levels, trends and prospects of development are investigated in modern scientific researches of L. Androshchuk, S. Zabredovskiy, O. Kalinina, B. Kokulenko, B. Kolnoguzenko, V. Lytvynenko, L. Makarova, H. Nikolai, T. Pavliuk, O. Parkhomenko, V. Pokhylenko, O. Rebrova, Yu. Rostovska, T. Serdyuk, T. Filanovska, L. Tsvetkova, O. Shamrova, M. Yurieva. However, among the scholarly achievements in this field, the study of general tendencies and patterns of the development of the national system of higher choreographic education in the activity of its

separate institutionalized forms, multi-vectored in view of the orientation of choreographic specialties and specializations, remains to be studied. The analysis of the specifics of their organizational and pedagogical experience is considered to be extremely important for the process of modernizing the professional training of a future specialist-choreographer in the structure of higher education.

Therefore, the **purpose** of this publication is to study the structure of higher choreographic education in Ukraine at the present stage of development in a variety of its directions, levels and forms of organization. In this context, the **objectives** of the study are: to analyze strategies for the training of future choreographers in different institutionalized forms of higher choreographic education; to generalize the pedagogical experience of famous choreographers, choreographer-educators on the organization and content of professional choreographic training, to outline the prospects for its use in higher education.

Exploring the specifics of the development of the modern system of higher choreographic education in Ukraine, we consider it worthwhile to emphasize its multi-structural nature. Higher educational establishments provide multi-level professional training (bachelor-specialist-master) of future choreographers, performers, choreographers, choreography teachers for higher education, choreographers-managers, choreographers, directors and stage directors, amateur and professional dance groups. As you can see, the range of choreographic specialties in the system of higher education of the humanities is quite broad, which creates favorable opportunities for the training of highly skilled staff of different directions and genres of choreographic activity, the formation of their dance culture, professional mobility, performing skills, which makes personal, social and social value.

Modern conditions of professional activity of a highly skilled specialist-choreographer, open to innovation, creativity, dynamic solutions, require from him the possession of diverse competencies. In particular, O. Shamrova (2007), detailing various areas of professional activity of the choreographer, distinguishes the following groups of necessary basic competencies: culturological, art studies, psychological and pedagogical, managerial and choreographic. Researcher V. Nikitin (2007) notes that "the main pedagogical task of the professional training of the choreographer is the disclosure of the individuality, the education of the choreographer-creator, possessing a high intelligence, convergent, abstract and paradoxical thinking, who freely possesses ways of expressive expression of his inner world through an individual form of movement" (Nikitin, 2007, p. 6–7). In this context, we also agree with the opinion of M. Yurieva (2010), who emphasizes that the category "choreographer" does not include a narrow-minded, limited use of the work of a specialist, but, taking into account current trends, includes much wider possibilities of its application in various spheres of culture, art, education, sports. At the same time, one unified for all choreographic

specialists is the ability of the academician to determine the possession of the arts of dance, which includes various types of choreographic activity, methods, the nature of the activity on the object of professional activity in order to change it and transform it (Yurieva, 2010, p. 5). In general, we believe that the emergence and development of new trends in choreographic art, the diversification of organizational forms of teaching professional dance at various educational levels determine the dynamics of changes in approaches to the professional training of future teachers-choreographers. Accordingly, social conditions, nature, industry and objects of future activity are those factors that dictate the dynamics and strategies for the formation of content, the specificity of the direction of choreographic training in the structure of institutionalized forms of higher education.

Thus, higher education institutions of the I-II levels of accreditation providing higher choreographic education include: choreographic specialized schools and colleges, choreographic departments of cultural colleges, pop and circus arts, theater schools. The main purpose of studying in these specialized educational institutions is the preparation of choreographers-performers (ballet actors, artists of dance ensembles of various genres), as well as organizers and methodologists of choreographic amateur, heads of amateur dance groups.

In particular, in order to distinguish the specifics of the academic training of performing staff in the choreographic genre in Ukraine, let us dwell on the experience of the Kyiv State Choreographic School. In the system of institutionalized forms of higher choreographic education, this is the only state-run specialized educational institution in Ukraine that has been training the ballet artists for eight decades since the creation of the Children's Ballet Studio at the Kiev Opera and Ballet Theater named after T.G. Shevchenko in 1934. Since then, the school has educated a whole galaxy of famous masters of the stage and still functions in the status of the leading choreographic school, which provides a high level of training of actors. Today it is a specialized higher education institution of the 1st level of accreditation, which trains professional "ballet actors, teachers of primary specialized artistic educational institutions" of the educational qualification level "junior specialist" with the simultaneous acquisition of their full secondary education (*Kyivske derzhavne khoreohrafichne uchylshche*).

Content analysis of the organization of the educational process in the collage in different periods of its functioning allows us to identify the general trends in the content of professional choreographic training. The main ones are: early professionalization of education; the priority of academic choreographic training, its complexity and professional orientation; person-oriented approach in the organization of educational process; active integration of pupils into professional executive practice (Blahova, 2014, p. 193).

The priority of vocational and practical training at the school determined the special organizational conditions for mastering the complex of "motor disciplines", which accounted for about 50% of the academic load. Each of them, having certain differences in the target setting and content, at the same time, obeyed the realization of a single goal: to ensure the versatile motor training of students, the development of their psychomotor and coordination qualities, and the formation of the expressiveness of the stage movement. The teaching of basic subjects in the choreographic cycle (classical, folk-characteristic, historical and duet-classical dance) took place both in group and in individual forms. In addition, the cycle of professionally oriented disciplines was supplemented by such special subjects of the art and music cycle as "Actor's Mastery", "Makeup", "Musical-Rhythmic Upbringing", "Piano", "History of the Theater", "History of Fine Arts", "Theory and the history of music", which strengthened the practical choreographic training of pupils. An important characteristic of choreographic education in collage is the active integration of students into professional executive practice. The basis of the content of stage practice was always the preparation of pupils for theater and concert activities, the creation of pupils' performances, concert programs, work on theater ballet repertoire. This tradition is actively developing in modern conditions (Blahova, 2014, p. 188).

It should be noted that in addition to the unique pedagogical experience of the Kyiv State Choreographic School, educational traditions in this area are directly extended by another specialized educational institution organized at the beginning of the XXI century – College of Choreographic Arts "Kyiv Municipal Academy of Dance, named after Serge Lyfar" (2001). Established in 1994 in the status of a public organization – "Kyiv Ukrainian Academy of Dance" – on the initiative of leading choreographers of Ukraine under the leadership of Y. Stanishevskiy, the institution provides professional training of performing choreographic staff, functioning in the status of a higher educational institution of the I-II accreditation level. According to the statute, the college prepares specialists of the "junior bachelor" and "bachelor" degrees, as well as the educational qualification level "junior specialist" with the level of competencies in the volume of relevant state education standards (*Koledzh khoreohrafichnoho mystetstva*).

Covering various spectra of professional activity in the choreographic field (artistic, choreography, teaching), the institution focuses on the formation of students of executive competencies, carries out vocational and practical training at the departments of classical and folk choreography. In accordance with the modern requirements for the profession of choreographer, the content of education is constantly expanding due to the practical development of various areas of stage dance – in order to prepare a universal specialist. The presence among the structural units of the College of "Choreographic School of Pedagogical Practice", the creative workshop of the "Children's School of Arts No. 7", the Theater and Philharmonic Center

"Inspiration" for the students to undergo a production and pedagogical practice in conditions which are as close as possible to the productive, testifies not only continuity of choreographic education, but also confirms the attentive attitude of the institution's leadership to the formation of various aspects of choreographic and pedagogical activity among students. The training of choreographic skills is carried out in various organizational forms: in the system of classroom and independent classes, in stage and concert activity, during the master classes of famous choreographers, while participation in joint concerts with them. Learning outcomes based on the specifics of educational activities are usually presented in the system of reporting concerts, as well as in the events that became the artistic characteristic of the college: in "Christmas dances for children's dances", artistic evenings "World of dance", festivals "Serge Lyfar de la dance" (*Koledzh khoreohrafichnoho mystetstva*). The high level of specialized training and significant artistic achievements of pupils is conditioned by the professionalism of the teaching staff. Among them are well-known masters of the ballet genre, artists of the State Dance Ensemble named after Pavel Virsky, other well-known professional dance groups. Graduates of higher art establishments develop common traditions of the performing and choreographic school of choreography, while forming the concepts of their own artistic and pedagogical system.

In institutions of higher education of III-IV levels of accreditation one of the primary and unified tasks of choreographic training is determined by the acquisition and improvement by students of special choreographic-pedagogical and choreographic competencies necessary for implementation in the future professional choreographic activity not only as an artist but also primarily as a teacher, choreographer. Among the various types of higher education institutions of the humanitarian profile of the III-IV accreditation levels, which prepare choreographers, there are cultural and artistic institutions, pedagogical and theatrical higher schools, as well as additional forms of re-education, adult education training (research institutes and university units).

A separate direction in the structure of higher choreographic education in Ukraine is presented by the educational institutions of theater vertical of the III-IV accreditation levels, which provide training for specialists in the field of theatrical and entertainment production. The implementation of the main task of the higher theater educational institution involves the study of a complex of professionally-oriented educational disciplines. Choreography in this context is an important link in the process of shaping the professional skills of future stage actors. The cycle of plastic disciplines in modern high school of theater forms a range of basic choreographic competencies among pupils, namely, it develops dance, rhythm, movement coordination, stage gesture and, in general, facilitates the physical training of students (Vasilyeva, 1968, p. 5).

In the structure of the modern higher art education of Ukraine the traditions of the professional and practical training of the theater industry, which have been formed for decades at the leading theater universities (at the Ivan Karpenko-Karyi National University of Theater, Cinema and Television of Kyiv, at Kharkiv National University of Arts named after I. Kotlyarevskiy), at the faculties of theatrical art at classical higher educational establishments and academies of culture, at separate departments of theatrical profile in the structure of cultural institutes and arts, pedagogical high schools, are actively developing.

Exploring the peculiarities of the content of professional and practical choreographic training of future specialists in theatrical specialties, we note that the artistic value of choreography in a stage dramatic work is generally determined by the syncretic character of theatrical art and consists in figuratively disclosing its content through means of the dance expressiveness of the human body. In particular, Professor Y. Hromov (1976), giving the choreographic component an important role in the system of theater education, noted: "<...> one of the trends in the development of modern theater is to maximize the forms and means of stage expression necessary for the implementation of a multifaceted, psychologically and philosophically rich, complex in its figuratively effective structure of the repertoire <...>" (Hromov, 1976, p. 7).

According to the contemporary scholar O. Chudaykina (1997), "choreographic plastic is attractive to the drama theater as a result of a number of functions that are specific to dance and capable of "working" on the ultra task of production. Among the main functions of the choreography in the theater are the form-forming (which allows to modify the genre structure of the statement), the function of emotional and psychological influence, as well as the function of accumulation and transmission of the artistic information to the viewer" (Chudaykina, 1997, p. 1). The concept of improving the nature of the actor by means of dance and rhythmoplasty was widely represented in the writings of the outstanding theatrical teacher K. Stanislavskiy (1990), the creator of a holistic pedagogical system of actor's education. The teacher appreciated the dance exercise because "it perfectly straightens hands, legs, spinal column and places them in place" (Stanislavskiy, 1990, p. 32). According to the artist, the dance "not only promotes correction of the body, but also reveals movements, expands them, gives them the expressiveness and certainty <...>" (Stanislavskiy, 1990, p. 35).

So dance, as one of the main expressive means of modern dramatic art, is determined primarily as an integral part of acting. Accordingly, the teaching of choreography in theater institutions is entirely subject to the task of training the techniques of the actor, but does not have a meaning of priority. Its functional purpose traditionally consists of forming the foundations of dance-plastic culture among pupils of theatrical higher educational

establishments. This concept builds the structure, content and methodology of teaching motor disciplines in professional theater schools.

An analysis of the content of choreographic training of students in higher theater educational institutions allows us to determine that the organization of teaching, goals, objectives, content of disciplines directly subordinate to the goals and objectives of preparing actor, director or choreographer. It is the specificity of the future specialty (actor, director, choreographer) that causes the adjustment of content, methods, complexity of educational material, the quality of physical activity in the process of choreographic preparation of representatives of stage activity.

Thus, at the director's department, the main task of studying "motor" disciplines is determined by the students mastering the elementary skills of dance necessary for the implementation of dramatic productions, as well as the obligatory possession of elements of the method of choreography. Instead, the students of the actor's departments must master the skills of acting skillfully, orient themselves in different choreographic styles, directions, since the practical familiarization with the art of dance is subordinated primarily to the formation of acting and other professional qualities of the actor (Kristerson, 1958, p. 6-7). At the same time, in the process of studying choreographic disciplines, there are generalized positions, structural characteristics, which are obligatory for the practical training of pupils of each of named specialties of professional theater schools. All courses in the cycle include the development of dance techniques, coordination, plasticity, expressiveness of movement; the formation of practical choreographic skills for performing dance elements, figures, whole compositions of historical, domestic, folk and modern dance forms (Kristerson, 1958, p. 11). Therefore, the model of choreographic training of future specialists in the theatrical industry is practically unified in most of the profile universities.

In general, modern theater pedagogy formed a set of tasks for choreographic training. Among them are significant: developing and approbating the concept of training choreography of future performers and updating the requirements for their professional dance-plastic preparation; extension of educational content for teaching "art of motion"; achievement of organic matter between teaching "dance" and "acting skills". These trends occasionally cause the arising of updated names of the training courses. For example, the Kyiv National University of Theater, Cinema and Television named after Ivan Karpenko-Karyi teaches the following disciplines: "The Art of Modern Choreography", "Modern Ballet", "Jazz-Modern Dance", "Plastic Training", "Plastic Upbringing", "Trick Preparation", "The Work of the Stage-Director with the Choreographer" (*Kyivskiy natsionalnyi universytet teatru, kino i telebachennia imeni I.K. Karpenka-Karoho*). Each of the disciplines of the choreographic cycle has its special tasks, and at the same time they all aim at the realization of one goal: to provide a comprehensive motor training of pupils of theater schools, to develop their psychomotor qualities. In addition,

the dominance of synthetic staging decisions on the modern amateur and professional theater stage determines the integral nature of the creativity of acting and directing personnel and the complexity of their professional choreographic training.

In the conditions of higher education institutions of culture and art (Kyiv National University of Culture and Arts, Kharkiv State Academy of Culture, State Academy of Leaders of Culture and Arts, other arts colleges), professional choreographic training is multidisciplinary and differentiated in accordance with the functional characteristics of the future choreographic specialty. The researcher M. Yurieva (2010) notes that her affiliation to stage design determines the non-standard of professional training of a student-choreographer in institutions of higher education in culture and art. The content of professional choreographic education is reduced not only to the formation of scientific knowledge, but also includes the emotional-figurative world of art, historical traditions and contemporary innovations, value orientations, personal creative manifestations, and a combination of varieties of choreographic activity (Yurieva & Makarova, 2010, p. 50–51).

The leading direction of the choreographic education of future choreographers in the structure of artistic high schools is determined by preparation for various types of work in the dance group with a diverse audience. After all, dance groups – the most demanded form of organization of choreographic activity of graduates-choreographers – in the present conditions are important institutions of social, artistic and aesthetic, moral and physical education of their participants. The diversity of functional roles of the head of the dance group leads to his need to master a combination of competencies for the provision of professional activities: choreographic-pedagogical, creative-productive, managerial, psychological, etc. (Blahova, 2018, p. 3–4). Therefore, the integral essence of the professional training of a specialist-choreographer is determined by the priority of the educational process in artistic higher educational establishment.

It is important to note that among the institutions of higher education of culture and art Kiev National University of Culture and Arts becomes a kind of guideline for the preparation of choreographic staff in Ukraine in the last quarter of the XX century. On the initiative of the famous scientist, pedagogue-choreographer K. Vasilenko, choreographer H. Berezova and scholar-folklorist, art historian A. Humenyuk, since 1970, a professional training of specialists in the field of arts of dance was launched at the Kyiv State Institute of Culture [*the former name of a higher educational establishment*] (Zhyrov, 2007, p. 139). As the priority direction of the department under the guidance of K. Vasilenko was determined the professional and practical training of choreographic team leaders, choreographic amateur organizers. To the program content of the training of choreographer students the disciplines "Ukrainian dance", "Folk-stage dance", "Methodology of work with amateur dance group", "Composition and

production of dances", "Choreographic ensemble", "History of choreographic art", "Ball Dance", "Classical Dance", "The Art of the Choreographer" were included. On the initiative of the head of the department K. Vasilenko in the educational and educational process artistic educational disciplines of the general cultural direction were also introduced. Their function was to provide a comprehensive training of choreographic staff. Among them: "History of artistic culture", "Theory of music and analysis of musical works", "Stage design of costumes" (Zhyrov, 2007, p. 151).

At various stages of the functioning of this department, the practical work of famous pedagogues-choreographers, leading masters of the Ukrainian scene (H. Borymskaya, V. Volodko, Y. Zaitseva, O. Kasianova, O. Kolosok, V. Pasiutynska, Y. Stanishevskiy, L. Tsvetkova and etc.) was organically combined with the research work aimed at developing the theory and practice of training in the field of professional choreography. Their fruitful work opened up opportunities for the formation of pedagogical traditions of domestic choreographic pedagogy. It is important that the work of the organization of higher choreographic education in Ukraine, developed in its time by K. Vasilenko, is actively developing in the present conditions, thanks to its students and followers. Theoretical and methodological generalizations, creative and pedagogical ideas of K. Vasilenko on the issues of preparation of national choreographic staff and development of higher choreographic education in general reflect and continue in scientific and methodological investigations.

Expansion of the spectrum of choreographic specialties in the labor market in the first decade of the XXI century causes a constant diversification of the areas of professional training of choreographers in higher education institutions of culture and art. In fact, this process is realized in the organization of choreographic faculties, in the structure of which there are specialized departments of different orientations, in accordance with the specifics of the varieties of the art of choreography (classical, folk, ballroom, modern) and, accordingly, the future specialization of graduates. On their base innovative pedagogical technologies of choreographic education and upbringing are being developed and implemented, research work is carried out, student dance ensembles of different genres and types work. In general, the functional characteristics of the activities of specialized choreographic departments in higher schools of culture and art are aimed at providing the necessary conditions for the formation of skilled executive and pedagogical staff for the field of professional stage choreography.

For example, in the Kharkiv State Academy of Culture, the Faculty of Choreographic Arts was created in 2003 under the leadership of B. Kolmoguzenko, a well-known choreographer of Ukraine, a teacher, the author of many choreographic works and teaching materials. The faculty provides two-level continuous training for bachelors and masters of choreographic specialties for different kinds and types of educational

institutions. Graduates receive various qualifications: a teacher of choreographic disciplines, a choreographer, an assistant of the choreographer, an artist, a choreographer's head. The structural subdivisions of the faculty are: the Department of Folk Choreography, the Department of Modern and Ballroom Choreography, and the Department of Physical Culture and Health. Concepts of their development are focused on expanding the spectrum of specialized training of students in order to use their competencies in the professional field effectively (*Kharkivska derzhavna akademiia kultury*).

A certain specificity is the training of a teacher-choreographer in institutions of higher pedagogical education. It is a multilevel and multi-purpose system that provides the formation of general pedagogical competencies, actualization of the development of personal qualities, intellectual and emotional areas of the student. The main emphasis in the process of choreographic and pedagogical education is on the upbringing of the pedagogical qualities of a future specialist, since his main mission is to transfer his ideas, creative ideas, performing skills to students in the process of professional activity.

It must be noted that the intensification of the formation of the concepts of choreographic and pedagogical education of Ukraine was promoted by the organization at the Kirovohrad State Pedagogical University named after V. Vynnychenko in 1989, sections of choreographic disciplines, and since 1994 – an independent Department of choreographic disciplines (Pohylenko, 2012, p. 328). Thanks to the highly qualified staff of choreographers (among them A. Kryvokhyzha, A. Korotkov, V. Pokhylenko, B. Bosyi, V. Zavina), it becomes a peculiar center of cultural-creative, methodological, scientific and educational activities in the field of choreographic and pedagogical education as in the region, so in general in Ukraine. The establishment of the specialty "Choreography" at the university in general has normalized the training of the teacher of choreography in the system of higher pedagogical education in Ukraine. The leading specialists in the field of choreographic art, led by A. Korotkov, developed for the first time standards for the training of future teachers of choreography (Pohylenko, 2012, p. 331).

Today the training of choreography teacher is carried out in most pedagogical universities of Ukraine. In particular, the traditions of choreographic and pedagogical education are formed at the Kyiv M. Drahomanov National Pedagogical University, K. Ushinsky South Ukrainian National Pedagogical University, Poltava V. Korolenko National Pedagogical University, Precarpathian V. Stefanyk National University, Uman P. Tychyn State Pedagogical University, Sumy A. Makarenko State Pedagogical University.

The next important step in professional growth and self-improvement of the choreographer is the continuation of basic education after graduation from a higher educational establishment. After all, professionally oriented

knowledge and practical skills to teach dance art received by students in the structure of a higher educational institution, require their further development, together with the formation of methodical thinking and methodological abilities of a teacher-choreographer in the process of his practical activity. Realization of this task, regardless of the narrow-profile profile of professional activity of graduates of higher schools, takes place in various forms of retraining, pre-training, internship, course improvement courses, as well as in the organization of scientific and practical conferences, seminars and webinars, master classes of leading figures of choreographic art, competitive and concert events. Each of the marked organizational forms of choreographic training has different content characteristics, provided by various educational programs. So, the researcher O. Kasyanova (2010) details the practical and theoretical components in the structure of raising the qualification level of choreographers. In particular, practical training is carried out on the basis of a 1-3 year-old assistant – internship, as well as in retraining and in-service training courses for teachers, choreographers, directors, administrative and managerial staff in choreography. Theoretical training is provided in the process of studying in the postgraduate and doctoral studies, where special modules for the training of research analysts have been developed. The result of the study at this stage is the writing and defense of the candidate's and doctoral dissertations, which contributes not only to the definition and research of the priority areas of choreographic activity, but also to the formation of national artistic educational and scientific schools. In general, this link of choreographic education ensures continuity and noninterference in the development of the personal potential of a specialist in the field of choreographic activity.

Thus, the study of the structure of higher choreographic education in Ukraine allowed to generalize the tendencies of its development in the conditions of institutionalized organizational forms of different accreditation levels. The primary task of the modern high school, regardless of the specifics of future professional activity of the graduate-choreographer, is determined by the formation of its competitiveness on the modern labor market. As a result of the analysis of the structural and content aspects of higher choreographic education, it was also found that the direction of choreographic training of future actors in stage art varies depending on the target setting, the qualification characteristics of the chosen specialty, as well as the scope of its practical application in art production. Current trends of modernization of professional training of the future specialist-choreographer in higher education institutions on the basis of a competent approach, enrichment of choreographic pedagogy with innovative ideas, introduction of modern choreographic and pedagogical technologies in the process of teaching professionally oriented disciplines remain actual in the conditions of our days. Prospects for the further development of higher choreographic

education we consider the active integration of its goals, tasks, content component in various organizational forms.

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## Spatial Development Modeling of the Poltava Region

Spatial development characterizes and coordinates all elements of the region: economic, social, ecological, innovative, technological and other spheres in a certain territory, and takes into account all interrelations between them, directions of their growth. The modeling basis of the region spatial development is the types of economic activity, the result of which is the obtained gross of regional product, and the result of effective regional policy, that is, balanced use of available natural, material, financial resources is not only the economic growth of the region, and the social, ecological effect, that is, increase jobs, incomes, improving infrastructure and reducing environmental pollution. By the instrumentality of constructed models, it is possible to determine the economic activity priority types, which will allow to build a strategic plan of region spatial development.

The models are reliable and adequate, which were checked by the determination coefficient and Fisher's criterion. Dependence of the two economic activity types, which will provide the relationship of the gross regional product in the amount of 100000 million UAH, 115000 million. UAH., 130000 UAH are graphically depicted.

The dependence modeling of the agriculture, forestry and fisheries and wholesale and retail trade are presented in the following way and is graphically depicted on Fig. 1:

$$y = 74,512447 \times x_1^{0,35599} \times x_6^{0,4189}, \quad (1)$$

where  $x_1$  – agricultural, forestry and fishery in the GRP;  
 $x_6$  – wholesale and retail trade, repair of vehicles in GRP.

Model verification:  $R^2 = 0,84755$ ;  $F_p = 36,136$   $\rangle$   $F_{kp} = 3,806$ .

Isoquant dependence of agriculture, forestry, fisheries, wholesale and retail trade is declining, that is, with the growth of agriculture in the GRP, trade volumes are decreasing. This explains the necessity of ensuring priority investment in agriculture, because Poltava region has great potential land resources.

The dependence modeling of agriculture, forestry and fisheries and supplying electricity, gas, steam, air conditioning, water supply, sewage, waste management is presented in the following way and is graphically depicted in fig. 1:

$$y = 243,90894 \times x_1^{0,3591} \times x_4^{0,3286}, \quad (2)$$

where  $x_4$  – supply of electricity, gas, steam, air conditioning, water supply, sewage, waste management in the GRP.

Model verification:  $R^2 = 0,42101$ ;  $F_p = 4,726$   $\rangle$   $F_{kp} = 3,806$ .

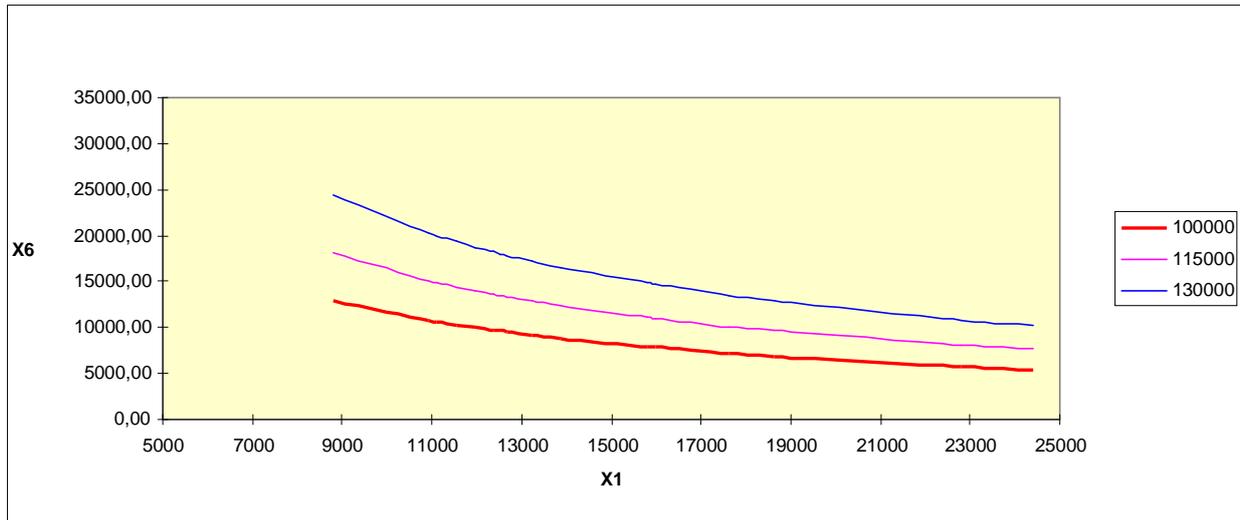


Fig. 1 The dependence modeling of agriculture, forestry, fisheries and trade in the GRP of the Poltava region

Isoquant has a tendency to decrease and indicates the priority of agricultural development. The increase in the amount of agriculture, fish and forestry in the GRP causes a decrease in the supply of electricity, gas, steam, air conditioning, water supply, sewage, waste management in the GRP. The conducted simulation will allow to determine the optimal level of the data of the TEA, which will allow to plan the development of agriculture, which is a strategic reference point for the spatial development of the Poltava region.

The proceeded modeling will allow to determine the optimal level of the TEA data, which will allow to plan the development of agriculture, which is a strategic reference point for the spatial development of the Poltava region.

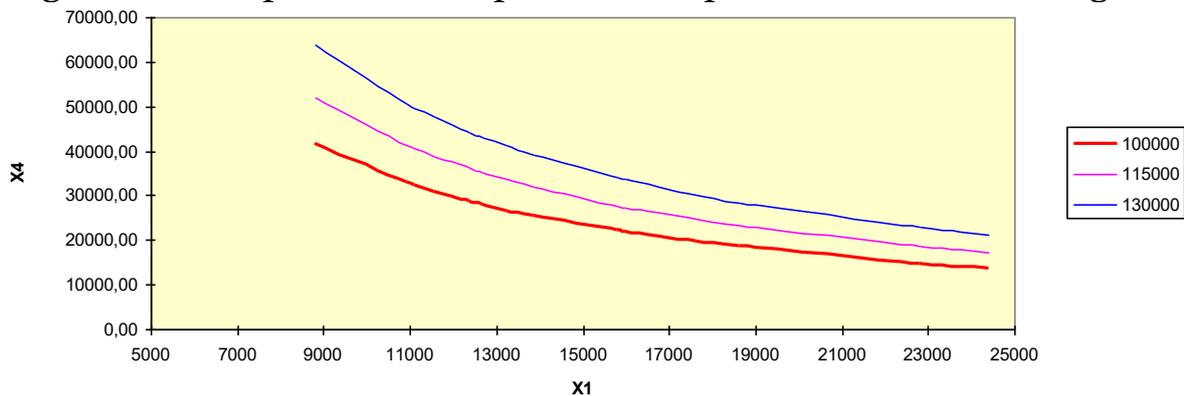


Fig. 2 The dependence modeling of agriculture, forestry and fisheries and supply of electricity, gas, steam, air conditioning, water supply, sewage, waste management in the GRP of the Poltava region

The dependence modeling of agriculture, forestry and fisheries and transport, warehousing, postal and courier delivery is presented in the following way and is graphically depicted in fig. 3:

$$y = 6,5403117 \times x_1^{0,5258} \times x_7^{0,5093}, \tag{3}$$

where  $x_7$  – transport, warehousing, postal and courier delivery in GRP.  
 Model verification:  $R^2 = 0,65669$  ;  $F_p = 12,433$  ;  $F_{kp} = 3,806$  .

Isoquant dependence of agriculture, forestry, fisheries and transport, warehousing, postal and courier delivery is declining and suggests that with an increase in agriculture, fisheries and forestry, the GRP will reduce transport in the GRP.

Although the availability of transport infrastructure, that is, the availability of high-quality roads, railways and river transport, is very important for this TEA.

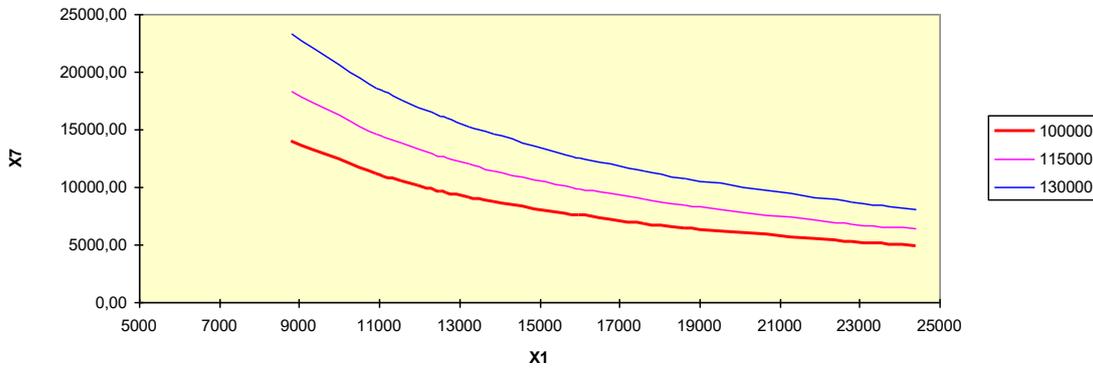


Fig. 3 The dependence modeling of agriculture, forestry, fisheries, transport, warehousing, postal and courier delivery to the GRP of the Poltava region

The dependence modeling of agriculture, forestry, fisheries, financial and insurance activities in the GRP is presented in the following way and is graphically depicted in fig. 4:

$$y = 263,04002 \times x_1^{0,3945} \times x_8^{0,2774} , \tag{4}$$

where  $x_8$  – financial and insurance activities in the GRP.

Model verification:  $R^2 = 0,82788$  ;  $F_p = 31,264$  )  $F_{kp} = 3,806$

Isoquant dependence of agriculture, forestry, fisheries, financial, insurance activities is declining and suggests that with an increase in agriculture, forestry, fisheries, the GRP will reduce financial and insurance activities in the GRP of the Poltava region. Although for this TEA it is extremely important to receive loans and credits during the period of the sowing company, especially for small farms.

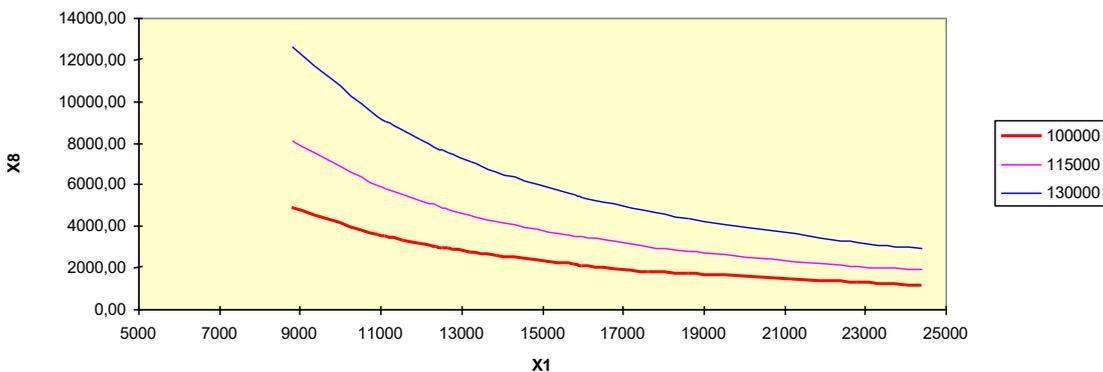


Fig. 4 The dependence modeling of agriculture, forestry, fisheries, financial and insurance activities in the GRP Poltava region

The dependence modeling of agriculture, forestry and fisheries and real estate activities in the GRP is presented in the following way and is graphically depicted in Fig. 5:

$$y = 950,54379 \times x_1^{0,0379} \times x_9^{0,5122} , \tag{5}$$

where  $x_9$  – real estate activities in the GRP.

Model verification:  $R^2 = 0,77722 ; F_p = 22,677 \rangle F_{kp} = 3,806 .$

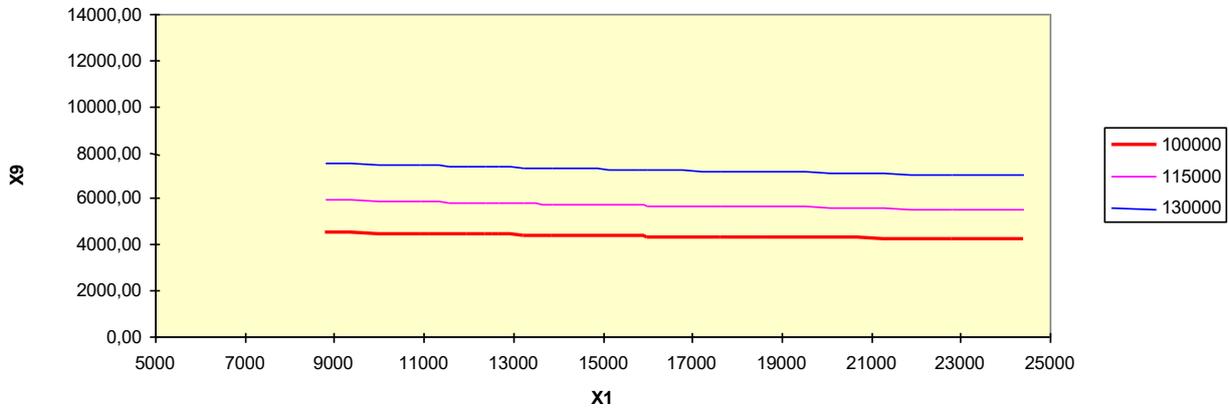


Fig. 5 The dependence modeling of the agricultural, forestry, fishery and real estate activities in the GRP of the Poltava region

Isoquant dependence of the agricultural, fishery, forestry and real estate operations is almost unchanged and suggests that with an increase in the agricultural, fishery, forestry in the GRP, the volume of real estate operations will be a constant value in the GRP of the Poltava region, that is, this TEA does not effect on agriculture development. Nevertheless, this model allows to predict the impact of agricultural growth on the planned gross regional product. Modeling dependence extractive and processing industry in the GRP presented as follows and shown graphically in Fig. 6:

$$y = 34,143359 \times x_2^{0,3919} \times x_3^{0,4121} , \tag{6}$$

where  $x_2$  – extractive industry in the GRP;

$x_3$  – processing industry in the GRP.

Model verification:  $R^2 = 0,95340 ; F_p = 132,976 \rangle F_{kp} = 3,806 .$

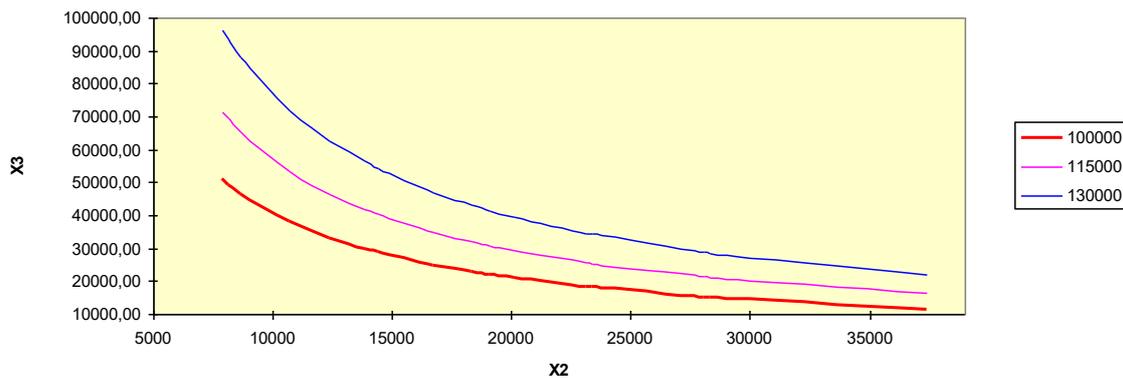


Fig. 6 The dependence modeling of extractive and processing industry in the GRP of the Poltava region

Isoquant dependence of extractive and processing industries in the Poltava region's GRP is declining and suggests that with the increase of extractive industry in the GRP, the value of the processing industry in the GRP will decrease. Extractive industry is the structure-generating gross regional product of the Poltava region and the main strategic priority, especially in the context of the formation of the gas market, a sharp rise in energy prices.

The dependence modeling of extractive industry and construction in the GRP is presented in the following way and is graphically depicted in fig. 7:

$$y = 27,12393 \times x_2^{0,5352} \times x_5^{0,3788}, \tag{7}$$

where  $x_5$  – construction in the GRP.

Model verification:  $R^2 = 0,85753$ ;  $F_p = 39,123$ ;  $F_{kp} = 3,806$

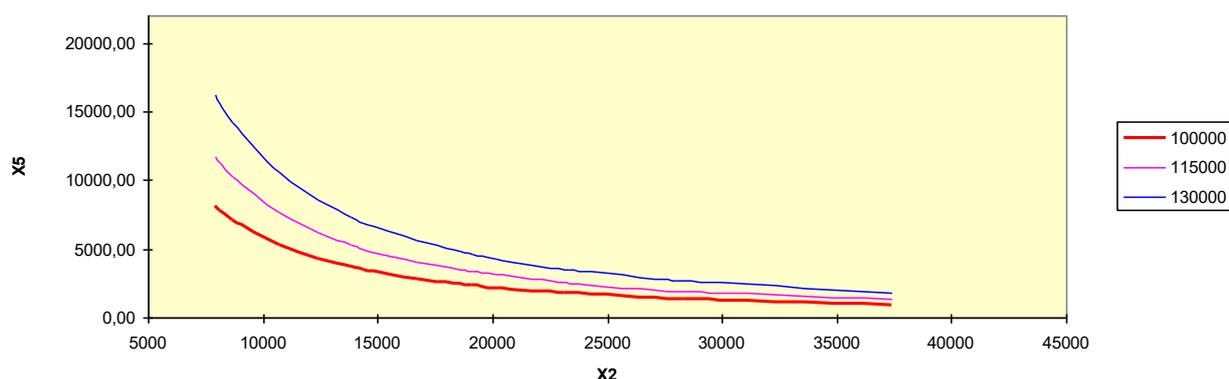


Fig. 7 The dependence modeling of extractive industry and construction in the GRP Poltava region

Isoquant dependence of extractive industry and construction in the GRP Poltava region is declining and suggests that with the increase of extractive industry in the GRP, the volume of construction will be reduced. Although in the development of mining industry, the volume of construction of engineering facilities will also increase, which is due to the development of new deposits.

The dependence modeling of the mining industry, wholesale and retail trade in the GRP is presented in the following way and is graphically depicted in fig. 8:

$$y = 557,18405 \times x_2^{0,25995} \times x_6^{0,2933} \tag{8}$$

Model verification:  $R^2 = 0,90287$ ;  $F_p = 60,422$ ;  $F_{kp} = 3,806$

Isoquant dependence of mining industry, wholesale and retail trade in the GRP of the Poltava region is declining and reflects the tendency to reduce trade while the extractive industry's volumes is increasing. This is explained by the fact that most of the trade is retail, and its consumers are mainly citizens and small commodity producers. In addition, there is a resale of goods between dealers. At that time, extractive industry is characterized by an increase in production volumes, and the main consumers of such products are large enterprises [1].

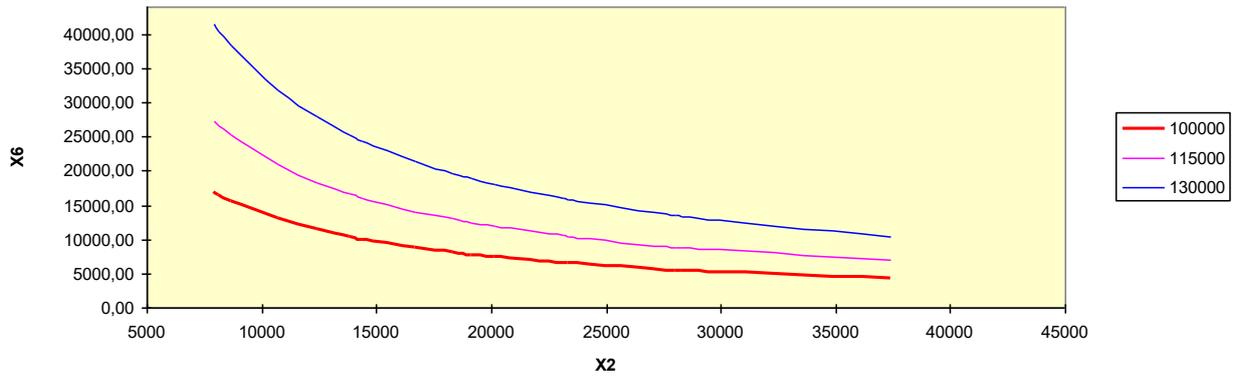


Fig. 8 The dependence modeling of the mining industry, wholesale and retail trade in the GRP of the Poltava region

The dependence modeling of extractive industry and transport, warehousing, postal and courier delivery in the GRP is presented as follows and graphically depicted in fig. 9:

$$y = 167,37124 \times x_2^{0,5258} \times x_7^{0,5093} \tag{9}$$

Model verification:  $R^2 = 0,84172$  ;  $F_p = 34,567$   $\rangle$   $F_{kp} = 3,806$

Isoquant dependence of extractive industry, transport, warehousing, postal and courier delivery to the territorial unit of the Poltava region is declining and suggests that with the increase of the extractive industry in the GRP, transport will decrease. Although in the development of extractive industries, transport infrastructure is very important in the development of new fields and the extraction of resources.

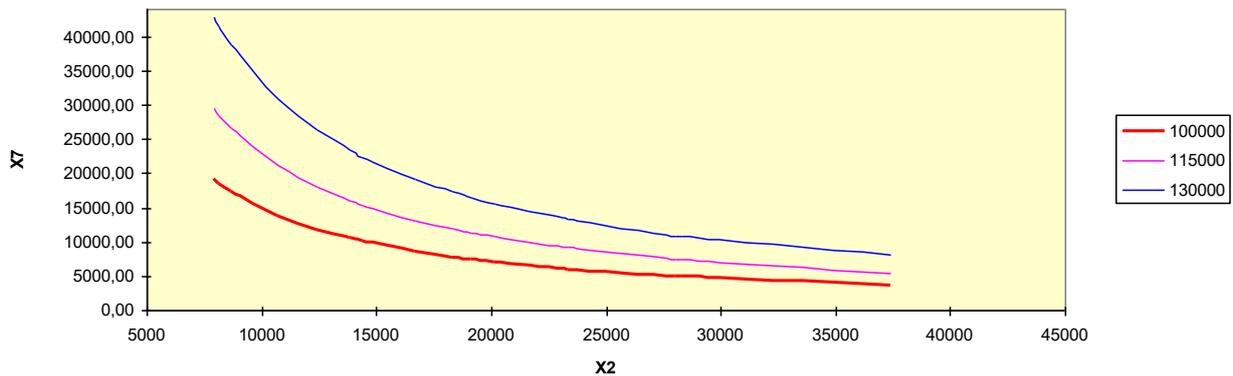


Fig. 9 The dependence modeling of mining industry, transport, warehousing, postal and courier delivery in the GRP of the Poltava region

The dependence modeling of mining industry, financial and insurance activities in the GRP is presented in the following way and is graphically depicted in fig. 10:

The dependence modeling of mining industry, financial and insurance activities in the GRP is presented in the following way and is graphically depicted in fig. 10:

$$y = 1479,2664 \times x_2^{0,28} \times x_8^{0,1903} \tag{10}$$

Model verification:  $R^2 = 0,89952 ; F_p = 58,191 \rangle F_{kp} = 3,806$

Isoquant dependence of extractive industry, financial and insurance activities in the GRP of the Poltava region is declining and suggests that with the increase of extractive industry in the GRP, financial and insurance activities will decrease. These calculations indicate that the extractive industry does not require additional funding. Although for the development of new fields, it is expedient to modernize the equipment, apply fundamentally new, energy-efficient technologies. Such measures require additional financial support for innovation and investment projects, the implementation of which will reduce the energy dependence of Ukraine from Russia.

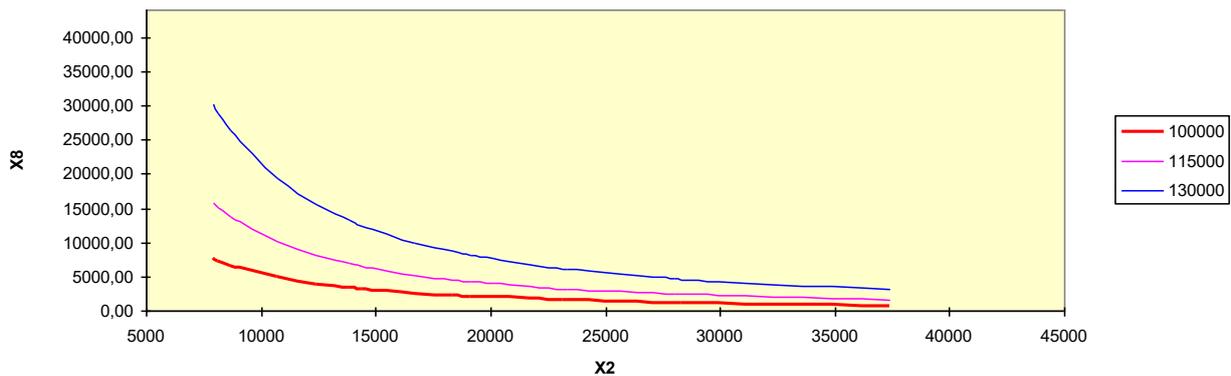


Fig. 10 The dependence modeling of extractive industry, financial and insurance activity in the GRP of the Poltava region

The dependence modeling of extractive industry and operations with real estate in the GRP is presented as follows and graphically depicted in fig. 11:

$$y = 1209,3569 \times x_2^{0,1433} \times x_9^{0,35996} \tag{11}$$

Model verification:  $R^2 = 0,80665 ; F_p = 27,117 \rangle F_{kp} = 3,806$

Isoquant dependence of mining industry and real estate operations in the GRP of the Poltava region is declining and suggests that with the increase of extractive industry in the GRP, the volume of real estate operations is decreasing slightly. These calculations show that extractive industry is a priority type of economic activity not only for the Poltava region, but also for whole Ukraine. The development of this type of economic activity allows both to increase the gross regional product and the size of the average wage in the region, and, consequently, the purchasing power of the population. Such tendency will effect on increase in real estate operations.

The dependence modeling of the processing industry and the supply of electricity, gas, steam, air conditioning, water supply, sewage, waste management is presented in the following way and is graphically depicted in fig. 12:

$$y = 11,197908 \times x_3^{0,3985} \times x_4^{0,6476} \tag{12}$$

Model verification:  $R^2 = 0,43258 ; F_p = 4,955 \rangle F_{kp} = 3,806$

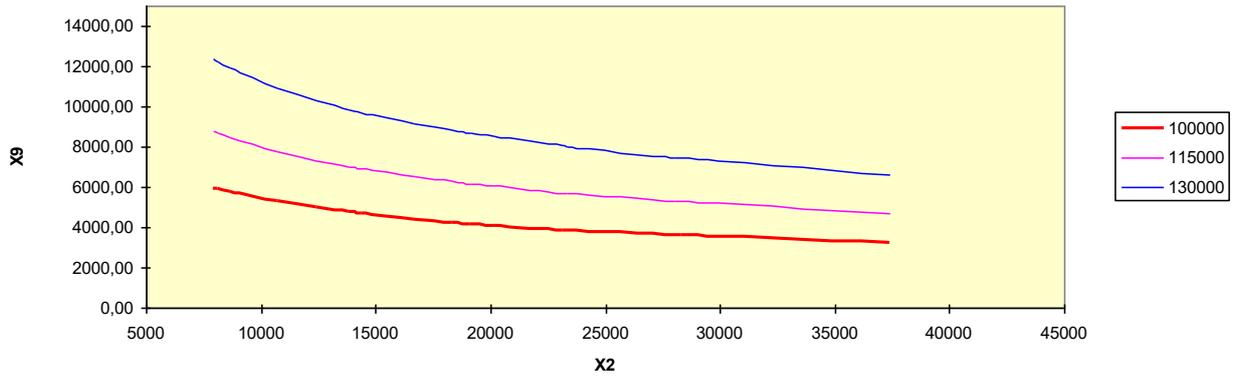


Fig. 11 The dependence modeling of extractive industry and real estate operations in the GRP of the Poltava region

Isoquant dependence of the processing industry and the supply of electricity, gas, steam, air conditioning, water supply, sewage, waste management in the territorial unit of the Poltava region is decreasing and shows that with the increase of the processing industry in the GRP, the volume of electricity, gas, steam, air conditioning, water supply, sewage, waste management is reduced slightly. These calculations indicate that the processing industry depends on its supply of energy resources, as in the Poltava region the processing industry is represented by large, structuring enterprises of mechanical engineering, food processing, oil refining, metallurgy, woodworking, and pharmaceutical industries.

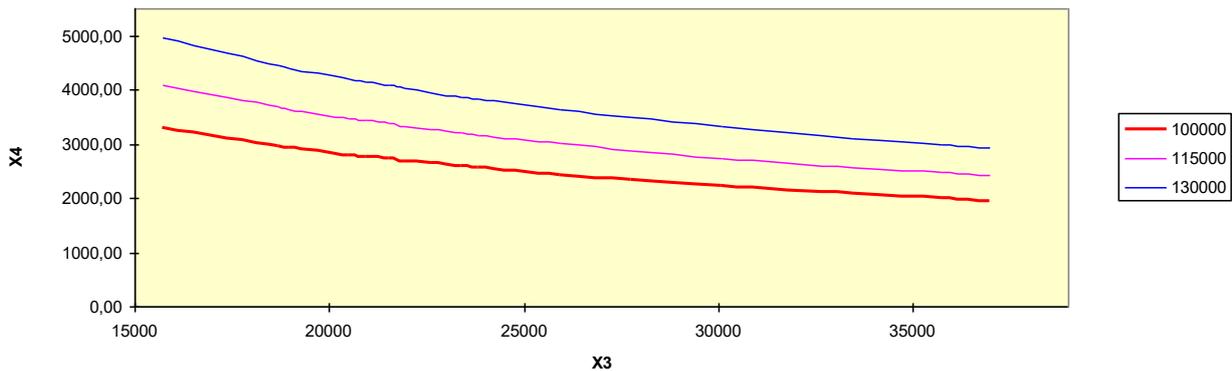


Fig. 12 The dependence modeling of the processing industry and supply of electricity, gas, steam, air conditioning, water supply, sewage, waste management at the GRP of the Poltava region

The dependence modeling of the processing industry and operations with real estate in the GRP is presented as follows and graphically depicted in fig. 13:

$$y = 78,075196 \times x_3^{0,2732} \times x_9^{0,5245} \tag{13}$$

Model verification:  $R^2 = 0,88551$ ;  $Fp = 50,272$ ;  $F_{kp} = 3,806$

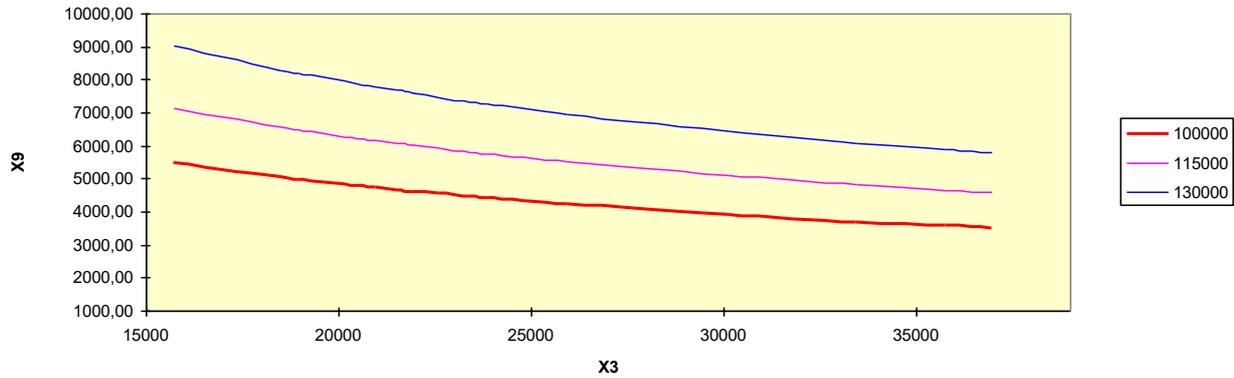


Fig. 13 The dependence modeling of the processing industry and real estate operations in the GRP of the Poltava region

Isoquant dependence of the processing industry and real estate operations in the GRP of the Poltava region is declining and suggests that with the increase of the processing industry in the GRP, the volume of transactions with real estate is reduced slightly. The processing industry is a priority type of economic activity and the increase in the contribution to the gross regional product depends to a certain extent on the volume of real estate operations. For the interior design of residential and non-residential premises, the products of woodworking enterprises, textile industry, etc. are used.

The dependence modeling of electricity supply, gas, steam, air conditioning, water supply, sewage, waste management, wholesale and retail trade is presented in the following way and is graphically depicted in fig. 14:

$$y = 735,82321 \times x_4^{0,1299} \times x_6^{0,4296} \tag{14}$$

Model verification:  $R^2 = 0,62479$  ;  $Fp = 10,824$  ;  $F_{kp} = 3,806$

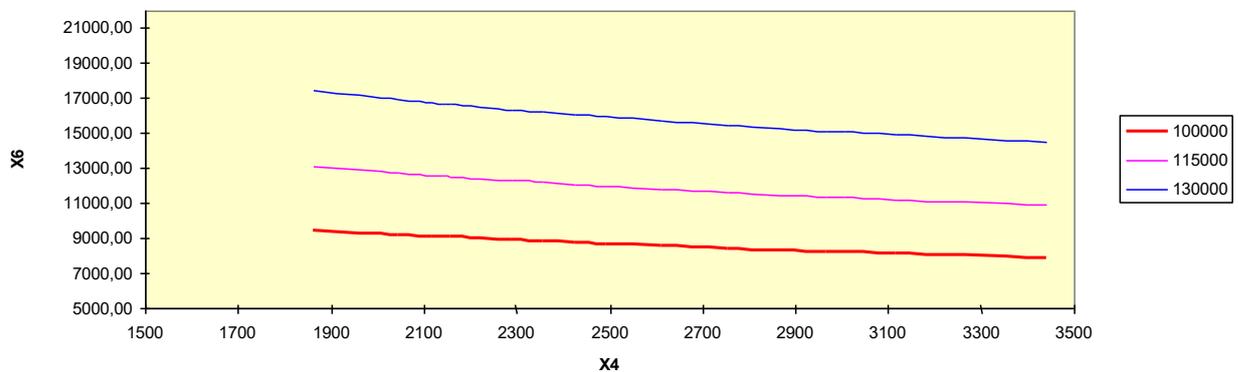


Fig. 14 the dependence modeling of electricity supply, gas, steam, air-conditioning, water supply, sewage, waste management, wholesale and retail trade in the GRP of the Poltava region

Isoquant dependence of the electricity supply, gas, steam, air conditioning, water supply, sewage, waste management, wholesale and retail trade in the GRP of the Poltava region is slightly decreasing and indicates that with increasing electricity, gas supply to the GRP, wholesale and retail trade remains almost unchanged. Because energy resources are consumed, mainly by the processing industry.

The dependence modeling of electricity, gas, steam, air conditioning, water supply, sewage, waste management, financial and insurance activities is presented in the following way and is graphically depicted in fig. 15:

$$y = 2447,4925 \times x_4^{0,2114} \times x_8^{0,2629} \tag{15}$$

Model verification:  $R^2 = 0,56532$  ;  $Fp = 8,454$   $\rangle F_{kp} = 3,806$

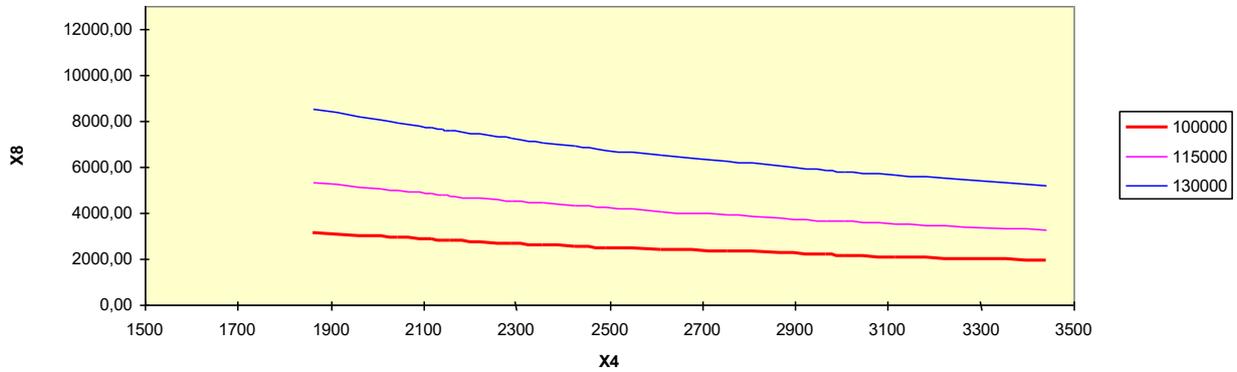


Fig. 15 The dependence modeling of electricity supply, gas, steam, air conditioning, water supply, sewage, waste management, financial and insurance activities in the GRP of the Poltava region

Isoquant dependence of the electricity supply, gas, steam, air conditioning, water supply, sewage, waste management, financial and insurance activities in the GRP of the Poltava region is also decreasing slightly and suggests that with increasing electricity and gas supply to the GRP, financial and insurance activities remain almost unchanged. Because industry is a priority type of economic activity and has rather own financial resources for development, but still needs additional funds for reorganization, equipment modernization, energy efficiency improvement of production. The dependence modeling of financial and insurance activities, real estate operations is presented in the following way and is graphically depicted in fig. 16:

$$y = 1258,5324 \times x_8^{0,0979} \times x_9^{0,4309} \tag{16}$$

Model verification:  $R^2 = 0,80732$  ;  $Fp = 27,235$   $\rangle F_{kp} = 3,806$

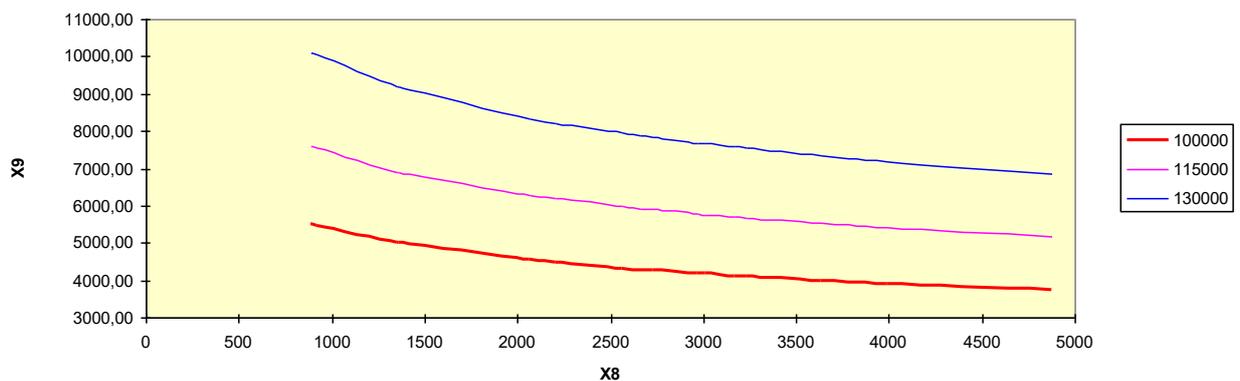


Fig. 16 The dependence modeling of financial and insurance activities, real estate operations in the GRP of the Poltava region

Isoquant dependence of financial and insurance activities, real estate operations in the GRP of the Poltava region is declining and suggests that the financial sector needs to grow in order to secure the volume of real estate operations. The development of the financial and insurance activities of the Poltava region will facilitate the revival of the real estate market.

The dependence modeling of transport, warehouse, postal and courier delivery in the GRP of the Poltava region and operations with real estate is presented in the following way and is graphically depicted in Fig. 17:

$$y = 876,2004 \times x_7^{0,0414} \times x_9^{0,5205}, \tag{17}$$

where  $x_7$  – transport, warehouse, postal and courier delivery in the GRP;  
 $x_9$  – operations with real estate in the GRP.

Model verification:  $R^2 = 0,77739$  ;  $Fp = 22,700$  ;  $F_{kp} = 3,806$

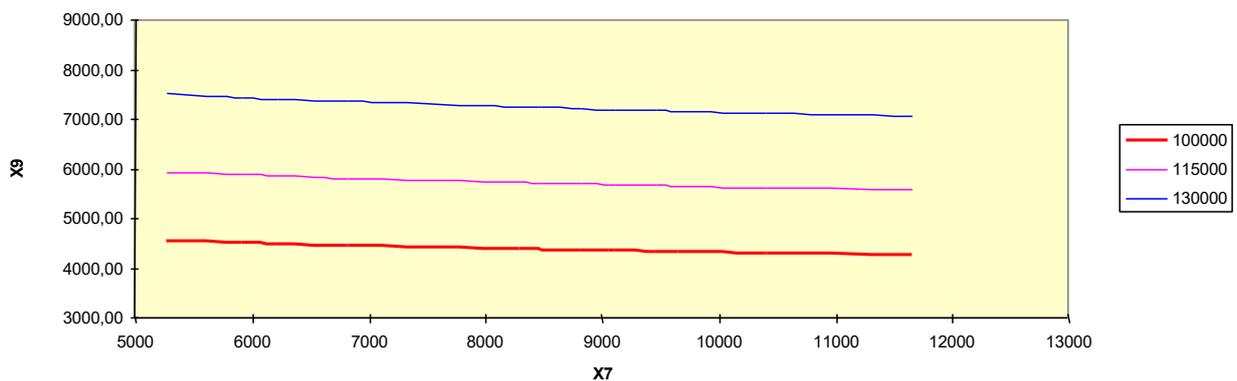


Fig. 17 The dependence modeling of transport, warehousing, postal and courier delivery, real estate operations in the GRP of the Poltava region

Isoquant dependence of transport, warehousing, postal and courier delivery, real estate operations in the GRP of the Poltava region is almost straightforward and suggests that qualitative infrastructure support is important for increasing the volume of real estate operations.

The dependence modeling of construction in the GRP of the Poltava region and operations with real estate is presented in the following way and is graphically depicted in fig. 18:

$$y = 425,47 \times x_5^{0,0855} \times x_9^{0,5706}, \tag{18}$$

where  $x_5$  – construction in the GRP.

Model verification:  $R^2 = 0,78769$  ;  $Fp = 24,115$  ;  $F_{kp} = 3,806$

Isoquant dependence of construction and real estate operations in the GRP of the Poltava region is almost straight and suggests that the development of construction is interconnected with the increase in the volume of transactions with real estate. In general, the increase in the volume of construction products is an indicator of the improvement of the economy of a whole region.

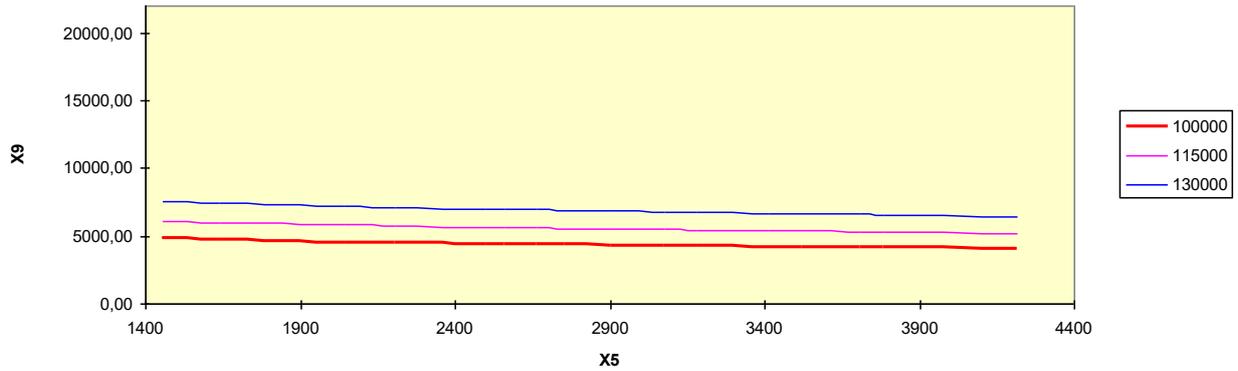


Fig. 18 The dependence modeling of construction and real estate operations in the GRP of the Poltava region

The dependence modeling of wholesale and retail trade in the GRP of the Poltava region and operations with real estate is presented in the following way and is graphically depicted in fig. 19:

$$y = 681,81399 \times x_6^{0,1841} \times x_9^{0,3962} \tag{19}$$

Model verification:  $R^2 = 0,82317$  ;  $F_p = 30,259 > F_{kp} = 3,806$  .

Isoquant dependence of wholesale and retail trade, real estate operations on the gross regional product of the Poltava region is declining and suggests that with the growth of trade turnover, the volume of real estate transactions will decrease slightly.

In general, the development of the real estate market is interconnected with the state of the trading space provision. During creation of spatial development strategies related to the aforementioned types of economic activities, it is necessary to take into account the comfort of living for the population inhabitants, infrastructure and social security.

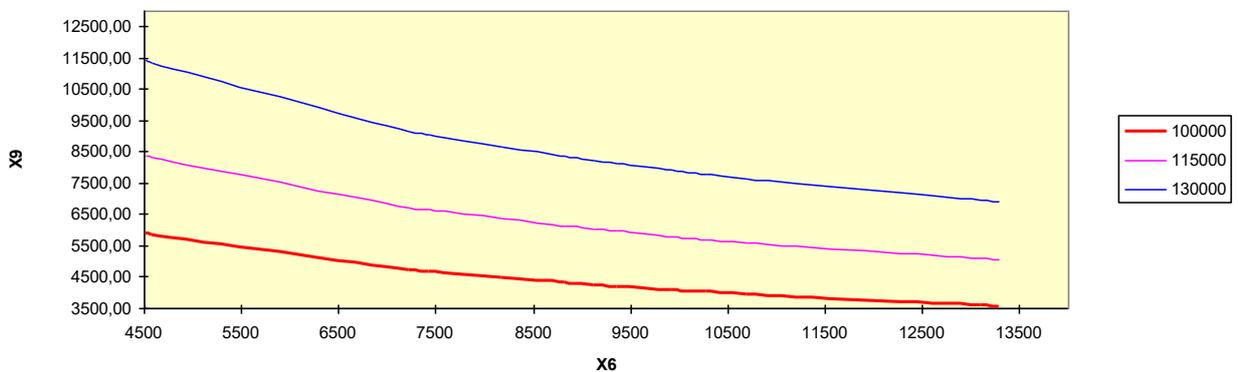


Fig. 19 The dependence modeling of wholesale and retail trade, real estate operations in the GRP of the Poltava region

The dependence modeling of wholesale and retail trade in the GRP of the Poltava region, financial and insurance activities is presented in the following way and is graphically depicted in fig. 20:

$$y = 1988,4137 \times x_6^{0,3771} \times x_8^{0,0637} \tag{20}$$

Model verification:  $R^2 = 0,62003$  ;  $F_p = 10,607 > F_{kp} = 3,806$  .

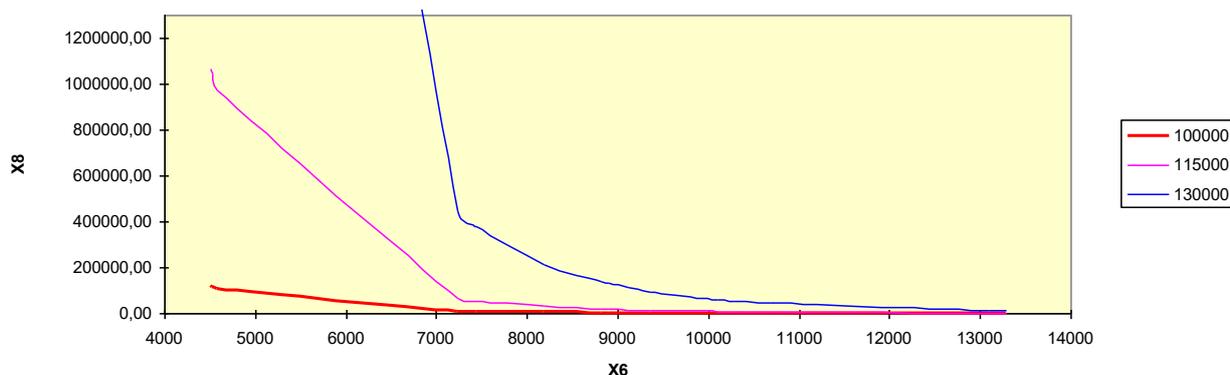


Fig. 20 The dependence modeling of wholesale and retail trade, financial and insurance activities in the GRP of the Poltava region

Isoquant dependence of wholesale and retail trade, financial and insurance activities in the gross regional product of the Poltava region is sharply declining and ambiguous. This model shows that trade development will provide adequate financial resources. Particularly for small businesses, support from the state, region, international organizations, and the availability of preferential lending is very important. Such measures will reduce the unemployment rate, increase incomes, improve the spatial characteristics of the region.

Developed models of spatial development of the Poltava region based on certain interconnections of economic activity allowed to determine the priority of development of agriculture, extractive and processing industry, wholesale and retail trade, transport equipment, real estate operations, financial and insurance activities, construction.

The modeling allowed to determine the significant impact on the development of the material sphere of financial and insurance activities and operations with real estate. Therefore, it is very important in the strategic plan of spatial development of key economic activities to provide development of investment support lines taking into account European experience, that is, the use of traditional sources of financing (budget funds) and funds that should be controlled by territorial communities: State Fund for Regional Development, private and international funds.

It should be noted that the developed models of economic activity type's interconnections do not take into account the investment component for achieving the growth of the gross regional product.

Based on the use of the Cobb-Douglas and Lagrange production function method, it is appropriate to redistribute and determine the optimal amount of investments that will ensure the economic growth of the Poltava region. These calculations are the basis for developing a strategic plan for spatial development of priority economic activities in the Poltava region.

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## Educational Environment of Higher Educational Institutions

Essential transformations in the world-wide educational process influence changes that occur in the Ukrainian higher educational institutions of an art contour directly. An integration into the European educational environment predetermines the necessity of the research of such a phenomenon as an educational environment of the higher educational institution with the purpose of the development of innovative forms and methods and the assurance of the optimization of the educational process on the whole. Art education in Ukraine has a high level, which the run on the specialists of this sphere in the European and world-wide educational and professional environments attests to. This question is especially relevant to the graduates of art professional higher educational institutions of the performing contour, which have their further placements in art groups in Ukraine and abroad. Modern tendencies of art education in Ukraine are oriented towards the creation of an integral educational environment, aiming at the thorough disclosure of creative abilities of students – future competitive specialists in the international labour market. Music and fine arts, choreography as the language of the international communication let students define their talents and become successful in their performing and artistic work. Possessing deep professional knowledge, skills and knacks, modern specialists of an art contour in the context of the integration of traditional ways and modern tendencies have to stick to international standards and introduce them into their activities.

Professional training at the art institutions of higher education differs from other institutions in the thing that future artists, having an artistic talent, acquire professional mastery in the process of creation of original products of art in the specific educational environment. The process of the professional training practically co-occurs with an artistic process, which happens to be a radical discrepancy of art education. During the corresponding training in the educational environment of an art higher educational institution you can observe partnership between lecturers and students, who exercise an individual trajectory of an artistic development during their tuition.

Special training conditions distinguish the preparation of students within the educational programme “Musical art”. This incorporates individual classes, which form the basis of subjects of professionally oriented set of subjects, participation of students in various art groups during their educational process, regular activities in concert performances, being the necessary condition of monitoring of competences and creative development, participation in contests on the Ukrainian and international scales, project activities and art management. Such a substantial arsenal of specific

components is reflected on the high cost price of the preparation of cultural and artistic staff etc. The quality of preparation is provided by performing schools and creative workshops, which not only incarnate the content of educational programmes, but also shape an individuality by the means of ethnical art, proving high level of execution.

A significant factor in successful professional training is an educational environment of an art higher educational institution. Scholars confess that an environmental approach to the process of education becomes significant next to a cultural, individually oriented, competent and dialogic ones.

Analyzing the phenomenon “educational environment”, we can define it as a multilateral and multifold notion. An educational environment is viewed by foreign (J. Gibson, W. Mace, V. Masterova, T. Meng, V. Panov, R. Persson, V. Rubtsov, V. Yasvin etc.) and native researchers (G. Ball. I. Beh, Ye. Bondarevska, M. Bratko, L. Makar, S. Maksymova, O. Muzyka, O. Piehota, V. Rybalka, R. Semenova, V. Semychenko, V. Sierikov, S. Sysoieva, S. Shmaliej etc.).

An educational environment of higher educational institutions is studied as an integral factor of an individual and professional development of a personality (M. Bratko), as a factor of the professional becoming (V. Krasna, S. Chyrchyk), sociocultural development of students (N. Zybina), as the resource of the professional education and as a professional, individual and evolving phenomenon (S. Mykytjuk), as a form of collaboration (V. Rubtsova), adaptation of students in the conditions of the educational environment (T. Brown), formation of the professional and civil competences (S. Mjakisheva, L. Orynina). An educational environment is studied as the means of the development of a creative individuality and endowment of a student (O. Antonova, V. Masterova, I. Podolska).

Further definitions of the notion “educational environment” are given:

- “the system of influences and conditions of the formation of an individuality according to the given pattern, and also possibilities for his/her own development, which occur in the social, spatial and physical surroundings” (Jasvin, 2001);
- “the totality of social, cultural and also specially organized in the educational establishment psychological and pedagogical conditions as the result of the interaction of which there happens to be the formation of a personality” (Tarasov, 2011);
- “multi-subjective and multi-objective systematic formation that can influence the professional and individual development of the future specialist purposefully, ensuring his/her readiness to the professional occupation and/or continuation of education, successful fulfilment of social roles and self-realization in the process of his/her vital activity” (Bratko, 2014);
- “interdependence of favourable conditions, which ensure the formation of a person. This is a person himself/herself, the interplay of lecturers,

surrounding, the application of comfortable technologies of education, and also content and different types of means of education, able to ensure the productive activity of a student, i.e. peculiar natural and artificially created sociocultural surrounding” (Makar, 2013).

An analytical survey of scientific literature lets us come to a conclusion that an educational environment of the higher educational institution is the determinant of an individual development of a student in the period of acquiring of the professional education. An educational environment is optimal and of high-quality if there is the possibility of the creation of an opportunity for satisfaction of educational needs and self-development for all the representatives of an educational and instructional process. An educational environment of the university can be viewed as the necessary condition of the effective formation of the modern system of values of future specialists, it is viewed as a highly organized community, which is characterized by the productive activity, active civic position, positive national identity, progressive system of values. An educational environment of the university executes a series of functions: educational, instructional, developmental, integrative, adaptational, communicative, sociocultural, a function of individual and professional development and a function of self-development of every participant of an educational process. It appears as a source of obtaining of the professional and personal experience, where an important factor is joint values and traditions of the university. Exactly in the educational environment of the higher educational institution the perceiving and maintenance of professional values and productive functions of the future occupation are realized.

Considering the existence of various aspects of this notion, we can explain the variety of models and components of an educational environment. Among them are:

- social component – a system of socially oriented needs of the subjects of an educational environment, their social interactions and interplays;
- motivational component – a system of inducements and internal convictions, which regulate the process of the professional training of the future specialist;
- creative component – creative work as a factor of the positive development of the personality;
- reflexive component – realization of the concernment of national adjustments and the guaranty of their usage in the professional work;
- axiological component – formation of the system of personally and professionally significant values;
- integrative component – the integration of all the previous components in the complicated system of influence on the personality.

Generally recognized components are offered by V. Jasvin in his ecological and personal model of an educational environment, i.e.: social, psychological and didactic, spatial and objective (Jasvin, 2001).

V. Levin distinguishes such components of an educational environment: social; spatial and objective; psychological and pedagogical (Levin, 2000).

According to the communicative-oriented model, worked out by V. Rubtsov, an educational environment is viewed as a form of collaboration, which is oriented towards the creation of special types of communities between students and teachers, and between students themselves, ensuring them the communication of necessary norms of vital activity, including means, knowledge, skills, knacks of an educational and communicative activity.

A modern researcher M. Bratko, performing a thorough research of an educational environment, distinguishes its further components: “personal – it includes all the subjects of an educational process at the higher educational institution (lecturers and students), axiological and notional (mission, vision, strategy, values, traditions, ceremonies, rituals, symbols, corporate culture), informational and content (fundamental and additional educational programmes, which are realized at the higher educational institution, extramural projects, social projects, standard documents, which regulate an educational process and interplay of the subjects of an educational process), organizational and effectual (forms, methods, means, technologies, ways of an interplay of the subjects of an educational process, means of communication, administrative structures and mechanisms), spatial and objective (corporeal and technical infrastructure, stocks of lecture-halls, computer park, library funds, living conditions, design and fittings of rooms)” (Bratko, 2014).

A. Kuh offers a further structure of an educational environment, which consists of interrelated components: subject-resource’s component, material and technical, ideological and technological. A subject-resourceful component determines the resources of an educational environment (students and lecturers) and conditions of the realization of their subject-subjective interaction. A material and technical component accounts for the provision of an educational environment with an appropriate standard equipment. An ideological and technological component determines standard methods and technologies of achieving predicted results in studying (Kukh, 2008).

M. Chernoushek indicates that it is characteristic of an environment, including an educational one, that it doesn’t have distinct, firmly fixed boundaries in time and space; it gives not only main, but also peripheral information, it gives more information than we can conceive, and it influences as a whole (Chernoushek, 1989).

T. Skljarova determines the specific character and structure of a sociocultural environment and distinguishes the notion of an “educational environment”, which includes an internal environment and external one of an educational institution and can be viewed in micro-, meso-, macro- and exolevels of the ecosystem of an educational establishment. Being in close relationships with an educational environment, being an important part of it,

a student constantly interacts with other structural and psychological components.

Thus, the diversity of interpretations, components, models, in our opinion, contravenes the integrity of the notion “an educational environment” to some extent, but determines the specificity of its components according to the province.

An educational environment of an art higher educational institution has its specific peculiarities inherent in art and art education.

The absence of strictly formed standards of an art educational environment in standard documents and the subjectivity of their transformations don't let us systematically influence the substance and constituent components of this phenomenon. At the same time, the concernment of an educational environment of art higher educational institutions needs radical changes in the format of the professionally-personal education that demands the development of the respective concept. Among the existing conceptions of higher education abroad, we shall single out the conception, which is stuck to in the countries of East Asia, which is aimed at the personally oriented education, which assists in the formation of the ideas and values, that ensures the preparation of a future specialist as a righteous individual together with acquisition of knowledge, skills and competences. This paradigm is spread at the universities of China, Japan and India, where the spiritual and moral development of an individual-professional is determinant, and the implementation of the corresponding technologies is put into practice together with the preparation of specialists for this.

An educational environment of the professional becoming of the future musician is supplemented with a musical component, and its structure combines musical and communicative spaces. As a category, “a musical environment” was viewed in the papers of B. Asafjeva, V. Krasnoji, M. Druskina, Ye. Nasajkinskogo, A. Rasrtuginoji, O. Chekan, L. Ukolovoji etc.

We shall stress that an axiological aspect and the development of the spiritual culture of students are very important in the formation of an art educational environment. That is why a significant role belongs to the personality of a musician-lecturer of the higher educational institution. There are some misunderstandings and arrogance, some inappropriate behaviour connected with self-conceit and conflict situations especially in the artistic environment among some lecturers, which is the reason for producing false values among students. In the educational and instructional process, we can observe negative manifestations among the students of art specialities – pragmatism, indifference, conformism and the state of being amorphous. Thus, a personality of a lecturer-musician himself or herself, his/her own example have to popularize the professionally-personal system of values, among which are compassion, humanism, tolerant and professional behaviour.

A. Rastrygina views an art educational space as the basis for the creative self-expression of the future lecturer-musician, which is “the subsystem of the common sociocultural and educational space with all the functional mechanisms, but, at the same time, it has specific peculiarities inherent in the sphere of art” (Rastrygina, 2010).

Having analyzed scientific sources, we have defined the content of the term “an art educational environment”, which we view as an integral system of objective outer conditions, material, informational and personal resources, means and technologies, necessary for the successful functioning of art education. Specific characteristics of an art educational environment is an individual trajectory of the development of every student, creative working process, creation of the final result – the product of an artistic activity (an interpretation of a piece of writing, staging of a performance, creation of a picture, play, art project, product of the design etc.)

A prominent role of an art educational environment belongs not only to the process of the formation of a creative personality, to the process of the professional growth, but also to the formation of values. The term of studying of the students of art specialities (“Musical art”, “Fine arts”, “Design”, “Choreography”, “Theatrical art” etc.) at the university concurs, as a rule, with the period of the formation of their value consciousness, personal and professional qualities. This gives them an opportunity to have self-realization, become competitive in their professional activities. At this time future specialists derive ideals and values from an educational environment of the university. These are values and ideals of different generations and epochs: national, professional, age-specific, family values and ideals that integrate with cultural values, which represent various kinds of art. In such a way the formation of general ideals of the mankind and the system of the professional and personal values are gradually formed.

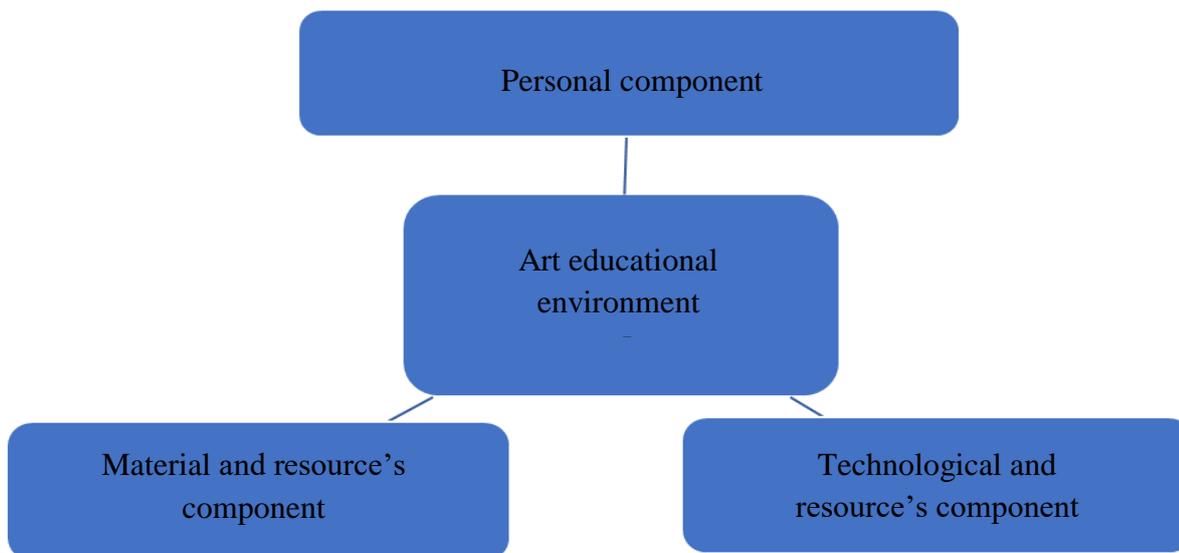
In the context of our research we have defined the structure of an educational environment of an art higher educational institution that includes material and technical, personal, technological and resource’s components.

Let us take a look at the specificity of an art educational environment taking into account an example of the preparation of the students of the educational and professional programme “Musical art”.

*The material and resource’s component* presupposes the provision of an educational process and conducting all kinds of individual and group classes with the help of the corresponding instrumental funds, conditions for storage, maintenance and repair of musical instruments. An important factor is the presence of the specialized stocks of lecture-halls (rooms for individual classes, choral and orchestral classes) and a storehouse for rehearsals.

The possibility of the usage of the university library funds, which are full of textbooks, manuals, and also music and methodical literature on paper and electronic media. Such specialized library funds shall include works of the instrumental, vocal, choral music of the Ukrainian and foreign composers, of

folk and contemporary music, and also it has to be replenished systematically. Library funds shall also have the record library that includes not only records of different works and genres, and also video records of artistic events of this higher educational institution.



**Pic.1. The structure of an art educational environment**

According to the new educational strategy at Borys Grinchenko Kyiv University centres of practical training function at the university that perform the preparation of specialists who possess knacks of the concert-performing, organizational, management activities in the sphere of the musical and scenic art. These centres have corresponding material support and their own specificity in an art educational environment. Thus, “An educational laboratory of the performing workmanship” is equipped with musical instruments, chairs, reading desks for the orchestra, sound amplifiers, microphones, light equipment and costumes. “An educational laboratory of informational technologies in the musical art”, the aim of which is the formation of an informational competence in the future musicians-lecturers in the sphere of musical art and readiness to use modern musical and informational technologies in the musical-performing and musical-enlightening activities, is filled with personal computers with the corresponding software programmes (Sibelius 7, Cubase 7 etc.), sound cards, MIDI-keyboards, headphones, digital piano, SMART-board etc. The functioning of these laboratories is aimed at the qualitative professional training of artists-instrumentalists, artists-vocalists, teachers of musical art on the basis of various art groups, work with sound amplifiers and audio devices.

For ensuring a qualitative artistic environment in terms of its material and resource's component there is also a need for the availability of specially equipped premises for concert activities (with corresponding stationary sound

amplifiers and projection devices), foundations for pedagogical, performing and other types of practices according to educational and training programmes.

A *personal component* of an art educational environment is the corporation of the university, all the subjects of an educational process, students and teaching staff, creative groups (training orchestras, musical companies, choirs), academic groups, performing schools, project and creative groups.

A significant role in the creation of a qualitative art educational environment belongs to the subject-subjective relations within the frame of a constructive dialogue, which are determined as dominant ones. In this perspective art higher educational institutions have great possibilities towards realization of these tasks by the means of musical art through attraction of the student youth to active forms of concert competitions and project activities.

An individual trajectory of the development of students in an art educational environment is provided with the creation of an optimal atmosphere of positive emotional colouring of the pedagogical process and creative microclimate. An objectivity of a lecturer, academic supervisor, instructor of a creative team, the absence of critical, categorical assessments to the address of students and a democratic way of communication give the possibility to advance original ideas, create new products of musical creative work and their interpretations. An important factor is the priority of the creative micro-environment, the increase of positive emotions and joy from common creative work that stimulate students to further revealing of selves in the corresponding work.

The feeling of family on the basis of various informal personal communication is very important in the creation of an art educational environment. Such relations are characterized by the dialogic benevolence, creative co-work of a lecturer and a student during classes and out of classes, strengthening of the position of a student as an equal participant of an educational and instructional process.

An important constituent part of an educational environment of a higher educational institution is its creative performing activity, within the frame of which an optimal interaction between students and lecturers is created, a meaningful extracurricular activity is organized, the formation of a corporate unity and university family is exercised due to the creation of the favourable psychological micro-climate, and the development of the student self-government is realized. Exactly such activity at an art higher educational institution is able to create a favourable educational environment, where the intellectual, cultural, professional development, self-realization and self-improvement of the student youth are exercised.

The organization of the work of creative teams of students (choirs, orchestras, musical companies etc.), where they are drawn to the best examples of the national and foreign musical culture, thrills students with

common work, lessens an interpersonal tension in communication between individuals, groups and teaches to find compromises. The ability to tactfully, with tolerance and benevolence express themselves about the deeds of others is formed. At the same time the priority of the development of an individuality of everyone, realization of a creative potential in collective activities, finding creative tasks to solve by all the members of the group, creation of the conditions for self-determination, assessment of the results of creative activities in the perspective of the revealing and creative development of every individuality and formation of friendly relationships with all the members of the group are very important.

Valuable commonality and traditions of the university are the core of an educational environment. The contemporary educational environment of the university includes the corporate culture, which is aimed at preserving and growth of professional values. Cultivating such values, as competence, professionalism, creative determination, readiness to work in a team, the corporate culture elevates the concordance of the collective, assists in co-work. An important element of the corporate culture is the presence of your own ideology and consciously cultivated system of values, norms, traditions of lecturers and students. The basis of the corporate culture of the university is the list of values that discerns the university from other organizations.

The corporate culture guarantees the formation of moral and ethical values that stimulates an intellectual and spiritual potential of students to effective work, strengthening of relationships between lecturers and students, working out the feeling of the community around values, norms, traditions, rising of the responsibility for the quality of common activities. In such a way, students, being members of the corporate university, develop themselves in the professional and personal directions, and their activity is aimed at the transformation of the surrounding and development of human relationships. These statements are relevant to the process of the professional preparation of artists, formation of professional and personal values in the educational environment of the university.

The body of the student self-government, the institute of curators, supervisors of creative educational teams, their interaction with all the members of the educational and instructional process constitute the basis of the system of the formation of the corporate culture in the educational environment of the art higher educational institution.

In following the corporate values all the members of the teaching staff have to give their personal examples to all the students. At the same time, a great role is put onto the curators of academic groups and supervisors of creative teams, who are the mediators between the subjects of the educational and instructional process. As an important direction of their work with an academic group, choir, musical company, orchestra exactly they have to choose the formation of the corporate culture of students, the development of the feeling of unity with the university, its traditions, values and create

pedagogical conditions for the formation of the comfortable environment as the key component of the social development of an individuality. Combining teaching and instructional functions, a curator or a supervisor of a creative team by himself/herself has to be an example in following the corporate values, a model in the etiquette of communication, master corresponding knowledge and skills. In the process of communication with such personalities in the common creative activity, the credit and mutual understanding are formed that are the constituent components of the harmonious professional and personal becoming of the future teacher-musician. The derogatory tone, cry, offences to the address of students or other colleagues are inadmissible in such communication. An important mission of a curator is assistance in the transformation of existing values of art into the motivational sphere of an individuality, in realization of students that these values comprise their professional characteristics.

The formation of the key corporate values of the future musicians is realized through involving them to the system of extracurricular activities and traditions, to different kinds of musical and scenic activities. Participation in creative teams, solo performances besides the formation of the professional mastery, forms also the basis of the corporate culture during off-hours. These are image activities and brand projects, the originality of which is in the uniqueness and singularity due to the corporate thematics, policy of the repertoire or the cast.

*The technological and resource's component* of an art educational environment comprises the methods and technologies of an art education, traditions and innovations of the professional preparation, project technologies, art-management, concert and competition activities and other resources for the organization of the activities, connected with musical performing, scientific and research, musical and pedagogical activities.

The professional preparation of the students of art specialities is connected with the direction of all the educational subjects that form its basis, and is aimed at the formation of the readiness to carry out a performing activity on the basis of professional knowledge and knacks of the play on a musical instrument (solo singing, choreography), orchestra's and musical company's play (musical company's singing/ choral singing, choreographic ensemble's activities), work at rehearsals and concert performances.

In the preparation of students-musicians the executive disciplines, such as conducting, voice training, play on the main (special) and additional instruments, concertmaster class, an ensemble and orchestra class obligatory predetermine tasks for the creative development of students. Mastering of the performing art demands the development of the ability to generate artistic and creative ideas, the ability of the creative rethinking of musical material. The peculiarity of musical and performing activities is revealed in the continuous, concert and enlightening activities, without participation in which you cannot master this profession. In other words, every student-

musician, on the one hand, is a participant of the traditional pedagogical process, and on the other – an artist, who acquires a high level of the professional mastery and makes his/her contribution into the development of the musical culture. Consequently, a student – the future musician is a personality who has an artistic taste, associative thinking, the well-advanced feeling of something knew and the desire to create this feeling.

The main form of improving of the musical and performing preparation of students of musical specialities is classes in special subjects, where students study the essence of the performing modes of the play on an instrument, optimal ways of surmounting of technical difficulties, performing touches, the dynamics, the peculiarities of phrasing of works and others that comprise the technological basis of the professional work of a lecturer-musician. An immediate communication with values of the musical culture and their perception happen at the same time. And the main thing is that students learn how to recreate true values of musical art.

The creative activity is not possible without an artistic experience. Musical and theoretical disciplines assist in solving creative tasks, especially in the process of cognition and understanding of specific characteristics of the composer's style. Listening to music and the enrichment of the experience of its perception also appeal to the processes of the creative co-work with composer's conceptions, activate creative direction of the artistic thinking of students. The preparation of students-musicians in all the directions of the professional preparation is imbued with the necessity of the creative provision of the process of studying, that helps in effectuating of principal tasks of their professional becoming.

For the qualitative preparation of a student-musician you need to use the best examples of musical art of various styles and genres; organically combine the possibilities of theoretical, practical, individual musical disciplines; choose musical material for performing programmes not only on the basis of technical possibilities of performers, but also with the gradual complication of the material. For the usage of potential opportunities of the "repertoire policy" we offer to take into account and use purposes and tastes of students to the full extent, their own manifestations during the composition of performing programmes for further improvement of the professional and value orientations in the sphere of the musical performance. You need to take into account the contemporary vision of musical art in general and a personal professional development of a student. Constant improvement of the performing mastery and an interpretation of productions assist not only in mastering of the technological aspects of the performing preparation at a high level, but also in deep understanding of the conception of musical productions. This is because the comprehension of the conception of the best productions of the world and national musical art is the understanding of their value (Plokhotnyuk, 2009).

In those cases, when the professional preparation of the future student-musician doesn't allow him to take part in the competitions, festivals or concerts that will influence the image of a certain educational institution, we offer to involve them into performances in extracurricular mini-concert programmes, where students of different specialities can participate.

The improvement of the organization of the concert practice assists in the creative development of a student-musician: student's professional knowledge and skills, acquired at rehearsals, are mobilized and become apparent in the technology of performing and interpretation of a musical production. Besides that, the quality of performing a musical composition in class is higher, as a rule, than during the concert performance. First of all, this is because of the lack of concert practice experience.

In modern conditions new conceptions of the performing activities, new approaches to the problem of the formation of the professional and value orientations of the future musicians are created, because traditional musical Pedagogy still doesn't have the experience of the complex solution of the given questions.

Because of this the creation of corresponding conditions in the educational environment of higher educational institutions is of current importance, where purposive mastering of musical compositions of various genres, improvement of the musical and performing preparation, systematization of the concert and performing activities and also development of experimental methods would eventuate, that will assist in the deep adoption of values of the musical culture by students, of musical and pedagogical knowledge through complex mastering of world examples in the process of learning and their practical usage. This will allow to intensify the educational, cognitive and performing activities of the future lecturers-musicians, to elevate the general level of the performing mastering in the process of their preparation at higher educational institutions of culture and arts, that will have a positive effect on the formation of the professional and value orientations of students-musicians.

An educational environment of an art higher educational institution includes a meaningful system of cultural and artistic projects, among which are solo concerts, concert classes, theatrical performances, opera and ballet performances, show-programmes, festivals, various creative activities, to most of which students prepare by themselves. Participation in such activities gives the possibility to everyone to show his/her creative individuality, acquire skills of writing screenplays, to appear in a role as a composer, musician-performer, actor or director. The achievement of an educational environment is the creation of university musical traditions, that assists in formation of key moral and ethical constituent parts of an individuality: national and patriotic consciousness, fundamentals of spirituality and tolerance; creative realization of an individuality, embodiment of student

cultural and artistic initiatives; formation of the professional culture and competence.

In the art educational environment students are involved into various activities that assist in the qualitative professional preparation, that is:

1) creative meetings with composers, master-classes of famous musicians, singers, art critics of Ukraine and different countries;

2) attraction of students to the purposive observations and analysis of musical and scenic activities (national culture, genre, style, artistic image, means of musical expressiveness), to the observations of performing interpretations of musical compositions of other students, to joint discussion of the results of the students' creative potential revealing in the process of musical and scenic activities;

3) attraction of students to the concert-performing and project activities.

Thus, at Borys Grinchenko Kyiv University among traditional forms of concert activities there is the cycle of vocal and instrumental concerts of "Small Philharmonic Society" from musical compositions of classical music of various styles and genres, in the process of which students get acquainted with world musical cultures, musical language of other nations in the perspective of the interplay and interpenetration of musical cultures of the East and West.

Among the unique projects there is the cultural and artistic project "Musical interlude", which functions already for the fourth year at the Institute of Arts at Borys Grinchenko Kyiv University as a student creative laboratory. The peculiarity of this project is the weekly presentation of mini-programmes consisting of 5-6 concert numbers of various styles and genres during the break between classes in the concert hall of the Institute. A positive comfortable art environment and benevolence of spectators conduce to the creative self-realization of students and performers, actors and presenters. For three years of existence of an artistic project "Musical interlude" students and lecturers have conducted over 75 programme issues, approximately 500 items of programmes with the participation of students of the speciality "Musical art". The originality of the project is in its variability and effectiveness, because approximately 2000 thousand students have taken part in it in the form of scenic performances. In "Musical interludes" you can hear and see both a solo performing of a vocal and instrumental musical composition, and a choral and orchestral one. New vocal and instrumental compositions are heard weekly, choreographic and theatrical productions are performed. In such a way breaks between classes in the academic building were varied, and they became the ground for the professional growth of students! And with supplementing exhibitions with art works of the students of the specialities "Fine arts" and "Design" this project becomes variegated and unique.

Among other image artistic projects of the University there is the competition of the instrumental and performing mastery “Bellissimo” among students of art schools and students of musical colleges of art, the Beneficial student ball (with the participation of the chamber orchestra and solo vocalists, instrumentalists), choreographic festivals “ArtSpring” and “Christmas Kyiv”, integral artistic projects, in which students of different art specialities at concert grounds of the city take part, solo cultural and artistic projects of students, lecturers etc.

In the art educational environment there are creative activities within the frame of the social project “Borys Grinchenko Kyiv University is for the Kyivans”, among which are musical performances for children, concerts for adults, and also the organization of classes of “The musical studio” is realized.

All the previously mentioned activities presuppose the maximum usage of active playing of music by the participants in the connection with the usage of various creative tasks within the frame of the musical and scenic activities in the roles of musicians-performers, a scriptwriter, actor, director. Every student has the possibility to fulfil himself/herself in the activity that he/she likes best of all and that is accessible, where he/she can carry the art to others.

The technology of art-management is effectively applied in the preparation of the previously mentioned activities, where the preparation of art products of various genres and styles is exercised in co-authorship in the form of interaction of a curator of a project and students of performing specialities. Thus, in the musical educational environment, where the principal activity is the performing one, and creative, educational, research activities are synthesized, creating the final result that is a cultural and artistic project.

The realities of contemporary higher education testify that the problem of the development of an educational environment of art higher educational institutions is topical and of great importance. But higher educational institutions only start the process of the research of an art educational environment and the development of strategic and tactical principles of its formation. The perspectives of the further research are in studying the interconnection of an educational and extracurricular activity in the process of the creation of a qualitative art educational environment.

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## Leadership Development Course in the System of In-Service Training for English Language Teachers

It is common knowledge that the teacher is a key figure in the educational process and his/her position is similar to that of the leader in society. Pedagogical work obliges the teacher to develop his/her own leadership skills and to train leaders of the school team. A foreign language teacher performs the double leader's role: on the one hand, he/she initiates and maintains the communication process, and on the other hand, he/she is responsible for organising and managing the educational process as well. The problems related to teacher leadership development can be collected into four groups and are summarized below.

The first one is concerned with justification of the need for teacher leadership and the definition of this construct. Frost defines it as an educational reform strategy that enables to overcome the limitations of established approaches to continuing professional development aimed at school improvement by mobilising the massive untapped potential of teachers as leaders of innovation (Frost, 2012). Poekert, Alexandrou and Shannon consider teacher leadership as a practical response to guide teacher learning in school improvement and policy reform efforts, and in their view, the process of leadership development is an iterative and recursive, rather than linear, experience that centres on the construct of personal growth, but also includes the overlapping constructs of growth as a teacher, researcher and leader (Poekert, Alexandrou & Shannon, 2016). Fairman and Mackenzie emphasize that the process of developing teachers' leadership qualities takes place on a narrower scale – in the classroom when teachers improve the conditions and outcomes of student learning and then on a wider scale in collaboration with colleagues and other stakeholders. The authors also conclude that the work of teacher leaders results in teacher learning as well as improved student learning (Fairman & Mackenzie, 2012). A similar view is expressed by Harris who stresses that teacher leadership has impact and effects at three levels: the school, teacher, and student (Harris, 2005). It may contribute to building professional learning communities within and between schools (Harris, 2003).

In addition to the issues related to defining leadership the second question is about what qualities constitute a teacher as an effective leader. Pearce underlines that leadership itself is a skill that can be learned through professional development, mentoring, and leadership development programmes (Pearce, 2015). According to Fairman and Mackenzie teachers' leadership qualities include interpersonal and intrapersonal awareness and

skills (Fairman & Mackenzie, 2012). When teachers are engaged into the decision-making process, they develop such leadership skills as problem solving and interactive communication (Buckner & McDowella, 2000). Ejimabo defines leadership decision making as a dynamic process of choosing from the best different alternatives and associated with the systemic act of making a choice (Ejimabo, 2015).

The third problem refers to leadership training of teachers and its existing practices. The recent literature review shows that there is increasing evidence relating to necessity of introducing the leadership development programmes into the system of teacher training. Poekert duly notes that professional development leads to teacher leadership, which leads to further professional development for the teachers enacting leadership and their colleagues (Poekert, 2012). Snyder suggests introducing teacher leadership into the preparation of teachers (Snyder, 2015). Szeto and Cheng point out that development of teacher leadership requires constructive and regular communication with teachers and encouragement of their continuing professional development (Szeto & Cheng, 2018). In our opinion, leadership development must be an essential part of both pre-service and in-service teacher training.

The analysis of various in-service training programmes provided for English language (EL) teachers by Ukrainian teacher training institutes shows that the main focus areas are professional knowledge, skills and attitudes. It should be noted that the preferred partner of the Ministry of Education and Science of Ukraine in training of EL teachers is the British Council in Ukraine “bringing immense experience, modern methodology and state-of-the-art educational materials to English language education reform in Ukraine” (Bolitho & West, 2017). Thus, since 2011 In-Service Development project (INSETT) designed by the Ministry and the British Council has been implemented in nearly all the in-service teacher training Institutes in Ukraine. The project is aimed at developing a range of professional teaching skills and activities in the following areas: lesson and course planning; understanding students; organizing the lesson; evaluating and assessing educational achievement; subject knowledge; managing personal and professional development.

However, despite the fact that alongside improving professional competency there’s a focus on developing life skills (basic competencies) in the system of in-service training for EL teachers, still there’s limited attention to their leadership development. Hence, the final related issue in order to address this challenge is designing a respective course in the system of in-service training for EL teachers. In research works there is a variety of requirements for course modelling. Balta, Arslan and Hüseyin identified the following characteristics of an in-service course: executed easily, enabling collective participation, making active learning possible, increasing content

knowledge, coherence, intensive, sustained, long-term and job embedded (Balta, Arslan & Hüseyin, 2015).

Kennedy divides teacher training models into three groups according to the functions they perform. The first one, transmission, is aimed at fulfilling the function of preparing teachers to implement reforms and is based on a skills-based approach when teachers update their skills in order to be able to demonstrate their competence, and then cascading or disseminating the information to colleagues. The second one, transition, which includes coaching, mentoring and communities of practice, is aimed at sharing dialogue with colleagues, counselling and professional friendship, enhancing individual knowledge and experience through collective endeavour. The third one, transformation, represents effective integration of the range of models described above and is aimed at supporting teachers in contributing to and shaping education policy and practice. The author suggests increasing capacity for teacher autonomy as one moves from transmission, through transitional to transformative categories (Kennedy, 2005).

Our research focus areas address a need for methodological support through in-service training to improve situation awareness and decision-making skills of the EL teacher as a leader. The above-mentioned qualities constitute a significant part of teacher leadership since they synthesize a complex of skills. Endsley highlights three components in the structure of situation awareness: 1) perceive the status, attributes and dynamics of relevant elements in the environment; 2) form a holistic picture of the environment, including a comprehension of the significance of objects and events; 3) project the future actions of the elements in the environment (Endsley, 1996). Stewart points out that the decision-making process involves 1) pertinent information being identified, analysed and evaluated; 2) all viewpoints being recognised; 3) possible consequences being considered; 4) viable alternatives being exported; 5) decisions being followed by careful assessment of results; 6) any necessary modifications being made (Stewart, 1989). Other authors state that objectivization of subtle cues as a process of discovering, following and making use of internal and external subtle cues (conscious emotions, thoughts, perceptions and information) can also be part of decision-making (Nandram, Mourmont Smith et al., 2018). We believe that situation awareness and decision-making skills of the EL teacher constitute a single construct which is represented by three components:

- 1) cognitive that implies knowledge acquisition about challenges that occur in educational environment, their causes and implications as well as algorithms of actions in such situations;

- 2) operational, i.e. such skills as to assess the situation, set goals, identify alternative solutions, make the best decision and justify it;

- 3) control and regulation determines stability of leadership position, i.e. ability to control one's psychological state under stress and tension without reducing activity.

In this respect, designing a leadership development course based on using decision trees and logic boardgames is relevant for moulding the above-mentioned construct. In broad terms, a decision tree can be defined as an action maze and its generally accepted use refers to problem-solving, procedural training, surveys, etc. A number of authors suggest designing and using mazes in an in-service teacher-training course. Woodward points out that mazes can be about personal and professional dilemmas, options that open up to a teacher as she goes through a lesson, curriculum and planning choices, error analysis and correction choices (Woodward, 1995). Reviewing literature enables to single out the following objectives of using decision trees, or mazes:

- categorising, comparing and contrasting key factors (Tarr, 2015);
- offering trainees on teacher education programmes an opportunity to choose a particular course of action, and to reflect on its likely outcomes (Kennedy, 1999);
- structuring discussions so that trainees are guided to discuss issues or choices chosen by the maze writer, rally relevant thoughts, exercise judgement, negotiate with others and see the effects of their own choices (Woodward, 1995);
- considering carefully the situations the trainees would encounter while doing the maze (the area of teacher development) and select those which would be appropriate for a programme of developmental activities within their own university departments (Cadorath, 1995).

Thus, during the leadership development course as part of in-service training for EL teachers we suggest using a decision tree that is focused on three leadership styles: authoritarian, democratic and laissez-faire. The design process of the above-mentioned decision tree is based on the recommendations given by J. Cadorath. Firstly, we formulate the basic statement as the starting point for entry: “Leaders are born, not made”. Secondly, we consider the options as the starting points for diverging paths. Thirdly, we create a series of related ideas (decisions) which will eventually form the EXIT cards (trainees’ outcomes). The decisions refer to leadership functions and skills, and trainees’ outcomes are concerned with leadership styles (See Appendix, Fig. 3).

Before introducing the trainees to the decision-making process, we use a lead-in activity in order to initiate their thinking, activate their prior knowledge of teacher’s professional skills and relate it to the topic on leadership development. The trainees are suggested the following questions to discuss:

- Should teachers become leaders and why?
- What leadership qualities does every teacher possess?

The trainees compare teacher’s professional skills with those of a leader by drawing a Venn diagram and highlighting common skills (Appendix, Fig. 1).

Then the participants discuss the statements about roles for teacher leaders formulated on the basis of the article (Harrison & Killion, 2007). The trainees decide whether the statements below are true or false:

1. Teacher leaders perform a quite limited range of roles to support school and student success.

2. A teacher leader suggests that each team member develops his/her own understanding of the standards and their applicability.

3. Teachers help their colleagues by sharing instructional and professional resources: Web sites, instructional materials, readings, or other resources to use with students, articles, books, lesson or unit plans, and assessment tools.

4. A school leader does not necessarily share the vision of the school, because leaders are visionaries who are “never content with the status quo but rather always looking for a better way”.

5. Among the most important roles teacher leaders assume is that of learner.

6. A teacher leader explores which instructional methodologies are appropriate for the school; and share findings with colleagues.

7. Serving as a mentor for novice teachers is a common role for teacher leaders.

8. Teacher leaders perform organising and mentoring rather than learning function, e.g. they demonstrate their own lessons rather than coteach or consult their peers.

9. Leadership roles are always formal with designated responsibilities.

10. A teacher leader encourages staff members to examine how they can change their instructional practices to improve student engagement and achievement.

After that the participants are involved in a decision-making process that in the end defines their preferred leadership style. Finally, the trainees are engaged into a group discussion on the appropriate leadership style used by the teacher in the process of EL teaching. As a result, the trainees fill in the chart. In the first two columns they enumerate advantages and disadvantages of each leadership styles, in the third one they are to predict and point out the way students respond to each style as their leader’s followers.

Another alternative to this activity is using the SWOT analysis. The trainees identify strengths and weaknesses of each style as internal factors (What are the benefits of this style? What are its drawbacks?) as well as opportunities and threats as external ones (The style can be beneficial in the following situations... If used improperly, this style can have the following negative outcomes...).

The participants are then to make a conclusion if there is a universal leadership style applicable to any situation in EL teaching.

The rationale of using decision trees in the system of in-service training for EL teachers is that it helps raise trainees’ awareness of leader’s roles and

functions, and apply the most effective leadership style according to each particular situation. Besides, it is essential to engage the trainees in constructing their own decision trees, for instance, using online tools, and applying their constructs in teaching English to their students.

Another helpful technique to be used during the leadership development course as part of in-service training for EL teachers is a boardgame. Its objectives can be summarized as follows:

- provides managing and solving the problem as in the actual situation, improving time management, human resource and communication skill (Mohd, Shahrul, Herman et al., 2016);
- facilitates attention, concentration and motivation of players;
- allows a “learn by doing” approach providing an hands-on and heads-on skill and knowledge development (Chiarello & Castellano, 2016);
- promotes reflections and discussions among players, and cooperative learning (Chiarello & Castellano, 2016; Cerqueiro & Castro, 2015);
- serving as a useful learning tool to revise the material and providing feedback on the assimilation of contents (Cerqueiro & Castro, 2015).

In order to develop trainees’ ability to handle challenging situations that occur in the classroom we designed the following boardgame which consists of a series of cards (Appendix, Fig. 4). The participants read the situations presented and suggest possible solutions. The first player throws the dice, gives a possible solution to the problem that he/she finds on his/her card. If everyone in the group accepts the suggested variant, the participant can stay where he/she is; if it is not a satisfactory solution, the participant must return to where he/she was on his/her previous turn.

As a variation of a situation boardgame there is another one based on quotes analysis (Appendix, Fig. 5). It is well-known that aphorisms and quotes have high educational potential. Using them in the training or learning process promotes developing trainees’ critical thinking, broadening their horizons and assimilating human values. As the postgame activities, we use the ones suggested by S. Brown, i.e. deconstructing a quote to get at the authors meaning in a given context, drawing a picture that depicts the meaning and sharing with the group, etc. (Brown, 2016).

Thus, the rationale of using this kind of boardgames in the system of in-service training for EL teachers is that the trainees learn to analyze and critically evaluate all aspects of the problem that might occur in EL teaching and learning environment. As Sneyers, Jacobs and Struyf emphasise, reducing stress and improving professional and personal functioning of teachers requires developing their attitudes (attitude level), understanding (knowledge level) and handling (application level) of complex stress situations (Sneyers, Jacobs & Struyf, 2016). After conducting boardgames, it is important to show the trainees how to construct them by sharing the respective templates.

At the final training session the participants complete the self-evaluation form (Appendix, Fig. 2) and assess to what extent their skills are developed. The number scheme from 1-3 is used for according to the following scale: 3 – the skill has a stable actualization (high level), 2 – the skill is manifested situationally (satisfactory level), 1 – the skill is not developed (not satisfactory for teacher leadership). Due to this reflexive practice the trainees can identify their achievements, areas for further improvement and ways they can developed as leaders. Hence, this self-evaluation is a modified variant of the SWOT analysis.

In assessing effectiveness of the present training course we use qualitative methods, in particular, the analysis tools proposed by A. Kennedy (Kennedy, 2005):

1. What types of knowledge acquisition does the course support, i.e. procedural or propositional? Both, as the teacher trainees are practitioners and mostly know the challenges that occur in educational environment, but at the same time, they acquire procedural knowledge about algorithms of handling such situations and choosing the appropriate leadership style.

2. Is the principal focus on individual or collective development? The collective work is predominant and thus, more beneficial than the individual one, since “the combinations of several individuals’ knowledge through practice is a powerful site for the creation of new knowledge” (Boreham, 2000).

3. To what extent is the course used as a form of accountability? It is used not as a form of accountability but is aimed at transformative practice.

4. What capacity does the course allow for supporting professional autonomy? The course is gradually increasing capacity for teacher autonomy that reflects teacher’s ability to independently manage the process of education as well as further self-education and self-development.

5. Is the fundamental purpose of the course to provide a means of transmission or to facilitate transformative practice? The course represents a transition from transmission by promoting skills development and motivating the trainees to apply the acquired experience into practice, to transformation enabling the trainees to be the agents of change on the institutional level.

Our work has led us to conclude that the leadership development course for EL teacher trainees based on using decision-trees and boardgames promotes developing situation awareness and decision-making skills that constitute a single construct made up of three core components (cognitive, operational, control and regulation). Future work will concentrate on empirical testing of the course effectiveness by using quantitative methods and extending the respective methodological support.

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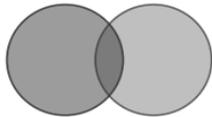
## Appendix

**Teacher and Leader: Common Skills**

1. Work in groups and decide where to place the following items in the Venn diagram.
2. Display your diagram on the noticeboard. Compare your version with the versions of the other groups and participate in a whole-class discussion.

<ul style="list-style-type: none"> <li>✓ stimulate and challenge others</li> <li>✓ evaluate work, search out errors and omissions</li> <li>✓ maintain order</li> <li>✓ provide task excitement and spirit</li> <li>✓ explain material</li> <li>✓ involve and empower others</li> <li>✓ persuade and persevere</li> </ul>	<ul style="list-style-type: none"> <li>✓ assist evolution and change</li> <li>✓ guide problem solving</li> <li>✓ be a course content expert</li> <li>✓ establish group integration, group goals and policies</li> <li>✓ offer ideas, suggestions</li> <li>✓ do his work better than others</li> </ul>
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**Teacher’s skills      Leadership skills**



**Figure. 1.** Venn Diagram on Teacher and Leader’s Common Skills

SELF-EVALUATION FORM				
Situation Awareness & Decision-Making Skills				
Criteria	Indicators	Grades		
		3	2	1
<b>Cognitive</b>	<i>knowledge about:</i> - challenges that occur in educational environment; - their causes and implications; - algorithms of actions in such situations			
<b>Operational</b>	<i>skills:</i> - to assess the situation; - set goals; - identify alternative solutions; - make the best decision; - justify the decision			
<b>Control and Regulation</b>	<i>stability of leadership position:</i> - ability to control one's psychological state under stress and tension without reducing activity			
<b>Achievements I have</b> _____				
_____				
<b>Areas for improvement</b> _____				
_____				
<b>Ways I can develop as a leader</b> _____				
_____				
_____				

Figure. 2. Self-Evaluation Form for English Language Teachers

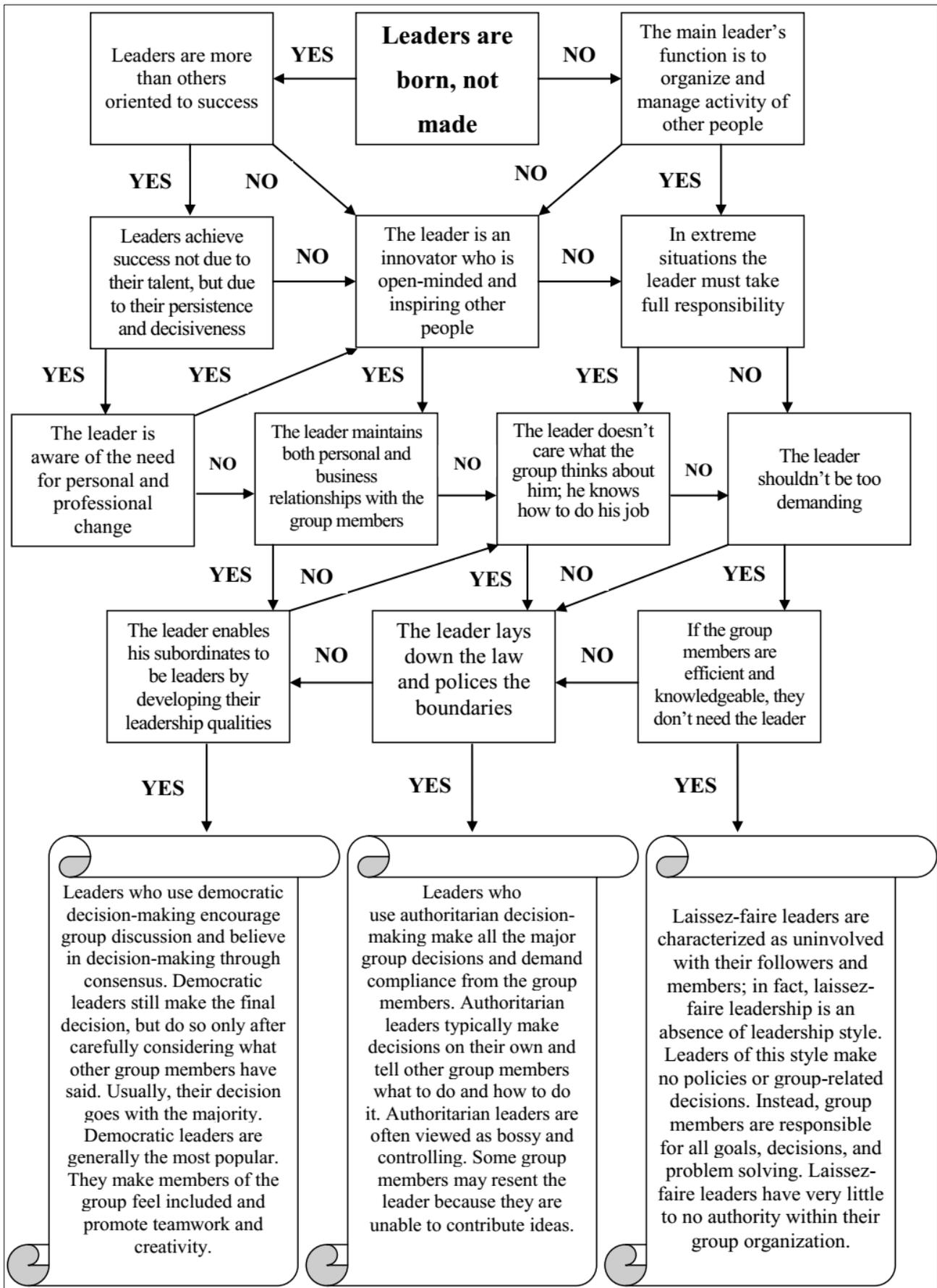


Figure. 3. Decision Tree on Leadership Styles

## Effectively Handling Difficult Classroom Situations

**START**

**1** Your students are restless and inattentive while one of them reads a text aloud/presents a report.

**2** Over half of your learners have not brought their textbooks to the lesson.

**3** You intended to base a part of your lesson on homework, but over half the class hasn't done it.

**4** You thought you had found the audio text for listening beforehand, but you get lost and can't find it in the presence of your students

**5** You have 5-10 minutes before the lesson ends and you have nothing left to do.

**6** You feel a bit ill today and have difficulties in conducting a lesson.

**7** You suddenly realize you forgot to take an important text for the class.

**8** You have just heard that the principal is going to attend your lesson.

**9** It's the last day before holidays and students don't want to work at the lesson.

**10** You try to speak English as much as possible at the lesson but the students say they don't understand you and ask to use L1.

**11** You notice that one learner transcribes new English words using L1 alphabet.

**12** You see that your new students can't work in pairs or groups (one works for the rest) and prefer working individually.

**13** One learner is very active but often answers out of turn.

**14** One learner has spoken very enthusiastically about his/her pet but others laugh at his/her pronunciation/manner of speaking, etc.

**15** You notice that 2-3 students do some other work during the lesson

**16** Some of your students talk to their neighbours continually.

**17** You are explaining some new material. One of your students isn't listening but looking dreamily out of the window.

**18** The whole class is over-excited and noisy and can't work properly at the lesson.

**19** Two learners are angry because you have split them up, they do not want to make up a dialogue with other partners.

**FINISH**

**INSTRUCTIONS:**

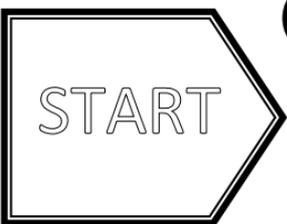
1. The first player throws the dice. If you throw 4, move your counter 4 squares, etc.
2. Give a possible solution to the problem that you find on your card. Use the 2<sup>nd</sup> Conditional: *If my students were restless and inattentive... I would ...*
3. If everyone in your group accepts your solution, you can stay where you are; if it is not a satisfactory solution, you must return to where you were on your previous turn.

Figure 4. Boardgame Aimed at Handling Challenging Situations in the Classroom

# Education Issues: Boardgame

AGREEMENT	PARTIAL AGREEMENT	DISAGREEMENT
<p><b>I agree.</b> That's absolutely true. That's exactly what I think. That's just how I see it. That's exactly my opinion.</p>	<p><b>I agree in a way, but...</b> <b>Well, that might be true, but...</b> <b>I am not so sure.</b> <b>Yes, perhaps, however...</b></p>	<p><b>I can't really agree with that. I think that...</b> <b>Oh, I don't think so. I think that...</b> <b>I completely disagree. I think that...</b> <b>I think this idea is impossible/impractical/bad.</b></p>



START

**1**

If the education and studies of children were suited to their inclinations and capacities, many would be made useful members of society that otherwise would make no figure in it.

**2**

I think it is most important for a teacher to play the pieces and studies that are being played by the student.

**3**

He who studies books alone will know how things ought to be, and he who studies men will know how they are.

**7**

Education is an admirable thing, but it is well to remember from time to time that nothing that is worth knowing can be taught.

**6**

The function of education is to teach one to think intensively and to think critically. Intelligence plus character - that is the goal of true education.

**5**

Students must no longer be considered children, they were adults with responsibility for their own behaviour.

**4**

There has always been a sharp distinction between the role of the teacher and that of the student... the former by virtue of his knowledge, age and experience should exercise some domination and direction over the latter.

**8**

The student's role similar to that of an apprentice — studying the master and gradually becoming a master.

**9**

Studies perfect nature and are perfected still by experience.

**10**

Studies serve for delight, for ornaments, and for ability.

**11**

A student never forgets an encouraging private word, when it is given with sincere respect and admiration.

**15**

Become a student of change. It is the only thing that will remain constant.

**14**

A teacher who is not dogmatic is simply a teacher who is not teaching.

**13**

I have always believed that 98% of a student's progress is due to his own efforts, and 2% to his teacher.

**12**

Learning without thought is labour lost; thought without learning is perilous.

**16**

Leadership and learning are indispensable to each other.

**17**

Anyone who stops learning is old, whether at twenty or eighty. Anyone who keeps learning stays young. The greatest thing in life is to keep your mind young.

**18**

Learning is the beginning of wealth. Learning is the beginning of health. Learning is the beginning of spirituality. Searching and learning is where the miracle process all begins.



FINISH

**INSTRUCTIONS:** 1. The first player throws the dice. If you throw 4, move your counter 4 squares, etc.  
 2. Express your opinion on the statement suggested.  
 3. If everyone in your group agrees, you can stay where you are; if it is not a satisfactory explanation, you must return to where you were on your previous turn.

Figure 5. Boardgame Aimed at Quotes Analysis

## Art of Theatre in Preparing Modern Teachers: European and Domestic Experience

Today special relevance of a multifaceted understanding of the problem of using art theatre in the training of teachers is acquired. Various areas of the problem were studied in Europe, including Ukraine, due to the need to improve the professional level of readiness of teachers to realize their creative potential in the educational process. At the end of the XX–XXI century many European countries and the world were searching for ways to improve pedagogical schools under the new socio-economic needs and desired expectations of society. It is doubtless fact that raising a new level of schooling depends on high quality of professional work of teachers. Therefore the problem of teachers' education and professional competencies of new teachers become priority in social and educational policy worldwide, including Europe (L. Puhovska, 2009; N. Avshenyuk, 2017). So the purpose of the article is to analyze and mark the ways to use the experience of theatre art in the professional training of modern European and native teachers.

Modernisation of European multilevel system of education has the specific purpose of preparing a new generation of teaching staff with the generated set of skills and competitiveness of potential creativity. Thus, there is need to promote maximum disclosure of artistic qualities of the individual student.

Analysis of theoretical literature and practical improvement of educational environment in European educational systems, training of teachers allowed us to determine that one of the conditions for optimal actualization of the creative potential of young students in higher education is the art of theatre. Confirmation of feasibility of its use is in the educational process of high school experience of Germany, the United Kingdom (England, Wales, Scotland), France, Poland, Italy, Czech Republic and Slovakia.

We underline that the leading trends of modern reform of education degree in England investigated by M. Leshchenko (1996); problems of training and professional development of teaching staff in Germany devoted to the scientific work of T. Vakulenko (1995); standardization of training teachers in England and Wales at the end of the XX–XXI century engaged by N. Avshenyuk (2005, 2017); teacher training in continental Western Europe – L. Puhovska (1998, 2009). However, valuable, in our opinion, is the scientific handling of educational issues of modern France: reform of university education content (L. Shapovalova, 2008); artistic education of the individual (L. Zyazun, 2008).

Thus, the specifics of the art of theatre as an art of human nature, allows the conditions of its introduction in schools of higher education to implement

not only training for professional work, but becomes ground for productive creative work in the educational space as experience of self-actualization student sets the path of personal and professional displays of the future specialist. Considering this aspect, the main components of the content of teacher training in Germany is professional and professional-didactic training, psychological and educational disciplines of practical cycle. The study of general subjects in all types of training programs for teachers is devoted for 25% of total training time, 75% for professional discipline and professional-didactic cycle, where the theatre belongs to, within which there is mastery of subjects such as: «Methods of drama-pedagogy» and «Directing lesson» (L. Stepanova, 2011, pp. 27–35). German higher educational schools (in Freiburg, Heidelberg, Karlsruhe, Ludwigsburg, Schwabisch-Gmund, Weingarten) are the area for increasingly creating form of theatrical activity as a student theatre. Participants of theatrical collective aim to capture artistic and aesthetic practice that focuses on the individual (aimed directly on the student), his ideas and possibilities for self-expression, manifested through participation in performances. This course has an extensive system of «theatrical and pedagogical methods» and scholarship focused on the formation of future teachers in the field of culture, personal growth, and development of social skills. Consequently, activities in student theatre is an important means of education and training in higher educational schools in Germany, which not only reflects the world of social relations, the interaction between the individual, but also allows to overcome the uncertainty stiffness. Former students are students who have not accumulated enough social and cultural experience find themselves in a social setting, on the one hand, helpless, confused, on the other – as aggressive to the surrounding (A. Ershova, 2001, pp. 40–43).

In France, higher education, becomes a space for the student theatre, which establishes a balance, harmony and helps young people become skilled craftsman, modern polyvalent teacher. Yes, lectures of theatre, dramatization, rhetoric, professional memory, non-verbal communication deepen theoretical knowledge of future teachers (Y. Nesin, 2012, p. 18). However, the student gets the opportunity to express himself, creating his image for the means available to him – movements, facial expressions, tone, gestures, and posture. At the same time, literary works introduce students to the accumulated human experience of communication, interaction, behavioural patterns, and the theatre environment transforms this experience into an individual one. The space of theatrical activity has a synthesized character, which is a significant factor of influence on the personality.

Taking into account the above, the art of the theatre becomes leading in the development of master's degrees in higher education in France, the Higher Pedagogical School of Applied Arts, the Institute of Theatre Studies (Paris), the Institute of Teacher Education. Such a master's program of training involves 400 hours allocated for mastering educational modules

(«Methodology of theatrical action», «Art of Art Therapy», «Therapy with drama»), and 300 hours of internship (O. Lavrentyeva, p. 175).

The activities of the student theatre contribute to the development of general cultural and some of the general professional competences of future teachers, in particular the ability to «... understand the significance of culture as a form of human existence and to be guided in its activities by basic cultural values, modern principles of tolerance, dialogue and cooperation» (A. Karpenkova, p. 60). Student theatre also helps to form the ability to develop and implement curricula in the light of domestic and European experience. An example of this is the work of student theatres in higher education institutions in Poland: Warsaw, Lodz, Gdańsk, Opole universities. The repertoire of the theatres introduced both classical works of world-famous authors, young contemporary playwrights and creative meetings with them. Along with traditional performances, student theatres are presenting alternative projects. One of such projects is «Reading Drama», which is implemented by the theatrical groups of the Lublin University Maria Curie-Skłodowska. The project aims to popularize the artistic achievements of contemporary Polish authors. The project also envisages performing in the form of radio shows on the air of the university radio centre (O. Bondarenko, p. 73). Consequently, pedagogical education is based on the activities of the student theatre as a factor in the development of the personality of the viewer, actor, amateur, intellectual activation and demonstration of creative personality. In higher education the Czech Republic (Charles University, Masaryk University, Palacky) and Slovakia (Matej Bel University in Banská Bystrica, universities Pershovskyy, Trnavskyy, Constantine the Philosopher in Nitra and Hans Selye in Komarno) theatre and student theatre is also used, considering as required compulsory educational component of training students. A teacher who has experience in student theatre becomes more popular in modern terms, because it itself were discovered and developed the potential and personality traits that allow it to be the subject of developing character (J. Kapounova, 1989, pp. 97–106).

During several historical periods in Italian universities, more attention was paid to the traditional academic training of a graduate as a specialist in a particular field of science – a scientist, but not a teacher. From the second half of the twentieth century people began to focus on the preparation of the future teacher. Reforms started in the basic training of the Italian teacher at the end of the 90's of the twentieth century have endured a considerable critique of a large part of the academic community. Their result was the development of a positive experience of cooperation between «university-school» systems. Confirmation of this is the assignment of a teacher of theatre disciplines, an additional education teacher in the artistic profile (theatre) along with the established qualifications (elementary, primary and secondary school teacher). For the first time such assignments were made at the Bologna, Catania, Messina, Padua, Palermo and University of Genoa. To

obtain the appropriate qualification, students must learn and validate (production and presentation of sketches, rooms, plays) knowledge of the following disciplines: «The History of the Theatre», «Rhythmic Plastic and Language Training», «Means of Expression», «Plastic Education», «Theory and practice of directing analysis and stage performance of works of fiction: poetry, drama, prose», «Dramatic action and its structure» (K. Krychkovska, 2008, pp. 217–224).

L. Pavoni (2006) shares the idea of introducing theatrical activity into the process of preparing future teachers. The theatre provides the student with the opportunity to receive psychological and pedagogical, special, methodical knowledge for the successful solution of didactic tasks, analysis of pedagogical situations, the choice of means of interaction, develops the ability to synthesize material, to find appropriate psycho-emotional colour for it; develops and forms ideals, interests, values orientations, professional ideology of the teacher; helps his self-assertion, the choice of means of pedagogical influence on students; directs on the personality of another person, on the development of the student, the affirmation of the word and action of the highest spiritual values, moral norms of behaviour and relationships. The curriculum for mastering this qualification is 450 hours (150 hours of training and 300 hours of practical classes) for one year and five months.

The pedagogical experience of teaching teachers to lead school theatre activities within the UK system is worth for attention. Here drama in school is used in various directions, in particular as a means of more effective mastering of the content of such subjects as: history, literature, history of culture, English language. The course of drama is read at philological faculties and involves the introduction of dramatization in the lessons of the art of speech (M. Leschenko, 1996, p. 131).

Studying the problem of preparing foreign teachers for the aesthetic education of students, M. Leschenko examines the specifics of training specialists on the example of the curriculum of the Higher School of Drama in London. She carefully describes the curriculum of the named school, which consists of four blocks: pedagogy, social education, pedagogical practice and theatrical art. The training for mastering the course of drama lasts for four years, each of which is an appropriate phase in the formation of a highly skilled specialist. In the first year of study, the foundations of mastery are laid: the theory and history of dramatic art are studied, pantomime art is learned, speech, and the basic skills of work in the group are acquired. In the second year of study, research is being developed: the knowledge gained during the previous year is deepened, expressive speech capabilities coupled with pantomime are studied. The third course is aimed at integrating the acquired knowledge, which is realized in the drama performance, which involves all students of the course. The fourth year of study is the achievement of a professional level. The future teacher shows himself as a director,

performs the functions of the director of the performance, where he realizes the acquired knowledge (during three courses) from directing in combination with the knowledge and skills to use all the theatrical components: light, decorations, musical decoration. Thus, the fourth year is the result of mastering the art of the theater, the ability to correctly organize and conduct classes on the course of drama, to introduce acquired knowledge and skills in pedagogical practice (M. Leschenko, 1996, pp. 131–135).

In the British educational system, the use of theatrical art began after the Second World War and began to spread in the 1960's (A. Sedneva, 2014, p. 112). The means of the dramatic method began to be integrated actively into the curriculum. The formation of this method in the education and upbringing of Britain is associated with the principles of progressive education, where the pupil took the prominent place. At the lesson, the teacher should encourage the child to behave spontaneously and freely. The work of the philosopher John Dewey had a special influence on the development of progressive education. He proved that the cognitive and emotional development of students is largely due to constructive children's play. This approach pushed for a revolution in the education system, where art was the centrepiece. In the book «Art as an experience» (Art as Experience, 1934) J. Dewey offers, at that time, new paradigms for the development of pedagogical science and practice. In his view, art takes into account «... an absolute combination of playfulness and seriousness» (J. Dewey, 1934, p. 34).

Dramatic method of theatre art is a practical tool in the process of learning and education, through which you can effectively influence the personality, develop her creative thinking, emotional flexibility and stability, and the ability to improvise. Using the means of the dramatic method in the educational process forms the motivation for learning, obtaining new knowledge, causing interest in the subject, develops the creative imagination of the individual (A. Sedneva, 2014, pp. 47–49).

British playwright Howard Barker emphasizes that the process of education and upbringing is directly related to the theatre, which contributes to the emotional and artistic development of students. This position was shared by another British playwright and educator Edward Bond. He supported the use of a dramatic method in education, which avoids «moral decay» (E. Bond, 2000, p. 60). In his essay, *The Notes on the Theatre in Education*, E. Bond argues that imagination changes reality and that the use of the dramatic method plays an important role in the educational process, thereby encouraging students to imagine their future, free of social injustice. «Our future always depends on the state of our imagination. The theater is fair or it seems distorted if there is really nothing. The game of children is an outline of the world in which they must live» (E. Bond, 2000, p. 58).

In addition, the UK has a large number of school and student studies called «Theatre in Education» with a mobile group of actors from among

those who study decorators, make-up artists, costume designers, lighting technicians. Such a studio, as a rule, is directed by a professional director – a representative of the teaching staff. This is natural, because in Great Britain serious attention is paid to preparing teachers for leadership in school theatre activities. In particular, Scottish universities in Glasgow and Reichelpton have drama and oratory departments, while in London and Wales, pedagogical colleges have drama schools where courses are taught: drama and oratory; speech pantomime; directing stage production (S. Solomakha, 1995, pp. 41–42).

Interesting for our study is the content of the curriculum of the Central School of Oral Translation and Drama of the Thai Polytechnic University. The plan provides a course for drama and spoken language aimed at providing students with the necessary knowledge, skills and skills to work with children at school. Graduates complete this course, mastering the general teacher qualification and additional – the director of school stage production (S. Solomakha, 1995, p. 42). Approaches to the dissemination of the classical system of professional training by introducing into its structure non-audit units give a positive result, directing future teachers to an active process of self-development.

The British Educational Society has made an important step towards implementing a science-artistic education paradigm, launching the national educational project Shakespeare and School, whose director was R. Gibson. In the University of Glasgow, Birbeck College of the University of London and other educational institutions in the UK, the following courses and special courses such as «Arts and Education», «Arts of Speech», «Fine Arts and Mathematics», «Music and Physics», «Choreography and Literature», «The Art of Creating Autobiographies», «Dramatic Art and General Education of Students», «Fine Arts and Music in Teaching Academic Disciplines», «Tale in the Pedagogical Process» were introduced into the content of teacher training (V. Laschyhina, 2009, p. 15). It should be noted that the professors of British higher education institutions are actively pursuing a search for pedagogically justified forms for improving this process and spreading the circle of artistic knowledge of future educators. Among them there are such works as «Art and Imagination», «Aesthetics of Architecture» (R. Scraton), «Art, Judgment, Faith» (M. Tippet), «Myth and Upbringing» (T. Gujdes), «Place mythology in education», «Education, fantasy and the inner life of feelings» (P. Ebbs). The central goal of the courses of artistic orientation is determined by the formation of the students of pedagogical specialties the ability to influence the students and stimulate their interest in artistic activity in the atmosphere of creativity, the emphasis on personal potential for the disclosure of her spiritual world, the education of a true creative individuality. (V. Laschyhina, 2009).

In order to increase the efficiency of using the potential of theatrical art in the process of forming the personality of the future teacher, the

International World Association «Drama education» (educational drama) was created. The main activity of its participants is the development of theoretical issues, specific methodological aspects and practical ways of introducing the elements of the art of the theatre into the practice of educational activities.

We believe that the use of theatre art in the learning process allows students to survive many images, situations, and deeds, thus creating a sense of empathy in the future teacher, without which effective pedagogical activity is impossible. Activities in a student theatre develops the ability to reflect, which is a tool for self-knowledge through the creation of an artistic image; Harmony in the perception of the surrounding world is formed. To achieve these goals, British pedagogues-practitioners are trying to develop and implement new educational methods in the educational process of higher education institutions in Great Britain, which will make the process of education and upbringing of future educators more effective (A. Sedneva, 2014, p. 113). Therefore, in educational the process and the upbringing of future teachers, the appeal to the theatre is logically justifiable and due to the fact that theatrical art touches a person much deeper and stronger than one or another branch of knowledge. The theatre has more possibilities for transformation, harmonizing influence on the life and professional activity specialist.

The analyzed experience of the practical realization of the art of theatre in European higher pedagogical education proves that the productive activity of the future teacher in the theatre affects not only the development of his personality and professional qualities, but also his creative self-realization in the educational space of an educational institution. But the problem of using theatre art in teacher training remains relevant and requires its further solution, despite the fact that it has some experience, whose constructive ideas can be creatively used in updating the domestic system of pedagogical education.

The accumulated world experience in using the art of the theatre in the diversity of its forms, including the student theatre, should be systematized and taken into account in the process of developing and improving the training of future teachers. However, in our opinion, for this purpose, it is necessary to analyze the use of theatrical art in the system of professional training of the future teacher in institutions of higher education of Ukraine.

Various aspects of the use of theatrical art, its forms are considered in the works of V. Abramyan (1996), I. Zyazun (2008, 2012), O. Lavrinenko (2013), V. Mozgoviy (2014), S. Solomakha (1995, 2013) and others.

Taking into account the unique possibilities of theatre art in the education, upbringing and development of the personality of the future teacher, the pedagogical branch, which explores the theatre's specificity through stage action, physical and mental content of acting, is very close to pedagogical, called «national theatrical pedagogy». This narrow-profile

pedagogical branch is an integral part of artistic education. At the present stage of the development of high school theatre pedagogy due to inexhaustible theatre art potential becomes of special importance in the training of specialists and becomes a compulsory, integral part of the system of professional training of future teachers.

Academician I. Zyazun sees in theatre pedagogy an effective component of educational and educational didactics. Thanks to the use of the theater's achievements, in particular, the system of K. Stanislavsky, a teacher of any profile will find answers to the difficult issues of education and education of a person, which, unfortunately, in textbooks on pedagogy remain out of sight. According to the scholar: «Everyone who chooses a pedagogical profession faces the problem of the lack of a pedagogical theory section devoted to the development of practical abilities at the subconscious level. To some extent, theatre pedagogy can help it» (I. Zyazun, 2008, pp. 75–76). Scientists have proved that it is this branch of pedagogy that develops the ability and ability to own feelings, using them with the help of technology and technology of professional choice for communicating with people, for the development and perfection of their humanity, which is an indicator of actor and teacher's skill. Therefore, there are fundamentally significant scientific perspectives of I. Zyazun concerning the fact that the pedagogical activity during its influence on the person is similar to the activity of the actor: both the actor and the teacher turn to the same instrument of influence – facial expressions, gestures, visual contact of the eye, the voice, speech, the plastics of the whole body. And an important prerequisite for the creative process as an actor and teacher is «...a harmonious unity of the internal content of activity and its external appearance. The teacher should learn to adequately and emotionally express his inner state, thoughts and feelings. <...> The appearance of the teacher should be aesthetically expressive» (I. Zyazun, 2008, p. 42). According to I. Zyazun, teachers are very important knowledge of the principles and laws of theatrical action. In this aspect, the doctrine of K. Stanislavsky is also of particular importance, the basis of which is the unity of physical and psychological action, the truth of life, and the explanation of ways of manifestation of talent in activity. The academician advises the teachers to familiarize themselves with the principles of the system of theatrical reformer. In the works of I. Zyazun it is proved that knowledge of the basic principles of the system helps the teacher to develop the natural abilities, pedagogical skills, on which the success of his activity depends. I. Zyazun attention was not overlooked and such concepts as «directing the play» and «directing a lesson». From the position of the scientist, the decision of the directing of the performance, the interpretation of stage images, the ideological embodiment of the essence of the dramatic work – all this can almost be moved to pedagogical activity, especially in the direction of the lesson, which plays a major role in the constructive activity of the teacher (I. Zyazun, 2008).

It should be noted that the creation of a holistic representation of the performance is the result of the individual and collective artistic and creative activity of all participants in the theatre. A lesson at school is also a holistic image. Between these two concepts there is a direct relationship between pedagogical and artistic. So again, I refer to I. Zyazun: «The holistic image of pedagogical action includes the work done by the teacher on the basis of science and practical experience of the representation of the child, about her abilities, about what should be: a lesson, student knowledge, the spirit of school, colleagues, and finally, he himself as a teacher. It is a holistic, multifaceted and very individual (to an exclusive) image and a pedagogical work with creativity, with art» is common (I. Zyazun, 2012, p. 4). According to our deep conviction, further scientific research requires the study and synthesis of experience in the synthesis of theatrical art and pedagogical skills of the outstanding teacher-master, academician I. Zyazun.

Abramyan explores the use of theatre pedagogy as an effective means of developing students' youth abilities to pedagogical interaction. Analyzing pedagogical training in higher education institutions, the scientist finds out that professional practice does not pay enough attention to the psychological and pedagogical process at the level of the subconscious. That is why there is a necessary professional orientation on the development of the teacher's emotional-expressive-sensory sphere. In addition, the researcher observes the fact that the topic of the use of theatre pedagogy is inadequate, which leads to the formation of a personality of a specialist. To prevent this, the scientist develops the methodology of speech training of the future teacher as a synthesis of the elements of theatrical pedagogy, which is based on the consideration of psychological and pedagogical regularities of development of attention, psychophysical freedom, representation and imagination, pedagogical action, communication between students (V. Abramyan, 1996). We share his position on the effectiveness of the use of theatre pedagogy in the professional training of teachers in order to develop their emotional and expressive speech.

Investigating the theoretical and methodological aspects of preparing future teachers for directing pedagogical action, V. Mozgoviy demonstrates the tremendous significance of the achievements of theatre pedagogy in the development of the educational field. The scientist notes that «the awareness of the teachers of different countries of the influence of theatrical art on the consciousness of the student's personality prompted teachers to expand the possibilities of pedagogical tools through the use of theatrical methods» (V. Mozgoviy, 2014, p. 57). This position confirms the effectiveness of theatre pedagogy in the development of the future pedagogical elite.

In developing the technology of forming the communicative culture of teachers, S. Solomakha justifies the expediency of using theatre pedagogy in the system of higher education, referring to its enormous pedagogical potential, «...hidden in the living, experiencing and evaluating them of real or

imaginary gaming situations «here and now» in the process of successive changes in roles, active action and interaction, experience in overcoming conflicts and communicative situations that require reflection, an experienced state, an understanding of my attitude to the situation» (S. Solomakha, 2013, p. 77).

The problem of modern pedagogical science and practice is the use of elements of theatrical pedagogy in the educational space of higher educational institutions with the aim of improving pedagogical techniques based on the culture of action and interaction, – explains O. Lavrinenko. The scientist substantiates that «...the technique is the subject of the theory and practice of theatrical art. Hence, teachers-practitioners, students of educational institutions of higher education, all those who professionally work in the production sphere of the «Man-Man» system, can not only serve the spiritual and aesthetic experience of theatrical art, but also improve their own pedagogical activity» (O. Lavrinenko, 2013, p. 102). The author emphasizes the importance of mastering the course of practical pedagogical art by future teachers and conducts a parallel between stage and pedagogical action. In his opinion, «Most modern theorists of theatrical pedagogy convinced that only the theatre becomes a force that is expressed through action. Action is the main means of stage expressiveness. <...> In its turn, the pedagogical action is united with the theatrical their organicity, which determines the process of creativity according to the laws of nature itself» (O. Lavrinenko, 2013, p. 103). In this perspective, theatrical pedagogy helps solve the problem of acquiring a teacher's experience of truly seeing, listening, thinking, perceiving, evaluating, experiencing, finding a solution, that is, to act organically and logically. So, for the teacher, it is important to know the principles and laws of theatrical action. Thus, theatre pedagogy directs pedagogues-practitioners to solve the main task of higher education – the professional construction of pedagogical action.

It should be noted that the artistic-figurative possibilities of theatrical pedagogy are based on emotional-figurative tools (expressiveness, dynamism, drama, beauty of action), influence on the formation of the personality of the future teacher, on her activity in the artistic and intellectual sphere. As a result, the opportunity to establish creative contact with the students, developing activity, initiative and independence of the two parties in the process of their participation in the empathy of events increases. The direction of such a pedagogy – the development of the ability to think independently and creatively, which determines the increased sensitivity to the individual solution of tasks, the development of flexibility of thinking, activity. Today, theatre pedagogy becomes a subject of extensive study in schools and institutions of higher education. However, it is necessary to direct the use of theatre art in the educational process of secondary and higher education not to achieve the goal of external design, but for the effect of influence. To develop the richness of the emotional foundation of the teacher,

to teach him to conquer his sense of mind, because it is impossible to control them without borrowing and mastering the experience of the leading figures of theatrical pedagogy. Indeed, such a complementary unity enriches the development of artistic-aesthetic, emotional-sensory, figurative and logical abilities that are realized in ways of self-expression of a person. Undoubtedly, the artistic world differs significantly from the real generalization of characters, situations and their subordination to artistic concepts, but this very world develops, enriches various abilities, forms qualitative professional skills, skills, educates the personality of the teacher-artist.

The fundamental difference between the activity of the teacher and the work of the actor on the stage is that the actor is reincarnated in the image of another «I», and the teacher is embodied in the actual «I». Students – future teachers must understand that the actor, playing the role played by the playwright and experiencing another's life on the scene, brings his understanding of the role and changes the inner comprehension of a particular given artistic situation, and the teacher, encountering ever-changing real life situations, must adapt to them their own skills, skills and techniques of teaching technology. In no case can cultivate rebellion and insincere, unnatural behaviour of the teacher. The basic principle of theatrical pedagogy (according to K. Stanislavsky) – the position of independent search of truth and verification of its practice – constantly enriches the educational process with new opportunities. Actually, the theatre of one actor (teacher) differs from the usual primarily dramaturgical material, which is more spoken (not conflict), as well as scenic means and way of existence of the actor (teacher) on the stage.

It is necessary to pay attention to the fact that methods of theatre pedagogy in the system of vocational training are introduced as a means of development of pedagogical artistry. In the scientific and pedagogical literature (D. Budyansky, 2005; I. Sergeeva, 2012) the concept of «artistry» has a varied interpretation. However, we can state that the artistry of the teacher – the ability to switch almost instantaneously to new pedagogical situations, to appear in a new way; wealth of personality manifestations; figurative way of setting and solving complex issues, problems; a game of imagination, inspiration, a sense of inner will as indicators that significantly affect the professionalism of the teacher.

D. Budyansky defines pedagogical artistry as «...a complex of professionally meaningful, interconnected and interdependent qualities of a teacher's personality, which ensures the perfect possession of methods of teaching and education, pedagogical technique and advanced experience; the ability to emotionally-figurative transformation, adequate, expressive, aesthetically attractive transmission of educational material in order to maximally fully reveal the individual potential of the teacher and the creative realization of knowledge, skills and abilities» (D. Budyansky, 2005, p. 24). From the standpoint of I. Sergeeva, «Artistry is a necessary component of

pedagogical professionalism and skill» (I. Sergeeva, 2012, p. 130). The author asserts that pedagogical skill is confirmed through creativity, artistry, which predetermines the teacher's ability to create his own style of activity, his unique image. Pedagogical artist likes children, young people, captures them; helps to establish contact with any audience, put yourself in the position of a young person and understand its reaction, behaviour; To be a director, to successfully use the methods of theatrical pedagogy, in particular theatricalization. Pedagogical artistry involves the openness and immediacy of the teacher, the ability to speak and act naturally. An artistic teacher has the ability to «infect» his feelings, doubts, and the joy of other people (I. Sergeeva, 2012, pp. 128–135).

Taking into account the above scientific positions allows us to conclude that theatre pedagogy opens up great opportunities for the formation of pedagogical artistry, which is defined by scientists not only as the ability to transform, but also as a holistic system of personality traits that promote the free expression of personality in professional activities. However, pedagogical artistry must now be interpreted as the integrity of the internal content of the teacher's general and emotional culture, which manifests itself in his professional activities. The modern teacher must be able simultaneously to express the meaning of various fragments of the content of education and their emotional attitude to the educational material at the same time in different languages, using the logical construction of the occupation, word, gesture, facial expression, tone, tone, tone, colour, strength and height of sound voice, pedagogical miscount. The lesson should be prepared emotionally and then its conduct, that is, residence will be sincere, expressive, convincing and artistic.

It should be emphasized that theatre pedagogy, as well as the technology of formation of pedagogical artistry, is based not only on the system of K. Stanislavsky, but also on the achievements of the leading figures of the Ukrainian theatre of the XIX–XX centuries, in particular M. Kropivnitsky, M. Staritsky, M. Sadovsky, P. Saksagansky, L. Kurbas and M. Chekhov.

Thus, the assimilation of the experience of theatre pedagogy of the XIX–XX centuries, which reveals to us the methods, the forms of possession of the technique of influence on a person is useful in the context of its introduction into the system of pedagogical preparation.

It is obvious that in recent years, in the process of training teachers in domestic institutions of higher education, elements of theatre pedagogy are increasingly being used. Such a situation, in the opinion of N. Sereda, is based on the fact that in theatre pedagogy «...not only developed the principles of development of the creative potential of the actor's personality, but also focused on the skill of reincarnation and interpersonal interaction» (N. Sereda, 2011, p. 49). We share the views of the scholar that the establishment of contact with the audience, effective interaction with student youth in many respects depend on the creative state of the teacher. Theatrical

pedagogy is aimed at the arbitrary meaningful management of health, driven by the mobilization of the psychophysical capabilities of the human body through the activation of its creative elements. The creative elements of both the actor's and the teacher's skills include: attention to the object, perception bodies, memory of feelings and the creation of figurative vision, imagination, ability to interact, logical, sequence of actions and feelings, faith and naivety, the feeling of truth, a sense of the perspective of action and thought, a sense of rhythm, charm, endurance, muscular freedom and ductility, voice and pronunciation, a sense of phrase, the ability to influence the word, that is, verbal action. Mastering these elements leads to a normal creative state of the actor and teacher. In her professional activity, the teacher has to not only experience a variety of emotional influences, but also create them himself. He needs to be able to awaken the students' creative well-being, create a special atmosphere, in this perspective, the work of the teacher approaches the work of the director with the actors (N. Sereda, 2011, p. 51–52). For this, the teacher must have directing skills that can be developed by active methods and theatrical learning technologies. The practical assimilation of the elements of directing theatre pedagogy is aimed at overcoming a certain range of pedagogical issues related to the methodology of work with educational material, the construction and conduct of educational process in higher education institutions. However, it is appropriate to note that the ideas of theatrical pedagogy, its effective methods, forms should be used constructively, necessarily taking into account the common and excellent in the theatrical and pedagogical art.

Summarizing the foregoing, it can be argued that modern domestic researchers emphasize the importance of theatrical pedagogy in the training of future teachers. In the context of our study, we define theater pedagogy as a science of the art of teaching and educating a teacher's personality, capable of reproducing the essential features of human life in the process of reflexive activity and developing the natural abilities of its students, providing them with the necessary knowledge and skills.

**Conclusion.** The generalization of the results of theoretical analysis of scientific and pedagogical literature and the practical development of the problem under study makes it possible to draw the following conclusions and outline ways of using the experience of theatre art in the professional training of a modern teacher.

1. Theatrical pedagogy is at the same time an art and a branch of pedagogical science, which is based on the methodological and theoretical foundations of general pedagogy and has a powerful artistic and pedagogical potential.

2. The application of elements of theatre pedagogy, the achievements of different genres of art in order to increase the level of professional training of future teachers is expedient and motivated in nature, since it contributes to the development and consolidation of students of artistic, professional skills

and skills, forming a steady focus on professional and personal improvement.

3. At the present stage of the development of higher education, theatre pedagogy becomes an integral part of the system of pedagogical training and requires new programs and teaching aids that reflect the modern development of the system of K. Stanislavsky, generalize the experience of the theatre school and could be an exact benchmark in organizing the pedagogical process of institutions of higher education.

4. The future teacher needs to understand the importance and expediency of using theatre pedagogy in professional activities.

5. The teacher should be armed with the achievements of theatre pedagogy, its methods (in the process of artistic and creative activity), which will provide him with personal development and self-development, professional and social mobility, and competitiveness.

Thus, the study of European and domestic experience in the use of theatre art in the professional training of a modern teacher proves that there are significant progressive achievements in different countries that demonstrate a high level of professional training of teachers in accordance with world standards and open up new opportunities for the improvement of higher pedagogical education as Europe, and Ukraine.

The conducted research does not exhaust all aspects of theoretical and practical development of the use of theatre art experience in the system of professional training of teachers. Further scientific researches require the development of content, new forms, methods and means of using theatrical art in the high-quality professional training of a modern teacher.

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## **Modernization of Ukraine's Continuing Teachers' Training in the Context of European Integration**

Thanks to its special achievements stemming from the Lisbon Strategy and the Bologna Process, the European educational and scientific area is becoming more and more significant reality for the scientific and educational environment, particularly in Ukraine and Europe. However, the implementation of objectives provided in the Bologna Declaration, Communiqué of the European Union: «The Global Value of European Research Area», Declarations of the European University Association, the European Union Program «Creative Europe» is possible only while using, strengthening and concentrating intellectual, cultural, social, research and technological potentials of Ukraine's educational environment and its close neighbors. In particular, Poland and the Czech Republic, passed their way of European integration in education through the introduction of procedures for recognition of diplomas, the introduction of new curricula and program content, through the use of western experience in encouraging business circles, parents and public in funding and governing education, through the introduction of European standards for the educational process quality assessment, facilitating the students' and teachers' mobility, the globalization of education, etc. Thus, new educational reality, in particular, the digitalization of education and the creation of an open educational area, requires the modernization of education content and making up the appropriate open content which involves the value-based use of knowledge, the development of key competences, cognitive abilities and critical thinking among modern specialists, their social integration and social activity during the whole life.

The World Report of UNESCO «Towards Knowledge Societies» (2005) states that the modern era marks exclusion beyond the bounds of the information society, for which technologies are fundamental. Productive resources of knowledge society: knowledge, intelligence, key competencies and value orientations, are distinguished by wider social, ethical and political parameters. The source of development for a knowledge society is its own diversity and its own abilities. Its values, creativity and innovation play an important role in contributing to other types of cooperation. Introduction of a plural form «Knowledge Societies» is highlighting the absence of any single model that could be ultimately used and would not adequately reflect the cultural and linguistic diversity; they instead enable every individual to navigate and find one's place in current rapid changes [9, 19]. The new knowledge society model development implies: 1) the ability of each person to freely navigate in the flow of information; 2) development of its cognitive abilities and critical mind, which is a goal but just a tool; 3) social integration

and social activity of each member for sharing knowledge as social heritage; 4) new forms of solidarity between modern and future generations avoiding the practice of social exclusion. Important means of disseminating knowledge, in addition to the Internet and multimedia, are called the press, radio, television, school. However, the document states that it is not enough to reduce information inequality, digital gap, but it is necessary to minimize a cognitive gap or knowledge gap by providing everyone with free access to knowledge, its accumulation, dissemination, value-for-use throughout one's life in formal educational institutions, professional activities and non-formal education [9, 20, 26]. Lifelong learning is a response to instability in the field of employment and occupations, which includes personal, cultural, social and professional development of a specialist and involves one's ability to adapt in the conditions of social and economic change, personal autonomy, knowledge sharing and its spread on a global scale, transformation, redistribution and new harmonization of personal and social time, etc.

The idea of forming a single educational area as an integrative system in the information society led to a change in the cognitive situation in science which begins to acquire an excessive substantive diversity associated with an immense amount of information flows, because knowledge (not what one knows, but how one practically uses knowledge in all spheres of life) acquires a new meaning in a post-industrial society. Modern information and telecommunication technologies have led to the emergence of new cognitive and communication methods, substantially updated research arsenal, aimed at studying nature, culture, and society. The ideas on retrieving, saving, transforming and rendering information, the relationship between verbal, visual, audio, kinesthetic coding and knowledge representation have significantly changed. Thus, formal education left leadership positions in the «human-knowledge» system that led to strengthening of informal and informal education. First of all, this is due to the fact that in today's information society, reality is identical to information. A human in such paradigm is considered as the amount of information contained in it.

It is the «information society» that points to the principle of organizing this social form: information and knowledge. The processed information as knowledge is of practical importance to the society. It changes society at every structural level of its organization. The ability to continuously acquire, accumulate and use information is a prerequisite for integration changes and social innovation.

Traditional understanding of information as a meaningful description of an object or phenomenon (C. Shannon) loses its own relevance. More expedient is the definition of information as means of diversity transmission (W. Ashby). The theory of information seeks to find its own value-for-use definitions, to find out the axiological potential of information, to preserve cultural diversity, to adhere to the «policy of diversity» (Ch. Taylor). New knowledge cannot arise, for example, on a conveyor belt, but is the result of

the creative, intellectual activity of an individual person, the result of his or her professional development throughout one's life. However, modern education is responding to new challenges of the information society with its divergence. «Human-Reality» gap is overcome by education by its «multi-theory» and «multi-paradigmatic» approaches trying to preserve the plurality instead of creating conceptual foundations for synthesis. The problem also consists in the absence of modern education unity in the complex global processes [7].

Today, the notion of education is undergoing pluralization and blurring of the limits, namely regarding its traditional basics. The emergence of various educational approaches and models has created ambiguity in the interpretation of methods, forms, technologies of education and upbringing. Instead of united formal, informal, and non-formal education functioning, today there is an extensive complex of multifunctional educational technologies, methods, and techniques. They are empirically existing and spontaneously developing as specific methods of one's adaptation to the environment. Such technologies in the form of trainings, various types of game situations, preparation for rapid decision making, behavioral models in the conditions of business and financial risks, etc. are focused on the mechanical accumulation of ways which enable a person to navigate for the rapid achievement of life and professional success.

The diversity of modern educational practices derives from a different human attitude to a wide range of integral life situations. Such branching of modern education is denoted by the notion of «divergence». The term «divergence» (Latin: *divergere* - to identify differences, divergence) was proposed by Charles Darwin to denote the distinction of signs in organisms of one systematic group in the process of evolution [17]. Later, the principle of divergence was used to explain the modification in nature. Divergence occurs as a result of a large group adaptation to different environmental conditions, resulting in differences between similar populations, which subsequently leads to diversity in the different parts of the species range. Accordingly, the process of divergence leads to the emergence of new species. Today this concept was included in the number of liberal arts: linguistics as the conversion of one language dialects into separate languages (D. Crystal, O. Schweitzer, R. Jakobson); psychology, as «divergent thinking» that is moving in various directions (J. Gilford); economy as a forward-looking indicator of price movements.

In particular, N. Kravchuk believes that «the processes of convergence and divergence are manifestations of social universal activity. They are the basic principle of the world development: unity and division of a single unit» [10, 103]. Therefore, these processes are manifested in the relations and links among various structural entities. At the level of self-organizing systems, these ratios acquire values, since they form the set of «combining opportunities» (N. Louman), «free variation» (E. Husserl). Detection of

divergent tendencies in education will allow to describe the heterogeneity of modern educational practices, to reveal the dynamics of self-organization systems, to identify the common basis of divergent modern education forms, and to understand how this relates to the various spheres of human activity for the creation of coherent environment [7, 116]. The diversity of modern educational practices derives from a different human attitude to a wide range of integral life situations. In other words, the divergence of educational practices can be seen as a result of challenging the attention and actions of a post-classical human within various elements of reality, as well as in connection with the specifics of the objects themselves, capable of being such a reality. By activating their use, there are new needs of society and human, respectively, the answer should be sought in the specifics of these needs.

The life of a post-classical human has become a movement in a variety of temporal trajectories. There is a gap between a human and being, and as a consequence, the differences between the needs, motives, goals and results of human activity are occurring. Accordingly, this gap is offset by the powerful mediated layering of simulacra: pseudo-actions and pseudo-life based on pseudo-values, pseudo-motivations, pseudo-needs, myths, illusions, utopias, show, falsification, advertising, and other semiosphere codes that have become a vast expanse of human existence. A newly formed human type: «hedonistic egoist» is encouraging philosophers to raise the question of anthropological crisis. «Hedonistic egoist» is characterized by unlimited and total egoism. In particular, S. Zhyzhhek is introducing the notion «egotism» which in contrast to egoism denotes the natural care of a human about self-preservation. «Egoism» is on the contrary a blind passion for pleasure, accumulation of wealth and obsession with success. Egoist «is fanatically committed to the goal of multiplying his own wealth, is ready to disregard one's own health and happiness, not mentioning the well-being of one's family and the well-being of the environment» [5, 8]. According to Lipovetski a «total egoist» is one who no longer believes in a bright future and progress; a person wants freedom, multiple options and immediate satisfaction of one's own needs and ambitions: «Everyone wants to live here and now, staying young without a wish to become a new person» [11, 23].

A new model of knowledge society development requires from a modern specialist a wide range of skills and competences for the successful fulfillment of one's professional functions, to ensure the comprehensive and sustainable development of education and research in Ukraine, social cohesion and the further development of democratic culture. According to UNESCO, the main task of adult education is to provide a person with a set of knowledge and skills for active creative life in a modern society. It is about the development of a person throughout one's life as a specialist, citizen, personality, and hence the continuing education that accompanies a person in different periods of his life.

At the same time, we are considering three global pedagogical goals for continuing professional development of a modern specialist: epistemological: the formation of personality through education as an integral system; praxeological: the formation of a specialist through the life-long learning within formal, informal and non-formal education; axiological: the formation of spiritual and moral patriotic personality. Thus, a complex three-way teacher's development is meant, in particular: 1) harmonious personality as a subject of social and personal values; 2) a citizen and patriot; 3) a competent specialist as a subject of one's own professional and pedagogical activity.

In the Law of Ukraine «On Education» competence is interpreted as a dynamic combination of knowledge, skills, abilities, attitudes, values, and other personal qualities, which determines the ability of a person to successfully socialize, carry out professional and / or further educational activities. Key competencies are needed to enhance one's personal potential and development, expanding employment opportunities, social integration and active citizenship; they are developed in the process of lifelong learning, from early childhood through formal, informal and non-formal learning. All key competencies contribute to a successful life in society.

Key competences are defined in the Framework of the Key Competences for Lifelong Learning Program approved by the European Parliament and the Council of the European Union (17 January, 2018), in the Concept «New Ukrainian School» and expanded, traced in conjunction with the skills and learning outcomes of the Law Ukraine «On Education». Skills such as critical thinking, analytical thinking, problem solving, creativity, teamwork, communication skills and negotiation, decision making, self-regulation, resilience, empathy, participation, respect for diversity are taken into account in all key competences.

The framework program for updated key competences for lifelong learning approved by the European Parliament and the Council of the European Union identifies and specifies the key competences, in particular:

1. **Literacy competence** is the ability to identify, understand, express, create, and interpret concepts, feelings, facts and opinions in both oral and written forms, using visual, sound/audio and digital materials across disciplines and contexts. This competence also includes the abilities to distinguish and use different types of sources, to search for, collect and process information, to use aids, and to formulate and express one's oral and written arguments in a convincing way appropriate to the context. It implies the ability to communicate and connect effectively with others, in an appropriate and creative way.
2. **Multilingual competence** defines the ability to use different languages appropriately and effectively for communication. It is based on the ability to understand, express and interpret concepts, thoughts, feelings, facts and opinions in both oral and written form (listening, speaking, reading and writing) in an appropriate range of societal and

cultural contexts. It relies on the ability to mediate between different languages in the system of formal, informal and non-formal life-long education; to appreciate cultural diversity; to maintain interest to different languages and intercultural communication, etc.

3. **Mathematical competence and competence in science, technology and engineering** (STEM) is the ability to develop and apply mathematical thinking and insight in order to solve a range of problems in everyday situations. Building on a sound mastery of numeracy, the emphasis is on process and activity, as well as knowledge. Mathematical competence involves, to different degrees, the ability and willingness to use mathematical modes of thought and presentation (formulas, models, constructs, graphs, charts).
4. **Digital competence** involves the confident, critical and responsible use of, and engagement with, digital technologies for learning, at work, and for participation in society. It includes information and data literacy, communication and collaboration, media literacy, digital content creation (including programming), safety (including digital well-being and competences related to cyber security), intellectual property related questions, problem solving and critical thinking. It is worthy of note that digital literacy (or digital competence) is recognized by the EU as one of the key to full-fledged life and human activity.

The Law «On Education» states that the formation of information and communication competence is mandatory. The Digital Agenda of Ukraine – 2020: Conceptual Foundations (version 1.0) project states that digitalization will become the basis for the life of Ukrainian society, business and government agencies, the usual and everyday phenomenon, our DNA, a key adventure on the path to prosperity, and the welfare of Ukraine. Among the key competencies of New Ukrainian School teacher, the information and digital competence is distinguished (Concept «New Ukrainian School», State Standard for Primary Education). European reference frameworks define the main competence of digital media as a confident and critical use of information society technologies (IST) for work, recreation and communication.

5. **Personal, social and learning to learn competence** is the ability to reflect upon oneself, effectively manage time and information, work with others in a constructive way, remain resilient and manage one's own learning and career. It includes the ability to cope with uncertainty and complexity, learn to learn, support one's physical and emotional wellbeing, to maintain physical and mental health, and to be able to lead a health-conscious, future-oriented life, empathize and manage conflict in an inclusive and supportive context. It involves knowing one's preferred learning strategies, knowing one's competence development needs and various ways to develop competences and

search for the education, training and career opportunities and guidance or support available.

6. **Citizenship competence** is the ability to act as responsible citizens and to fully participate in civic and social life, etc.
7. **Entrepreneurship competence** refers to the capacity to act upon opportunities and ideas, and to transform them into values for others. It is founded upon creativity, critical thinking and problem solving, taking initiative and perseverance and the ability to work collaboratively in order to plan and manage projects that are of cultural, social or financial value.
8. **Competence in cultural awareness and expression involves** having an understanding of and respect for how ideas and meaning are creatively expressed and communicated in different cultures and through a range of arts and other cultural forms. It involves being engaged in understanding, developing and expressing one's own ideas and sense of place or role in society in a variety of ways and contexts.

Key competences are defined in the Concept «New Ukrainian School» and expanded, traced in conjunction with the skills and learning outcomes of the Law of Ukraine «On Education», in particular: fluency in the state language, ability to communicate using native (in case of difference from the state) and foreign languages; mathematical competence; competence in the field of natural sciences, engineering and technology; innovation; ecological competence; information and communication competence; lifelong learning, civic and social competences related to the ideas of democracy, justice, equality, human rights, well-being and healthy lifestyle, with awareness of equal rights and opportunities, cultural competence, entrepreneurship and financial literacy, other competences provided by the standard of education.

For the design of strategic changes in the system of education and upbringing, the successful adaptation of a modern specialist to the conditions of knowledge society, the competences that one should master in the immediate and future prospects are important. One of these modern studies is aimed at substantiating the model of future competences [2]. Based on the analysis of the authoritative sources involved in the problem under study, in particular Future work skills (Institute for the Future for the University of the Phoenix Research Institute, 2011), the Model P21 (Partnership for 21 Century Skills, 2011), the Model of Key Competences of the OECD / PISA (2005), Materials from the World Economic Forum in Davos (2016)., The Concept of Four-Dimensional Education, Boston, 2015, justifies the Competent Model as a specific key to Global Competitiveness. The authors have developed a model of competences for the future, which covers six clusters and includes over 80% of the competence of the future.

The first cluster of competences that creates the largest pool of competences for the future (23 competences, 21% of the total) that **means the ability to interact and co-operate with other people** includes

such skills: communication (presentation, writing, negotiation, openness), interpersonal (work in team, emotional intelligence, empathy, client orientation), intercultural interaction (social responsibility, cross-functional and cross-disciplinary interaction), etc.

The second cluster of competencies (15 competences, 14% of the total) covers **thinking and solving problems** (critical thinking, evaluating facts and statements, making decisions, managing stress, adequate perception of criticism).

The third cluster of competences (13 competencies, 12% of the total) provides **learning and openness to new ones** (learning, openness to new experiences).

The fourth cluster of competences (10 competences, 9% of the total) includes **innovation and creativity** (courage, readiness for creative experimentation).

The fifth cluster of competences (10 competencies, 9% of the total) provides **digital knowledge and skills** (processing and analysis of data, design of production systems, programming, and knowledge of the robotics basics, the ability to understand and use new technologies).

The sixth cluster of competences (10 competencies, 9% of the total): **awareness and self-management** (prioritization, control of attention, finding meaning in work and life, viability, making one's own plans, self-understanding). The cluster model also includes the following skills of the future: interdisciplinary and intercultural interaction, management (people, projects, processes, resources), ethics and social responsibility, focus on the achievement of the result.

The new social and professional mission of pedagogical expert is considered in the context of European professionalism, with the preservation of the best mental Ukrainian characteristics, European dimension of pedagogical qualities. Such a social demand emphasizes the necessity of training specialists who meet the demands of a knowledge society, capable for continuing intellectual, cultural and spiritual life-long development through formal, informal and non-formal education, focused on preserving, multiplying and transferring humanistic social values, assimilation of new professional roles and functions, adapted to the conditions of a rapidly changing society. In particular, the system of education, continuing teachers' training, is the primary task of developing a modern model of pedagogical profession in the context of social expectations, the prospects for the national economy development and global technological changes; modernization of higher, professional advance education in pedagogical specialties; identifying the perspective ways of continuing professional teachers' development; the preparation of competitive specialists in the market of services, adapted to modern socio-cultural conditions, capable of continuing self-education, self-development and self-improvement throughout life, assimilation of new professional roles and functions. This primarily involves improving the

professional competence of pedagogical staff for the implementation of professional tasks in accordance with the main areas of state policy in education, civil society inquiries, institutions and educational institutions, educational needs of educational service consumers, promotion of continuing professional development in conditions of social transformations. The outlined problem can be solved by radically changing the practice of adult education. Adult education is a multilevel system, the content of which is oriented to the advance development of a knowledge society, professional careers, personal skills and qualities, and other areas of social practice. It is aimed at a clear result: a person who is developing, is prepared for universal activity, has formed cognitive inquiries, spiritual needs, is capable of independently planning and implementing the goals, to be competitive in the labor market. It involves new approaches to the professional training of pedagogical workers, the emergence of new functions in the system of continuing teachers' training, overcoming the separation of course and post-course periods as the single andragogic cycle, the creation of differentiated conditions for teachers to master the position of the professional self-improvement and self-realization subject, mastering of innovative professional roles and functions at the level of domestic and world standards. For the professional development of specialists as an attributive characteristic of socio-economic transformations in the education of adults in the context of the knowledge economy, it is necessary to ensure the content, selection of innovative approaches, andragogic technologies in adult education.

So, education can be considered as a reproduction of cultural and historical experience (theoretical (knowledge) model of education, which provides the translation of cultural and historical experience between generations; its result is rendering knowledge, skills and abilities necessary for the realization of the functions existing in society, in particular, cultural, social, economic, etc.) and as a mechanism of development (universal (capable) model of education, which presents the mechanism of development in society, which is realized through preparation people for innovation through the development of their consciousness, education not only provides the attainment of cultural and historical experience by individuals, but also the acquisition of ability to absorb new types of activity and relations between people) [4].

Today, education is not aimed at forming the united scientific world outlook. In the best case, education now provides scientific fragments of the world that are almost unrelated to each other and do not cover all the consumer's needs. It, thus, creates a dynamic scheme of all possible responses, reactions to certain patterns of problem situations. Such a system simultaneously expands the boundaries of freedom and determines them. That is, it opens up a series of creative possibilities that are possible only as a response to a given situation, which the system itself articulates. Thus, it sets the limits of possible practical actions. In an attempt to preserve the plurality

of responses, modern education has become a complex of divergent educational practices that lack a single hermeneutical basis.

The basic principle for the formation of coherent continuing education should be the principle of educational activity self-determination at all its levels. Accordingly, it is necessary to provide a united research, methodological, andragogical, information and communication support for the continuing development and self-development of specialists, actualization of one's potential creative resources, subjective creative activity, and the development of a new quality for pedagogical activity. Of course, the problem of continuing education is not limited to the mechanical accumulation of innovative educational experience fragments. In the Law of Ukraine «On Education», continuing professional development is defined as a continuous process of training and improvement of professional competences after obtaining higher and / or postgraduate education, which enables a specialist to maintain or improve professional activity standards, and it goes throughout the period of his professional activity (Article 18. Adult education). One of the key competences is life-long learning. Lifelong learning is based on the idea of continuously eliminating the uncertainty status of a specialist in the dynamics of cognitive and activity practices throughout one's life, as well as revealing one's creative resources that will form new horizons of one's professional and personal-oriented life.

Formal education is education acquired through educational programs in accordance with the levels of education, branches of knowledge, specialties (professions) approved by the legislation and provides the achievement of education results defined in the standards of education in accordance with the corresponding level of education and qualifications recognized by the state. This education is institutionalized, purposeful, planned with the participation of state and recognized private organizations and totally creates the formal educational system of the country for providing educational programs and relevant qualifications recognized by the state. Formal education is a state system of professional development with the approved educational (educational-professional and educational-research) programs and terms of training. It occurs, as a rule, in specially created conditions (institutions) and is controlled by the state. Educational institutions of this system provide educational qualifications: certificates and diplomas indicating the acquisition of a certain knowledge level, abilities, skills, development of competencies, confirmed by an assessment, which is awarded according to generally accepted criteria.

Non-formal education is education usually acquired through educational programs and does not require the award of educational qualifications recognized by the state to the levels of education, but may result in the award of professional qualifications and / or the award of partial educational qualifications. This education is institutionalized, purposeful and planned by postgraduate education institute without providing educational

programs and qualifications, and is an additional, alternative and / or complementary to formal education during lifelong education. It helps to ensure the right of people in all ages to access education, but does not require a compulsory continuous structured sequence in education and may be short-term, of a small or high intensity, in particular in the form of short-term courses, seminars, and practical classes. Informal education does not have age, professional or intellectual restrictions on participants, is often not limited in time. Informal education of specialists is the elective form of lifelong education, carried out in the context of educational initiatives that have become widespread in all the regions of Ukraine and beyond, and is aimed at developing additional skills and competences. Non-formal education is carried out in educational centers, universities, clubs, cultural centers, museums, libraries, studios, schools, craft studios, computer and language courses, interest groups and others. The field of non-formal education includes individual lessons led by andragogs, coaches, tutors, trainings and short-term courses, pursuing practical short-term goals. Institutions or organizations engaged in non-formal education usually do not award qualifications and do not formally assess the achievements of the participants. Formal qualifications may be obtained by a specialist through the development of a specific set of individual programs of non-formal education and the corresponding recognition by the authorized body of the acquired knowledge, skills and competencies.

Informal education (self-education) is an education that involves the self-organized acquisition of certain competencies by a person, in particular during everyday activities related to professional, civic or other activities, family or leisure activities (Law of Ukraine «On Education»). Informal education is an unorganized, not always conscious and purposeful process that lasts throughout one's life. This is obtaining of necessary knowledge, skills, abilities in the form of life experience. Informal education is realized at the expense of the teacher's own activity in cultural and educational environment, when a specialist is transforming the social educational potentials into effective factors of its development. Informal education can be carried out through purposeful communication, reading, watching TV programs, visiting cultural institutions, travelling, etc. Similarly to non-formal education, informal education is not time limited, is not necessarily systematic, has no age, professional or intellectual restrictions on the participants, its results can be counted in formal education in the way approved by the current legislation.

Continuing teachers' training is an integral part of postgraduate education system in Ukraine, a form of adult education based on individual needs and requests on achievement of certain knowledge, skills, and abilities, personal and professional lifelong development.

Formal continuing teachers' training covers:

- specialization: preparation of professional profiles able to attain the ability to perform certain tasks and carry out the responsibilities that are specific for one's specialty;
- professional development is a component of formal professional education, organized form of adult education, the main objective of which is to adapt professional and functional competence of specialists in accordance with the needs and requirements of society, the state, the labor market, as well as meeting personal educational requests, determining one's competitiveness in professional field;
- internship - acquisition of experience by a specialist while carrying out professional tasks, duties and functions of certain professional activity or knowledge area;
- obtaining another specialty on the basis of the acquired earlier educational level and practical experience.

In the conditions of continuing teachers' training, the development of a flexible, forward-looking system of professional development involves the development and introduction of multi-elective, multilevel, diversified by the profile of educational and professional programs, forms of adult education into the system of professional development in accordance with social and pedagogical requests, personal and professional needs of specialists, that provide them an opportunity to choose places, terms, content of study on an individual educational trajectory; creating a flexible, competitive educational environment with the predominance of mobile training programs; modernization of content, forms, methods, learning technologies depending on the social and individual educational needs of customers, in accordance with the aging and updating of information, opportunities and peculiarities, competence experience, etc.

Continuing education, therefore, should implement an innovative model of professional development and self-development of a specialist throughout one's life through informal, informal and non-formal education. Consequently, continuing education should be not only interactive, but also intersubjective as it concerns the constant increase of the target audience, the dimensional and temporal boundaries of educational trajectories and the possibilities of their choice. A modern teacher receives the right to choose a place and method of further training; outcomes of learning and competences required for the awarding of educational and / or professional qualifications can be achieved and obtained through a system of formal, informal and non-formal education. The number of alternative models of teacher's professional development has been increased, which will become a key condition for the implementation of the Concept for the State Policy Realization in the field of general secondary education reforming «New Ukrainian School».

Advanced training forms have been diversified: courses at the institutes for continuing teachers' training, internship, participation in certification

programs, trainings, seminars, workshops, seminars, trainings, webinars, master classes, online courses, conferences, etc.

The draft Concept of Pedagogical Education Development (2018) states that continuing professional development can be carried out through formal, informal and non-formal education. The total number of academic hours for the a teacher's advanced training within a five-year period cannot be less than 150, of which a certain amount should be aimed at improving knowledge, skills and practical abilities of working with children having special educational needs. Qualifications gained in formal education are counted as advanced training and do not require a separate recognition or confirmation.

An obligatory condition for the recognition of other advanced training types is the description of newly acquired and / or improved professional competences and achieved learning outcomes with the time spent on it. The mechanisms of recognizing the results of informal and non-formational education by educational establishments and qualification centers are outlined. Advanced training through informational education is allowed for mentors, certified pedagogical staff and pedagogical staff with a higher pedagogical category, a degree and implies the development of a self-education program with a description of the of new and / or improved competences planned before the acquisition, and the achievement of learning results that is recognized / confirmed during the attestation of learning outcomes. On a teacher's initiative with the purpose of his professional competencies external evaluation (in particular, pedagogy and psychology, practical skills of applying modern methods and training technologies) carried out through independent testing, self-evaluation and study of practical experience, certification is performed (Article 51 of the Law of Ukraine «On education»). Successful certification (certificate valid for three years) is counted as passing a certification by a teacher. Certified educators can be involved in conducting institutional audits in other educational institutions, developing and accrediting educational programs, other procedures and activities related to quality assurance and implementation of educational innovations.

Ensuring continuing professional development of specialists in accordance with the requirements of state policy in the field of education, employers and key stakeholders, as well as following the educational needs of educational service consumers is possible due to the successful implementation of research and methodological support with the use of digital technologies. This process allows to overcome the isolation of formal, informal and non-formal education, to ensure the continuity of specialist's professional growth in the individual educational trajectory, to create acmeological conditions for mastering the position of professional development subject, to learn new roles and functions [8, 17].

In the conditions of continuing teachers' training, the development of a flexible, forward-looking system of research and methodological support for the continuing professional development of specialists includes:

- providing advanced services for the continuing self-development and self-realization of pedagogical staff on the principles of benchmarking activity, which includes the creation of a flexible, competitive educational environment with the dominance of mobile training programs, the modernization of content, forms, methods, teaching technologies depending on the social and individual educational needs of customers, respectively in accordance with aging and updating of information, opportunities and peculiarities, competence experience of teachers;
- provision of andragogical, axiological, acme-synergetic, culturological, integrative, educational-developmental, praxeological, informational functions of the advanced training system, etc;
- preparation of andragogs for effective research and methodological support of professional development in its advisory, coaching, methodological, professional, social, expert, marketing, information-communication, monitoring, psychological-motivational, etc. directions;
- provision of information and communication support for the professional development of specialists through the creation of a unified information and technology infrastructure of the continuing teachers' training system, including the educational telecommunication network, knowledge sharing platforms, educational websites, educational portals, information databases, electronic catalogs, personal web resources, etc;
- the digitalization of education leads to a new model of its development, which is not limited by dimensional, temporal and institutional boundaries. New forms of educational practice do not correspond to the traditional teaching scheme, henceforth, the cognitive capabilities of the mass media make it impossible to complete the educational process. Therefore, the constant development of information requires continuing education not only within the educational institutions, but also in the space of informal and non-formal education.

This updates the problem of prior learning validation, in particular, the results of adult non-formal and informal learning. The problem of validation is one of the key issues in the education policy of many countries due to the movement of humanity to the information society, the loss of the monopoly to share knowledge and disseminate information by formal education institutions.

Also, the spontaneously massive character of labor migration, caused by the global trends, the unstable geopolitical situation in the world, the harmonization of national formal education systems based on the Bologna Agreement and the universal learning outcomes, raised the issue of

recognizing the learning outcomes results on the level of international, social and economic, epistemological and pedagogical problems.

UNESCO defines recognition, validation and accreditation of the informal and non-formal learning outcomes as a procedure for identifying and evaluating hidden and unrecognized competences acquired by people in different spheres, ways, at all stages of their life cycle. Assessing and recognizing these educational outcomes can greatly enhance self-esteem and level of welfare, motivate for further learning and contribute to the growth of the competence competitiveness in the labor market. Taking into account the experience of European countries, the follow-up mechanism for recognition of informal and non-formal education outcomes is still at the stage of development and implementation of programs. The most universities consider the recognition of informal and non-formal education outcomes practice as a «Pandora's chest» because they believe that an individual is not able to acquire competence in higher education outside of the university room. Accordingly, the logical question arises: how to deal with the phenomenon of Mass Open Online Courses (MOOCs), the educational modules of which are hosted by the recognized universities of the world?

The massive open online courses will play a leading role in implementing the concept of recognition of informal and non-formal education outcomes in future, since their practice is in line with the modern educational trends: practically oriented, accessible and technological education.

Today, in the countries of the European Union, the concept of «validation» of informal and non-formal education outcomes is interpreted differently. For example, in Norway and Iceland, the outcomes of non-formal adult education are mostly counted as the removal of barriers for obtaining formal education. In Austria and the United Kingdom, they are used to obtain a formal education certificate. However, most countries adhere to the definition proposed by CEDEFOP, according to which the validation of non-formal and informal learning outcomes is understood as confirmation by the competent authority that the learning outcomes acquired by a person in formal, informal and non-formal contexts are assessed according to the pre-established criteria and meet the requirements of the validation standard. Normal validation of the results of non-formal education leads to certification. Usually, the validation of non-formal and informal learning leads to certification [14, 119].

In accordance with the integration educational guidelines, Ukraine has made the first step in the implementation of European validation practice that includes developed in 2018 «Regulations on the certification of pedagogical staff». The purpose of certification is to identify and encourage pedagogical staff with a high level of pedagogical skills, possessing the methods of competence training and new educational technologies and promoting their dissemination [13; 15].

The implementation of validation practice requires from the domestic education the creation of a unified methodological basis for the recognition of informal and non-formal education on the basis of the European practice and, as a result, the creation of an electronic platform that will accumulate the experience and become a resource for the formation of a group of experts in this field. The validation procedure should be voluntary, transparent and fair, based on social dialogue, guarantee of personal data confidentiality, and have the follow-up mechanisms for incorporating the results. The basic principles of successful validation are: reliability, trust, transparency of the procedure, clarity of requirements, clarity of criteria, impartiality of experts, authenticity and legitimacy. Also, the methodological rules, commission activities, criteria for issuing the certificate, legal aspects of the activities carried out by the expert commission members should be clearly defined.

Continuing education in Ukraine within the framework of integration educational processes is moving towards standardization, transfer of assessment tools and transparency of education. Due to this, education is gradually becoming perceived as a metacognitive process, which is continuously realized in the professional and individual-practical life of a specialist. The most effective strategies for correlating the results of formal, informal, non-formal education are effective vertical and horizontal educational communication, the development of technologies and techniques to ensure the quality of education, the formation of unbiased experts on the international level. In this context, it is necessary to distinguish between the processes of internationalization and the globalization of education. Internationalization involves the expansion of multilateral ties between educational institutions of different countries on the basis of equal and mutually beneficial cooperation. The purpose of this process is to increase the efficiency of educational and research activities, to bring it to a better world level, to increase the mobility of pedagogical and research staff. Globalization is an objective process, the main danger of which is that instead of unity in diversity and the expansion of educational opportunities one can receive a sad uniformity, monotony and the loss of the original creative potential of national (regional) educational systems. In contrast to globalization, the benefits of educational internationalization are the processes of combining educational resources, which allow: to avoid duplication and information copying; improve identification of projects and determine their feasibility; to improve the knowledge base of educational institutions, to enrich educational programs. It enables the active work of conscious, initiative and creative professionals capable of ensuring economic growth and cultural development of the country.

Consequently, the processes of continuing education should encompass the development of creative industries as a key factor in the development of innovation. Creative industries are a set of views, ideas, trends and tendencies of modern economy and cultural development characterized by an organic

combination and the use of knowledge, information and creativity. To ensure the development of creative sector, an organic combination of five key educational activity areas is needed: professional networks and associations functioning; strengthening of organizational capacity that can be ensured through the establishment of continuing education system; professional development of specialists for providing business incubators; creation of creative educational clusters; the internationalization of innovative industries and research projects.

Ukraine has already taken the first steps in the development of creative industries, as evidenced by the participation in the European Union's Creative Europe program, which allows Ukrainian cultural and educational institutions to join European professional networks, find partners and implement a variety of joint international projects. The doctrine of balanced development «Ukraine-2030» mentioning that the development of creative economy is one of the drivers of economic development of the country has been developed [18]. The document provides creation of conditions for achieving economic growth in Ukraine at least 10-15% annually, so that by 2030 it has entered the thirty largest developed countries of the world. Only human capital can be the determining factor and catalyst for the economic growth of the national economy, and therefore the priority is a new socially oriented model of development, the highest value of which is a person, and the main driving force is its creative potential.

Also, the draft law «On Culture» was adopted, which added the term «creative industries»: a list of economic activities that have the potential to create added value and jobs through cultural (artistic) and / or creative expressions, when their products and services are the result of individual creativity, skills and talent. In Ukraine, the cluster of creative industries, which originate from individual creativity, collective creativity, professionalism and talents, is already beginning to emerge. It has the potential for welfare creation through the generation of creative ideas and the economic realization of intellectual property. This process should ensure a purposeful, differentiated system of formal, informal and non-formal education.

Postgraduate education as a part of continuing education should implement new types of economic activity in accordance with the statistical classification adopted on the basis of the European Parliament and the Council of the EU, which relate to creative industries, namely: development and publication of multimedia manuals, textbooks; production of educational video films and television programs; development and broadcasting of educational events; computer programming, online consultations, online coaching; research and development (R & D), marketing research in education, master classes, educational festivals, forums, etc.

Creative approach based on the capitalization of human talent and its intellectual potential, coupled with the accelerated development of digital

technologies, is able to accelerate the creation of innovative strategic national education development, to serve as a catalyst for its modernization and the creation of a new high-tech economy. In this context, a coherent system of formal, informal and non-formal education should provide psychological and pedagogical, andragogical, informational and communicative support for the development of a specialist's creative activity. First of all, it is mastering the methodology of continuing and effective harmonization of professional and personality-oriented life not only in stable but also in changing conditions of social and economic interactions. It is realized in a specialist's ability to see the nearest options, to ensure their diversity, to create conditions for the emergence of new ones and to preserve the unity of elements in their ratio. The emergence of innovation is possible only where great opportunities are available, and where the freedom of choice is ensured. In this case, the principle of redundancy, due to which new elements arise, are preserved, regardless of whether there are immediate prospects for their inclusion in the system. This excessive variety creates a range of possible development lines, provides material for selecting the most optimal trends of a specialist's professional development.

Thus, the development of continuing education in terms of European integration will contribute to the formation of creative researchers' international teams who will independently coordinate, organize and direct professional search for creative ideas. Then, a new educational ideal will be formed: an innovative, free specialist, capable of self-building, self-organization, adaptation to the multicultural environment. In this context, alternative pedagogical practices, including transgressive pedagogy [6], are aimed at identifying intercultural mechanisms for the formation of the social and cultural experience of an individual, studying the practice of creating intercultural values for overcoming the limitations of one's capabilities in order to actualize and self-realization. This is a special existential condition in the educational process caused by the change of individual internal identifiers, the expansion of one's own experience by including it in another social, cultural and semantic field. But the European integration processes in education can also have negative consequences, namely: excessive pragmatism will reverse the attention to personal development, the advantage of financial success can cause and deepen inequality due to the differentiation in access to education; in the integrated world the national peculiarities become less important, attention will be reduced to a peculiar basic system that can intensify the development of cynicism, the transition from currently popular assertiveness to primitive egoism. Also, in a global market, the significance of family values decreases. Modern family under the influence of modern innovations undergoes a period of degradation. The most negative of all the consequences is the growth of consumer interests, now most young people give preference to entertainment rather than self-improvement. In these processes, the system of traditional values is leveled out, which can

exacerbate the negative aspects of ethnopluralism, and cultural relativism. Multiculture in the youth environment, in addition to its benefits, has a number of drawbacks. In particular, there can be a reverse of patriotic motives, uncritical perceptions of other cultures, dissatisfaction with one's own state, nihilism. A separate study needs a balance between the positive and negative aspects of the European integration in education.

All in all, the effective use of mentioned opportunities and options for the development of lifelong learning can stop isolation and stagnation in the field of research, formulate the demand on quality training of researchers and cost-effective developments in the field of fundamental and applied sciences, reduce the gap between research and the implementation of its findings, integrate continuing education and science of Ukraine in the educational and research area of the European Union. For its realization it is necessary to promote the formation of a coherent system of formal, informal, and non-formal education in its vertical and horizontal network options; to develop and implement a system for validation of informal and non-formal education outcomes, to implement the principles of a competitive educational virtual environment; to develop the individual educational trajectories of professional development and self-development of specialists; to develop and implement a differentiated, multi-elective profile that is also diversified by the program profile, forms of adult education based on one's professional needs, individual needs, social and economic demands, and to actualize creative industry development. The multiple range of forms, models, technologies, and lines of professional development make it possible to prepare a competitive specialist in the market of educational services, capable to continuing self-development, self-education and self-realization through formal, informal and non-formal education throughout one's life.

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## The Role of Advertisements in the Conditions of Euro Integration: Influencing Aspect

The completion of the ratification of the Association Agreement between Ukraine and the EU (*Uhoda pro asotsiatsiyu*) facilitated the creation of a free trade area through an increase in the number of goods closely related to advertising, since the demand for the differentiation of these products has increased. This, in turn, also caused the load of influential dominant advertising discourses, which also reveals the relevance of the proposed article. The purpose of our article is to explore the influential aspect of advertising in the context of European integration. To achieve this goal it is necessary to solve a number of problems: to consider the phenomenon of advertising as an influential phenomenon; to identify the actual types of communicative influence and the reasons for their use in the advertising discourse; analyze the specifics of the Milton model, and also highlight the substrate characteristics of the influential discourse. The following general scientific methods are used in the work, as descriptive for the illumination of the features of various types of advertising discourses; methods of analysis and synthesis for identifying the components of communicative suggestion and combining them into a single complex; method of induction to specify general conclusions. Among the special linguistic methods, a contextual-interpretative and component analysis was used to examine the semantic loading and functional peculiarities of the linguistic components of multi-channel advertising discourses; elements of discursive analysis to highlight the communicative nature of advertising pagestogens. The complexity of the investigated material also required the involvement of the methodological base of other (newest) scientific areas, in particular, suggestive linguistics and neuro-linguistic programming-the methods of the meta-Milton-model identification and promotional qualification (R. Bendler, J. Grinder, M. Erickson, and also T.Y.Kovalevskaya), through which the actual markers (hypnoinduktors) of advertising propagation are isolated and systematized.

In today's mass-communicative space, advertising is already in accordance with established laws that are inextricably linked with the means of communication available and is part of a mass culture that provides information about the individual needs of people based not only on product information but also on the reflection of future consumption, on the demonstration of the benefits that the buyer will receive through the purchase of the goods (see T. Kovalevskaya, R. Mokshantsev, G. Pocheptsov, O.Feofanov, etc.).

Thus, advertising "offers ready-made solutions to certain problems, teaches, introduces automatic standard behavior (in the purchase of goods), imposes a certain way of life (insisting on the acquisition of specific goods), and even language patterns when communicating (language brands and clicks

in the form of slogans and individual statements firmly "rooted" in the vocabulary of consumers" (Kutuza 2015: 59–60).

But it can be argued that a person almost lives in a modern advertising discourse that functions in different media. Today, there is even the notion of "a person with advertising thinking", whose image of the world is deformed, where a categorical assessment of the environment of the world takes place (see works by T. I. Krasko). Advertising corrects the attitude of people to things, changing in such a way as to motivate the purchase of goods / services, to make this motivation an actualized need not only from a rational, but mainly from irrational, unconscious motives to influence a wide audience.

In modern scientific theories there are many definitions of advertising. A. Oljanich emphasizes that "advertising is a form of communication that tries to translate the quality of goods and services into the language of the needs of consumers, this expression of people in various ways to obtain a large amount of information about something, the dissemination of information about the quality of consumer goods and the benefits of different types of services for their implementation. and increasing demand for them, using a certain arsenal of tools and techniques that organize communication strategies for manipulation" (Olyanich 2011: 10). These definitions, with emphasis on the "management of advertising", are fixed by foreign scholars, for example, by M. Philips and others (Phillips 1997: 207). Thus, advertising contributes to the achievement of its goals, communicatively affecting the target audience: it actualises and holds in the minds of the recipients of a certain object, broadens its knowledge, improves the opinion of the addressees of the advertised object, convincing its benefits, forms and supports interest in it, announcing real or symbolic benefits to the recipients, thus creating a tendency to choose a particular object (Olyanich 2011: 10). Thus, advertising organizes the search behavior of the buyer, stimulated by the actual needs, which is analyzed in his interests, where, moreover, the advertisement itself and offers an object that satisfies this need, thus promoting active leadership, motivating him, which determines the suggestive function advertising V. Kapran and O. Kapran, analyzing the function of advertising and taking into account the neurophysiological mechanism of attention, note the activation in this process of neuro-linguistic structures of the left hemisphere and figurative mechanisms of the right hemisphere of the brain, where the effect of action is a neuro-linguistic image of the program of action (Kapran, V. I., Kapran, O. V. 2008: 184), which is executed automatically when colliding with the advertised object.

Consequently, first and foremost, advertising must attract the unwitting attention of the potential consumer, creating a dominant perception. The proposed advertising should be interesting for influencing consumer intelligence and emotions, but based on stereotypes related to mental characteristics, consistent with the well-known formula AIDA. In this aspect, researchers V. Zazikin, O. Zazikin and A. Melnikov emphasize that "an

important characteristic of any advertisement is that, according to its essential characteristics, it is a concentrated and purposeful psychological influence, which is based on knowledge of consumer psychology, aimed at changing the behavior of consumers in the desired direction of the advertiser. ... Psychologically named because he deliberately changes the interests of the advertiser, this is the psychological characteristics of the direction of person, his interests, sphere of needs" (Zazykin, V. G., Zazykina, Ye. V., Mel'nikov, A.P. 2009: 45). Range of types of communicative impact on the consumer, depending on the activation of the relevant psychological processes: beliefs, suggestion (suggestion), Ericksonian hypnosis, which is directed partly on the rational and mainly on emotional perception, where the latter plays the most important role in advertising.

The use of advertising as a kind of communicative influence is relevant if the buyer is already interested in the product, intends to buy it, therefore the use of arguments appealing to the mind of the consumer makes sense (see works A Dayyan, A. Lebedev-Lyubimova, O. Feofanova and others). Persuasion as a rational influence involves an appeal to the logical sphere of consciousness, and also requires careful designing of a complex system of argumentation, evidence, the discovery of precise and precise facts that are gradually being implemented at the rational level in the recipient's consciousness, trying to force the recipient "consciously accept / change certain guidelines, assessments and judgment " (Zazykin, V. G., Zazykina, Ye.V., Mel'nikov, A. P. 2009: 47-48). However, persuasion is a rather complex and lengthy process and in all cases does not reach the goal of the object of influence, since the recipient can build counter-arguments. To overcome this barrier can be by means of influence on an irrational level. In this case, they turn to suggestion as a kind of communicative influence.

Suggestion is uncritical, unconscious perception of the recipient of information, which can not be subjected to logical processing and implemented implicitly in the mind and subconscious of the individual with the help (verbal and nonverbal) and perseverance, where the corresponding mood, behavior, actualized feelings, actions, relationships and other reactions (Kutuza 2018: 131). Using advertising influence, advertising "zombies audiences, turning consumers into some inanimate devices that obediently fall into the trance in the form of advertised goods and buy it at the earliest possible opportunity" (Medvedeva 2002: 254), that is, the recipient may recall falling into the field of his vision (not even knowing), and this information is "extracted" from memory in the collision with the product / ergonim / trademark.

In a hypnotic state, consciousness is utilized as much as possible, which allows one to not only not realize its own effect, but also to not remember it at all, giving it the maximum degree of intensification (Kutuza 2018: 143). The use of hypnotic elements in advertising is used for several reasons: 1) due to an increase in the mass of messages, which complicates the effectiveness of

their perception; 2) due to temporary restrictions to attract unintentional attention, concentration and retention of the recipient, the consumer's conviction in favor of the proposed product / service.

The above reasons compel advertisers to resort to hypnosis, through which advertising information is introduced into the subconscious mind, passing conscious control, which is certainly not correct, but is actively used in various types and genres of advertising, as emphasized by researchers O. Lebedev-Lyubimov, M. Lihobabin, O. Medvedeva, etc.: "Ability of the recipient to dip into the alpha state in the process of short advertising message due to the fact that instead of a point on the ceiling (intentionally and independently selected hypnosis patient) in the promotional proposal, the image or the name of the trademark, indicated by the addressee of the message, used and contains that figurative a row that helps to enter the recipient in the trance and impose his will" (Medvedeva 2002: 241). However, such messages may be pathogenic, which is extremely dangerous for the recipient.

Consequently, advertising transforms an ad product into a certain image, turning it into the language of the recipient's needs, causing certain actions, and uses various types of communicative influence, where the suggestive influence is the main thing, however, there is also a zombie-nature advertisement that uses hypnotic effects and has relevant signs of pathogenicity.

A peculiar systematized substrate of communicative influence is now unambiguously recognized by the Milton model, the application of which is aimed at obtaining a planned subesterission reaction (Kovalevs'ka 2008: 201–206). If empathic communication is aimed at understanding between the interlocutors, then in hypnotic communication "you do not care about the content. You pay attention only to the reactions.." (Bendler R., Grinder D. 1999: 171). To obtain predicted reactions through the use of appropriate suggestive means in the recipient formed an altered state of consciousness – a trance state in which you can access the unconscious resources of the individual, where "you do not have to deal with the system of human beliefs. ... Conscious mind with its limited system of beliefs is usually very limited in comparison with the subconscious ... In the subconscious usually there is no such type of restriction" (Bendler R., Grinder D. 1999: 106), which is generally based on the Milton-model.

This original system was created by the American hypnologist Milton Erickson for a therapeutic purpose, where the feature was the use of autotrance condition that are inherent to each person. And only later, on the basis of this discovery, formed the numerous techniques of individual and mass influence on the subconscious of man (Orlova 2008: 9). The Milton-model is recognized as the newest operating complex of language markers and in general communicative proposestogenicity, which is actively used in various influential discourses (see T. Kovalevskaya's works). The main

purpose of the Milton-model is to use verbal and non-verbal elements "to guide and support the trance" (O'Konnor, Seymor 1998: 136), where, in contrast to the guidance of classical hypnosis, suggestion is in a waking state, and the person is not aware of the impact (Dudinskiy 2007: 28-29). This hypnosis is called Ericksonovsky (by the name of the inventor).

The effect of Erickson's hypnosis is that, when inducing this hypnotic trance, practically do not give direct commands, but comment, ask and advise; At the same time, applied language strategies give the opportunity to get the result (the team is executed) and not receive conscious resistance to the team (Gorin 2001: 445). Here the purpose of the trance is to come into contact with the hidden resources of the individual, which occurs as a natural brain work (O'Konnor, Seymor 1998: 136). That is, the main essence of Erickson's hypnosis is the use of the inherent unintentional trance (Dudinskiy 2007: 29), because, according to M. Erickson's theory, people "are capable of simultaneously thinking and reacting to a conscious and unconscious level" (Erikson M., Rossi E., Rossi Sh. 1999: 337), but actually "the suggestion is intended to bypass the mistakenly limited system of conscious manifestations of man" (Erikson M., Rossi E., Rossi Sh. 1999: 338). E. Rossi and Sh. Rossi also argued that it was Erikson's indirect forms of suggestion – these are "ways to organize such favorable conditions that individuals can perform actions, which are part of their behavioral repertoire, but often they are not available to volitional control (although automatically and unknowingly they are available in everyday situations)" (Erikson M., Rossi E., Rossi Sh. 1999: 338). Such hypnosis, according to R. Bendler and D. Grinder, is "an instrument for the creation of any context or any reaction. But you need to know what reaction you need to always be effective" (Bendler R., Grinder D. 1999: 178). In general, the concept of functional asymmetry of the brain is based on the model of Milton, which allows you to incite necessary, predicted language and behavioral reactions.

Scientists, taking into account the achievements of M. Erickson in the field of trance management, are oriented mainly on the orientation of associative processes of person, or on the uncertainty of language, although carefully studying both of these aspects. In particular, as argued by M. Erickson, he used hypnotic induction to "cause and direct associate processes and internal skills and mental mechanisms of a person and sometimes achieve certain goals" (Erikson M., Rossi E., Rossi Sh. 1999: 342). T. Akhmedov, R. Benler, D. Grinder, T. Kovalevskaya, J. O'Connor, J. Seymour, V. Shainov and others. emphasize the maximum uncertain, layered speech with such hypnosis, which leads to the loading of its own content of the space that creates the initiator with word-traps for the mind of the recipient (Sheynov 2005: 295), directing the reactions in the direction desired for the suggestor. For such a successful achievement of the trance state, M. Erickson derived the formula of relations with a partner in communication: to join, to fix and lead (see works by M. Erickson).

Describing the stages of realization of this formula, the authors determine in different ways its functional elements at each stage and their linguistic nature. For example, R. Bendler and D. Grinder note that "the full strategy of Milton Erickson inducing hypnotic states has three dimensions: 1) joining and distraction of the dominant (linguistic) hemisphere; 2) utilization of this dominant hemisphere, linguistic processing, occurring below the level of awareness; 3) the achievement of a dominant hemisphere" (Bendler R., Grinder D. 1999: 16). J. O'Connor and J. Seymour are distracting consciousness to the second stage: 1) joining the reality of man and its management; 2) distraction and utilization of consciousness; 3) access to the unconscious and human resources (O'Connor, Seymour 1998: 136-137). E. Rossi and S. Rossi, analyzing the indirect methods of M. Erickson, divide them into two stages: 1) creating an attitude of perception to facilitate the impact of a "suggestive idea"; 2) the utilization of associative processes and mental skills of a person to promote "ideoplasty" (the ability of thought to influence the physiological state) (Erickson M., Rossi E., Rossi Sh. 1999: 340). L. Orlova, describing the basic algorithm of the hypnotic technique of M. Erickson, calls three stages: 1) the achievement of the downtime, 2) the trance guidance, 3) the translation of the suggestion (Orlova 2008: 19-20). In the process of downtime (1) the author notes the following elements: a) contact with a person, the formation of sympathy; b) adjustment to unintentional external reactions and behavior; c) determination of the leading modality and its use during communication with the object; creating a psychological rapport; d) conducting an object where a person must trust all actions and teams of a hypnotist; formation of a rapport that manages; instructions (Orlova 2008: 19). Trance induction (2) involves: a) preparation of the object to the state of trance; b) "demonstration" of the trance when saving the setting and ability to lead; narrowing and fixation of the object's attention to some internal experiences; introduction of a person into a steady trance; c) consolidation and deepening of the state of trance; d) the distribution of her consciousness and subconsciousness; establishing dialogue only with the subconscious; e) deepening of the trance (Orlova 2008: 19-20). For suggestion (3) one needs to: a) create a positive guideline for the subconscious perception of an object; b) the use of trance: the introduction of subconscious directives; c) the removal of the object from the state of trance (Orlova 2008: 20). In this way, the step-by-step guidance of the trance condition is described, but no actual linguistic markers are given, which shows the importance of the study.

E. Rossi and Sh. Rossi also describe microdynamics of guidance and suggestion using the Erickson methods in the form of certain stages: 1) fixation of attention; 2) depottisation of conscious guidance; 3) unconscious search; 4) unconscious processes; 5) hypnotic reaction, however, note that these stages function as the only synchronized process, and not as a certain sequence of application of these stages (Erickson M., Rossi E., Rossi Sh. 1999: 253-255), as

emphasized, for example, by V. Shaynov: "The effect is achieved through the consistent application of not one, but a series of receptions" (Sheynov 2005: 295). This fact explains the lack of certain systematic and rigid hypnotic induction belonging to a particular Milton-model stage, which requires careful study of the corresponding hypnotic induction with the specification of their belonging to each Milton-model stage.

Consequently, each of the stages of the Milton-model is characterized by verbal and non-verbal (analog) patterns (patterns) or their compounds. Some parts of the Milton-model components are related to the corresponding linguistic markers of the metamodel (see works by R. Bandler and D.Grinder), used reversibly, but, in addition to the inverse representatives of the metamodel, the Milton-model contains a powerful list of other verbal and non-verbal components presented in the system simple, developed and indirect induction (Erickson 1965). In general, using the theoretical gains from the theory and practice of classical and Ericksonian hypnosis, trance (in detail Kutuza (2018)), as well as focusing on the works of NLP by such scholars as R. Bandler, S. Horin, D. Grinder, M. Erickson, T. Kovalevskaya, J.O'Connor, J. Seymor, O. Selivanova, etc., we proposed to synthesize the basic components of the guidance of the trance states characteristic of the advertising megadiscourse, as well as to expand the Milton spectrum -model indicators, counting to them specific markers of advertising influence of the corresponding neuro-linguistic nature. Also, we offer the basic components of the Milton-model – hypnotic induction, relevant within the scope of advertising, to define as hypnoinducers – verbal and nonverbal supersystems (intensifiers of communicative influence) of advertising megadicourses, which are reflected within each stage of the Erikson hypnosis, but we emphasize a certain level of conventionality of this distribution. We believe that the classification of hypnotic patterns can also be based on certain models of influence, as emphasized by M. Erickson himself: "Hypnotic forms are merely descriptive markings of various aspects of influence, as a rule, they do not function separately from each other. The same effect, for example, may be truism (as it is correct), presupposition (because it contains at least two interconnected statements) and implication (since implicitly it is assumed that more than one statement can be understood at once). The art of formulating influence is in fact contained in the use of many interconnected hypnotic forms" (Erikson M., Rossi E., Rossi Sh. 1999: 342), depending on the communicative purpose.

A vivid example of the synthesis of various hypnosis is the advertising megadiscourse. O. Medvedeva, comparing advertising message and hypnosis, emphasizes the similarity of their phase structure: immersion, suggestion and awakening (Medvedeva 2002: 236-238), however, "the phases of immersion and wake up in the hypnotic session are much longer than in the ad text, and the suggestion phase is shorter" (Medvedeva 2002: 239). In an advertising message in the first phase – immersion, embodied in two small sentences, it is

necessary to draw attention, where the trademark / ergonym is usually displayed with information about the product and its purpose, that is, there is an engagement of unintentional attention with its transformation into deliberate and post-satisfactory (cf. with the advertising formula AIDMA). At the second stage (assumption), which in the advertising message takes almost the entire text, and as if "lulling rhythm" of the addressee, you need not only to cause a desire to buy, but also need to consolidate the mind (or rather, in the subconscious – N. K.) – the exact trade name. Thus, special attention should be paid to the characteristics of the product (name, properties / attributes, means and / or results of application, manufacturer)" (Medvedeva 2002: 236-239). The last phase (waking up), where the trance condition is abruptly interrupted, is an important post-hypnotic suggestion that forces the recipient to remember the trademark, should work when choosing a product (Medvedeva 2002: 239-240) and can be found in one sentence with an indication of the actual advertised brand.

Note that the analysis of the three stages of the Milton-model (joining, fixing, driving) in the projection on the specifics of the advertising megadiscourse, it was possible to assert that the appropriate hypnoinductors can be duplicated within certain stages. To the first stage of the Milton model (accession) is the establishment of the relationship with the subsequent introduction of suggestive installations. The main step for tweaking the invented advantages of the advertised object is the second stage (consolidation), here the utilization of consciousness takes place and the deepening of the empathic dialogue with the recipient continues. Actual in the third stage of Milton's model (driving), where in a non-directive form, as a basis of the Erickson hypnosis, hidden commands are introduced into the subconscious, there are hypnoinducers of a complex syntactic structure with the presence of hidden commands (Kutuza 2018: 417). At the first stage of suggestion (joining) apply rhythm (substrate hypnoinducer), VAK predicates, truism. The second stage (fixation) contains simple inductions (superimposition of representative systems (synesthesia), actualization of past trance states, and description of normal (natural) trance states / situations); developed induction (interruption of the pattern, presented as a rupture of the pattern of automatic actions, tokens-activators of the communicative barrier, impossibility of the initial identification of the object of advertising); actual functionally inverse representatives of the metamodel, isolated mainly at the level of omission processes (nominalization, nonspecific verbs and nouns, judgments and comparators of meaning), generalizations (universal quantifiers and partially modal operators of necessity) and distortions (first of all it refers to "readers of thoughts", presuppositions and complex equivalence). The third stage of the Milton model (conduct) is characterized by the introduction into the subconscious of hidden teams in non-directive form as a basis of the Ericksonian hypnosis, which involves the use of indirect (indirect) induction: mounted teams

(hidden commands), mounted questions, correlated with built-in teams, negative commands with negative particles, no and no, colloquial postulates with a clear indication of the necessary sub-direct response without a direct request; citation. Pass-through hypnoinductors in the advertising megadiscourse advocates of pole emotionality (Kutuza 2018: 418).

An overview of theoretical sources devoted to the problems of communicative and speech influences, as well as the analysis of the actual material, gave reason to believe that the peculiar substrate of the Milton-model effects is: a) perseveration of any of its elements, b) a rhythmic organization, c) an overload of consciousness, and d) semantic diffusion (see works by T. Kovalevskaya, O. Klimentova, L. Kompantseva, and etc.), interpreted by us as the constants of suggestive discourses (see Kutuza 2018 for details). So, let's dwell on the consideration of these particular substrate elements as the basic activators of influential effects.

a). Perseveration as repeated repetition of any information has long phylogenetic roots (BF Porshnev), leads to unintentional memorization, even contrary to the will of the recipient and promotes spontaneous immersion in trans (Gorin 2001: 374). That is why every advertisement is repeated repeatedly, and the more often the addressee hears the advertising information (or it falls into the field of his vision), the deeper it is captured in his consciousness and subconsciousness. As a rule, repetitive repetitions of identical messages occur within one treatment or several media, in the middle of the text the product mark / ergonym is repeated, the characteristics of the goods (Kutuza 2015: 27). For example, in commercial advertising discourse *"Nazoferon" in drops is equipped with an innovative system "pump-dispenser", which provides accurate dosing of the drug. The liquid enters the system through the openings that surround the pump. The drug is injected into the capillary by pressing on the pump, resulting in a drop. It should be noted that, before burying drops "Nazoferon", it is necessary to press the pump several times to the side of itself in order for the liquid from the bottle to fill the system. "Nazoferon" – natural antiviral protection of the baby's body!* the perseverative use of TM "Nazoferon" was recorded, as well as the lexem system, pump, etc., which facilitates memorization.

b). Rhythm qualifies as "a way of incorporating a person into sensory (sensory) dialogue with a subester and the world" (Cherepanova 2002: 39), it serves as a kind of "key" that "unlocks" the subconscious and penetrates into the depths of human neurophysiology (Subbotina 2006: 115). A special sound rhythmic device is the rhyme, which is inherent only in verbal text and helps to better remember the brand and the means of the advertised product (Medvedeva 2002: 31), increasing the suggestion of such a text, for example, a large number of slogans of advertising is a rhythm (assonance and alliteration).

In general, the combination of the repetition and rhythm of the advertising message structure maximizes its influential effect.

c). Trance management is also possible due to the overload of consciousness that within the limits of the advertising discourse is achieved in the following ways: 1) as a rule, two or more characters speak simultaneously in television and radio advertisements, which forces the recipient to follow communicative steps and quickly "switch" attention; 2) In addition, on the screen there is a quick and chaotic alternation of images in the frame in combination with fast broadcasting (because the advertiser must have the maximum amount of necessary information in the minimum time interval); 3) splits attention, overloads it and a large number of messages (and, as a rule, in a single ad unit you can advertise a variety of non-related issues - like perfumes, food and cars, etc.). V. Rizun, N. Nepivoda, and V. Korneev argued that such an overload is based on the specifics of human perception of information: 1) a person can consciously absorb only the information that comes at a certain rate, if it is increased, then the consciousness does not have time to process the new information and they fall into the subconscious; 2) a person is capable of deliberately holding a certain amount of information in a short-term memory, and all that exceeds this volume is not processed by consciousness (Rizun, Nepyvoda, Korneyev 2005: 112), which in general corresponds to the volume of the "magic number" of J. Miller.

d). Semantic diffuse (uncertainty, precision semantics) is also considered a substrate element of influential discourses. So, firstly, abstract semantics, for example, nonspecific nouns (happiness, pleasure, etc.) makes a person "fill" the sound shell with actual subjective content, which, in turn, activates the state of the downtime, state of concentration within itself. Secondly, polysemanticism also violates the unambiguousness of the expression of thought and leads to "mixing" the meaning of words: "This ambiguity as the most important immanent property of the language system gives the possibility of operating the final number of linguistic units in an infinite set of contexts, as well as determines the phenomenon of semantic diffusion" (Kovalevs'ka 2008: 197), which is a cross-sectional characteristic of the Milton-model, since its elements "provoke the recipient to transducer search for a value that meets his expectations" (O'Konnor, Dzh. 2006: 288), thus opening up access to unconscious personal resources.

In this aspect, it should also be emphasized that nonspecific nouns act as frequency keywords for advertising megadiscourse, for example, in commercial advertising discourse *Chocolate is different. Is there something more tender? Uncover the true tenderness of "Trufalier", which delights with a sophisticated taste. "Trufalier". "Pikovit". Vitamins and minerals for the success of your baby! "Pikovit" will provide children with health and success. And the success of your child is your success!*

Thus, the substrate components of suggestive discourses, first of all – advertising megadiscourse, are perseveration, rhythm, overload and semantic uncertainty, which cause the utilization of the dominant hemisphere.

These components are almost always activated in the structure of advertising discourses and act as constant hypnoeductors. Prior to the use of such elements, advertisers resort to the presence of a large array of advertising messages that the recipient is not able to decode in such a volume, which, in turn, is caused, in particular, by an increase in goods / services due to the expansion of the trade boundaries.

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## Applied Technical Sciences - Preparation and Training System of the Air Force' Pilots

The chapter of the monograph deals with a brief analysis of the past and current state of education and training of military pilots in the Slovak Republic for the Armed Forces, at the beginning of the academic year 2018/2019. These findings are supplemented by information on the comparison of military training of officers in selected NATO countries with the military training system of the Armed Forces of the Slovak Republic.

### Introduction and identification of problem

A breakthrough in the way of preparation of aviation personnel was the decision of the MOD of the SR on the transformation of the Air Force Academy in Kosice in 2004. The stage of preparation and training of pilots for the needs of the Armed Forces of the Slovak Republic in the Career Development Centre of the National Academy of Defence of Marshal Andrej Hadik started in cooperation with the Academy of Armed Forces General of Milan Rastislav Stefanik in Liptovský Mikulas.

This system of education and training of modern armed forces was formally determined by the long-term plan of Structure and Development of the Armed Forces of the Slovak Republic, which became a "Conceptual Document for the Continuing Reform of Preparation and Training of Armed Forces Officers of the Slovak Republic". (Ministerstvo obrany, 2003). The new trends in military education have the ambition to respond to the demands of the future armed forces by changing the basic philosophy:

- military tertiary education which is fully compatible with civilian higher education without linking solely to military requirements and narrow military specialization,
- military training and preparation, the transition to an intensive system of career development and training of officers, based on rigorous analysis of military (military and non-military conflicts).

The purpose of the training and education program for officers was to prepare officers within a wide range of education who:

- have technical, tactical and leadership skills, knowledge and behaviour,
- know the structure, equipment, equipment and functioning of the armed forces,
- demonstrate leadership and personality qualities such as self-confidence, personality integrity, rapid, logical and critical judgment, creative thinking, sense of responsibility, discipline, engagement, cultivated social behavior and military behavior,

- are able to operate in the complex, indefinite and rapidly changing environment,
- able to work in efficient teams, quickly create and manage functional teams in the environment of constant organizational and technological changes,
- can take a risk on themselves, creatively solving unexpected situations and emerging problems.

### **Academic discussion on past and present experience**

The organizational structure of the system of education of officers of the Slovak Republic was formed in the period in question by the Academy of the Armed Forces of General Milan Rastislav Štefanik and by the Defence National Academy of Marshal Andrey Hadik. (Act no. 455/2004).

#### Academy of the Armed Forces of General Milan Rastislav Štefanik (AFA)

The Academy of the Armed Forces was and is a higher education institution based on military and civil accredited study programs. The Rector of the AFA is appointed by the President of the Republic at the suggestion of the Minister of Defence. At present, AFA provides bachelor, engineering and doctoral degrees in higher education. The aim of the original 4-year bachelor's study programs was to prepare future military leaders with the potential for successful leadership of armed forces. Students were required to undergo accredited academic education and non-accredited AFA military training programs in collaboration with the Centre for Career Development (as cadets) of the National Academy of Defence. Military training was provided in short winter and long summer military concentrations, the content of which ensured the fulfilment of the conditions for appointment to the first lieutenant's rank of lieutenant.

In line with the agreed conceptual intentions, the officers training program consisted of: basic AOS training, in-service training, professional courses and career development courses. Prior to setting up the first executive function in the operating unit, AFA students had to complete the following training blocks:

- ✓ Basic cadet training before the beginning of the first school year (4 weeks);
- ✓ Concentrated training of cadets after the end of the first, second and third school years (4-6 weeks);
- ✓ Training at entrance professional officers' courses, usually after promotion and dismissal in the rank of Lieutenant (with a duration of military qualification courses from 2 to 18 months).

#### National Academy of Defence of Marshal Andrey Hadik (NAD)

The National Defence Academy was autonomous, non-institutional by September 2008, which, through the Career Development Centre, was responsible for the professional and leadership development of the entire army corps of the Slovak Armed Forces (or army corps). The NAD

Commander was appointed by the Minister of Defence on the proposal of the Chief of the General Staff of the Armed Forces of the Slovak Republic.

### ***Centre for Career Development (CCD)***

The Centre for Career Development carried out education and training according to the study programs which are usually approved by the Chief of the OS SR Staff.

The aim of the CCD career courses was to train well-trained officers (leaders) with technical and tactical skills. Completed courses were a prerequisite for setting up a certain type of military function. The enrolment in career positions in the CCD was performed by interviews centrally managed by the Personnel Management Team of the General Staff of the Armed Forces of the Slovak Republic based on the requirements of individual the AF SR units.

As part of the preparation of officers for the exercise of basic and higher military functions, the following courses were planned and carried out in the CCD:

- Officers' training course; In-service professional officer course (for pilots)
- Higher officer course;
- Basic Command-Staff Course
- Higher Command-Staff Course
- National Security Course.

Officers' training course for candidates who completed a civilian university and the Entrance Professional Officer Course (AFA graduates) to gain the basis of leadership and military skills to be appointed to the First Officer's rank of lieutenant.

Higher Officer Course. The first career course for officers after completing the Entrance Professional Deputy Lieutenant Course, focused on the expertise and component of the armed forces in which captains were trained or the lieutenants selected for promotion.

Basic Command-Staff Course. The first training course for joint and multinational operations where captains were trained after passing the established practice. Completing of this course was a prerequisite for appointment to positions that were at the level of Captains, all Majors and Lieutenant Colonels in non-commanding (professional) military functions.

Higher Command-Staff Course. The course prepared graduates to perform the duties of staffs and headquarters at brigade level and higher levels. The course completion was a prerequisite for the performance of selected command functions at the level of the battalion commander, squadron, regiment, air wing, and deputy commanders in Lieutenant Colonel and Colonel ranks. The course was also a prerequisite for the performance of

staff military functions in the ranks of Colonels at all levels of leadership and command of the armed forces.

The national security course was designed for selected military and civilian executives to exercise strategic leadership and managerial functions in military and national security organizations. The course was a prerequisite for appointment to senior colonel and general functions. The course was designed to prepare graduates to manage complex security processes at national and international level. The course was also designed for civilians of other departments with international participation. The study program of the course was approved by the Ministry Defence and the Ministry of Education of the Slovak Republic with the national validity.

#### *Preparation and Training of Pilots in the Centre for Career Development*

The theoretical preparation and flight training of pilots for the Air Force of the Slovak Armed Forces was carried out for 18 months since August 2005 in cooperation with University of Zilina and FA TUKE Kosice in the CCD NAD Pilot Admissions Officers' Course for at least the first degree graduates of university education. The aim of the course was to prepare pilots to assign them in the basic function as an air wing pilot - a combat or a transport squadron, Air Force of the Slovak Armed Forces. An indicative number of the flight hours is presented in Tab. 1

**Tab. 1 Hours for Admission special officers' course for pilots**

TIME SCHEDULE (WEEKS)				TEACHING SCHEDULE (HOURS / 45')			
Teaching	Flight training	Ground training	Total	Teaching hours	Consultation hours	Self-study	Total
<b>24</b>	<b>39</b>	<b>4</b>	<b>67</b>	<b>660</b>	<b>220</b>	<b>220</b>	<b>1100</b>

#### Theoretical preparation

The content of the theoretical preparation was conditioned by the demands of the SR Air Force on the military pilot and the general requirements for the preparation of civil aviation personnel - pilots. In the theoretical preparation, the course was aimed at acquiring basic knowledge of flight training subjects and specialized subjects for performing separate flight or flight crew activities.

The aim of the study plan was to make a series of lectures and seminars (through the University of Zilina, FA TUKE Kosice) in the following subjects:

- Aviation law;
- General knowledge of aircraft (airplanes, helicopters):
  - Airframes and systems,

- Electrical equipment,
- Electronic equipment,
- Power units,
- Instruments;
- Flight performance and planning;
- Weight, balance and performance,
- Flight planning and evaluation;
- Human performance and limitations;
- Meteorology;
- Navigation;
- Operating procedures;
- Basics of flying;
- Communication;
- General flight safety;
- Military Air Radio Communication;
- Civil Aviation Radio Communication;
- Aerodynamics and flight mechanics;
- Military aviation meteorology;
- Military aviation navigation and flight preparation;
- Aerial geography;
- Air shooting and bombing;
- Effectiveness in multiple crew members;
- Organization of military air traffic management and flight safety;
- Special knowledge of military aviation:
  - Aircraft systems (selected military aviation),
  - Electrical and instrument equipment (selected military aircraft);
  - Radio and radio equipment (selected military aircraft);
  - Equipment (selected military aviation),
  - Basics of aviation engine theory and engine design (selected military aviation technique);
- Automated command and command systems in the Slovak Republic;
- Electronic combat;
- Armament of foreign armaments;
- Tactics of Air Force species of the Air Force of the Slovak Armed Forces;
- Military Aviation Management;
- Special physical training, parachute training and emergency flight training.

Practical Flight Training (implemented by University of Zilina and Heli - Company Ltd. Presov)

Nowadays, **since the academic year 2016/2017**, the aviation education and complete aeronautical education of the AF SR staff is provided

at the Faculty of Aeronautics of TUKE in Kosice, based on a concluded agreement between TUKE and MOD of the SR.

### **Military training in selected NATO countries**

The starting point for the design of prospective systems of education and training of members of the Armed Forces of the Slovak Republic was the comparison of existing and functional systems in partner countries. The team of the Ministry of Defence of the Slovak Republic, which has thoroughly analyzed the issue, has published its results for further creative use in the document "Concept of Military Education of the Slovak Republic". In accordance with the current situation, it can be stated that university education, which takes place in the armed forces of developed countries, is characterized by:

- the continuous activity of military universities on the products of the civilian higher education system,
- the existence of two components of the training of professional soldiers, in the preparation of officers - university education and career education (higher forms of training),
- increasing the career services and the new orientation of the mission of professional soldiers,
- the predominant focus of the training of officers to acquire higher education qualifications, the development of managerial, command, pedagogical, analytical and technical capabilities and competencies,
- the preparation of a lieutenant, in which the system of courses lasting several months, for successful non-commissioned officers,
- implementation of the training of professional soldiers (*rank-and-file* officers and non-commissioned officers) in training facilities or schools of OS components in short-term courses, lasting for several weeks or months,
- the predominant managerial character of the training of professional soldiers in military schools, with the emphasis on shaping the personal profile of future commanders and subordinate leaders,
- putting emphasis on the development of leadership skills and the acquisition of practical habits for the performance of another specific function in the career of a professional soldier.

Based on the comparison of the objectives, content, forms and methods, means and conditions of university education of professional soldiers made by experts of MOD SR, it can be stated that:

1. In most countries, the prerequisite for the qualification of candidates for the professional service of officers is the university graduation. The

preparation for (education) military university education institutions may include candidates - secondary school graduates with an **upper secondary school examination**. The situation in this area is similar in the Armed Forces of the Slovak Republic.

2. In most countries, the training of officers in military higher education institutions is aimed at taking on board positions (usually as a commander) and is comparable to university studies in general. The situation in this area is the same in the Slovak Republic.

3. Foreign armed forces provide higher education before or during the professional service. In the Slovak Republic, university education is usually provided at the beginning of the career.

4. University abroad is based on accredited civilian study programs, fully compatible for use outside the armed forces.

5. Further training of professional officers in foreign armaments has generally three-stages. In some countries, a two-stage or four-step preparation system is being implemented. A three-level higher education system, complemented by a system of courses, is likely to be implemented in the Slovak Republic.

6. Academic university programs for students are separated from their cadet training programs. In the Slovak Republic, the training program of the students is part of it, the content being more in need of training of corps ( a specialized technical focus). Military aspects of academic education must be implemented by a sectoral training organization with a specialized character without higher education accreditation.

7. As part of the training of officers, emphasis is placed on their progressive development, through an intensive career course system. In the Slovak Republic, the extensive system of career development of the officer was manifested in the past.

8. In the case of the scientific and pedagogical corps, especially of lecturers, the rules of permanent rotation of the staff usually outside the professional guarantors of study fields and programs, are stipulated. Military service under the military education and training system is part of the career of professional soldiers. Under the conditions of the AF SR it is necessary to ensure the minimum army practice of scientists, educators and lecturers, in accordance with the consistent rotation of personnel within the armed forces and civil education and training institutions. A great challenge for the future is to ensure adequate academic mobility between higher education institutions at home or abroad.

9. A system of military education and training is supported by the development of institutional infrastructure. In the Slovak Republic, the modernization of the infrastructure of education and training facilities requires considerable financial means, as well as human energy.

See Tab. 2 University education of officers in foreign armies.

**Tab. 2 University preparation of officers in foreign armies  
(University training, 2003)**

State	Length of university study	University graduation	School of troop types in preparation	Total length of preparation for admission to a professional service	Training in a training centre
Belgium	4 - 5 years	yes	after university education	4,5 - 5,5 years	6-9 months
Czech	4 - 5 years	yes	no	4 - 5 years	-
France	No university, 3years	no	yes	4 years	
Italy	5 years	no	yes	4 years	6-9 months
Netherlands	3,5 years	no	yes	4,25 years	3-9 months
Hungary	5 years	yes	no	5 years	-
Germany	3,5 years	yes	yes	Up to 6 years	15 months
Poland	4 - 5 years	yes	no	4 - 5 years	-
Austria	4 years	yes	no	4 years	
Spain	3 years	no	yes	5 years	
Turkey	5 years	yes	yes	5 years	3-10 months
USA	4-5 years	yes	Yes after completing Military Academy, etc..	4-5 years	3-11 months
G. Britain	no VŠ, 1year	no	yes	about 1,5 year	
Slovakia	4-5 years	yes	no	4 - 5 years	-

*Training of Pilots Abroad*

Within the system of education and training of pilots abroad, practical training is carried out in accordance with the specific requirements of the armed forces, traditions in the preparation of pilots and possibilities of the given country. Based on personal knowledge and practical experience, it can be briefly stated that a wide range of approaches to the preparation and training of military pilots is used in the Euro-Atlantic area, such as:

- training of pilots with higher education generally performed;
- admission flight training conducted at home, or in cooperation with a foreign partner;
- selection and basic training performed outside military structures based on a contract with a civil institution (a university flight crew, a civil air force, a training centre, a training facility, etc.) or military school structures, training units, etc.);
- operational (continuing and combat training) pilots' training for military aviation is generally carried out within the air forces of the State concerned;

- a specific form is joint training at the NATO Air Force in Canada or air pilot training in the US in favour of Europe's Air Force;
- the limitation factor for foreign flight training, as a rule, is its price, which may amount to USD 1.2 million per year for the training of 1 jet airplane pilot with approximately 250 flight hours.

The Graduate Course of Officer Training is listed in Tab. 3.

**Tab. 3 Further education of officers in foreign armies  
(Ďalšie vzdelávanie, 2003)**

State	System	System structure	Length	Provided by
Germany	1.degree	<ul style="list-style-type: none"> <li>• Basic course of staff officers</li> <li>• Further training courses for staff officers</li> <li>- Staff training course</li> <li>- General staff course</li> </ul>	14 weeks	Command Academy Bundeswehru Hamburg (Führungsakademie der Bundeswehr-FüAk)
	2.degree		11 weeks 2 years	
France	1.degree	<ul style="list-style-type: none"> <li>• Basic staff course</li> <li>• Higher staff course</li> </ul>	10 months	Staff school v Compiègne
	2.degree		10 months	
	3.degree	<ul style="list-style-type: none"> <li>• General Staff Course</li> <li>• Defence management courses</li> </ul>	10 months 14-16 weeks	Higher staff course (CSEM-DEMSAT) Paris Collèges interarmées de défense – CID
Belgium	1.degree	<ul style="list-style-type: none"> <li>• Basic Ground Force Course (CEMFT)</li> <li>• Training for senior officers (CFOŠ)</li> <li>• Higher staff course</li> <li>• Defence course</li> </ul>	5 weeks	Higher Royal Centre of Defence Bruxelles (Institute Royale Superior Defence – IRSD)
	2.degree		1 year	
	3.degree		1 year	
	4.degree		1 year	
Netherlands	1.degree	<ul style="list-style-type: none"> <li>• Staff Course I</li> <li>• Staff Course II</li> <li>• "advanced education" course</li> </ul>	1,5 year	Dutch School defence RIJSWIJK (Netherlands Defence College – NDC)
	2.degree		3 months	
	3.degree		6 months.	
Hungary	1.degree	<ul style="list-style-type: none"> <li>• Staff Course</li> <li>• Higher (follow-up) course</li> </ul>	1 year	Military Academy Miklosa Zryiniho BUDAPEST
	2.degree		2 years	
Czech	1.degree	<ul style="list-style-type: none"> <li>• Academic course</li> <li>• Higher academic course</li> <li>• Higher GSE academic course</li> </ul>	10 months	University of Defence BRNO
	2.degree		10 months	
	3.degree		10 months	

### **The system of preparation and training of civilian pilots in the Czech Republic**

Within the new system of military education and training, civilian education and training institutions (universities, aeronautical schools, training organizations, i.e. University of Zilina, Technical University Kosice, Slovak National Aeronautics Club, etc.) the significant bodies for preparation of future air personnel for the Air Force of the SR.

#### **Faculty of Operation and Economics of Transport and Communications of the Zilina University in Zilina**

From the point of view of the subject of integrated theoretical preparation and training of civilian professional pilots with university education, Zilina University in Zilina has been a primary civil aviation

institution. The Faculty of Operation and Economics of Transport and Communications provides higher education within three levels of university education, accredited study programs in the field “Transport”:

**Tab. 4 Accredited study programs of the University of Zilina – selection (Accredited study, 2019)**

Field of study	Study program		
	1. degree Bachelor’s	2. degree Master’s	3. degree Doctoral
5.2.59 (6) Transport	Rail transport External / Daily	Rail Transport External / Daily	Traffic Engineering and Technology
	Road Traffic External / Daily	Road Transport External / Daily	
		Transport Engineering Daily	
	Air Transport External / Daily	Air Transport External / Daily	
	Water Transport External / Daily	Water Transport External	
	Professional Pilot Daily	X	X

The study provides university education qualifications and qualifications at various levels of the management functions in airlines and organizations, air traffic service operator and air traffic services. The training of graduates is focused on air traffic planning and control, activities in technical maintenance, repairs and operation activities, airport operation and its equipment, as well as economics and commercial activities related to operations.

University of Zilina is an organization authorized to conduct theoretical pilot training for all professional pilot qualifications. Practical pilot training is provided on the basis of a contract with a student.

The "Professional Pilot" (Study program, 2019), (Daily, 3-Year Bachelor's) study program consists, as a rule, of the *compulsory subjects* of study:

- General Theory of Economics,
- Geometry,
- Mathematics, Informatics,
- Physics,
- Transport and Communication System,
- Legislation in Transport and Communications,
- Economy and Enterprise Management,
- Technical Documentation,

- Electrical Engineering,
- Technical Mechanics and Flexibility,
- Aeromechanics.
- Aviation Legislation,
- Aviation English language,
- Marketing
- Meteorology,
- Foreign language,
- Aircraft Instruments,
- Air traffic operation and economy,
- Aircraft propulsion units,
- Aircraft
- Air navigation,
- Technical mechanics,
- Materials and technologies,
- Elasticity and strength,
- Thermomechanics and flow theory,
- Economy of airlines,
- Personal management,
- Security aviation technology,
- Organization of air traffic,
- Design and operation of airports,
- Maintenance and repairs of aircraft and compulsory optional subjects:
- Theoretical and practical training in flying,
- Psychology for aviation workers,
- Business operation,
- Aviation medicine,
- Human performance and limitations.

The Department of Air Transport, a member of the European Aeronautical Science Network (EASN), is a specialist training and research center that guides the "Professional Pilot" ("Air Transport") program.

Practical flight training for students as well as other candidates is provided by the Department of Air Transport in cooperation with the FTO (Flight Training Organization).

The tasks of their flight activity is as follows:

- ✓ basic training of an airplane private pilot,
- ✓ airplane commercial pilot training,
- ✓ continuation / improvement of training on airplanes,
- ✓ special training to obtain IFR qualifications, instructor, multi-engine airplanes,
- ✓ retraining for other types of airplanes,
- ✓ transport pilot training, and other activities.

The theoretical classroom training (CBT), using interactive presentations and computer tutorials, is implemented as:

1. Integrated theoretical training ATP (Air Transport Pilot)

The integrated ATP (A) course is provided in the context of a full-time study at the University of Zilina, in accordance with an accredited study program. Upon completion of the training and completion of the qualification test, the graduate holds the qualification of a transport pilot with a limitation of the so-called "FROZEN ATP (A)".

2. Modular theoretical ATP training

The course is designed for pilots who have not completed integrated training for the level of theoretical knowledge required in aviation commercial transport in a continuous training course to pass the ATP (A) theory test successfully. Module ATP (A) is provided in accordance with JAR-FCL in a distance form, at least within the range:

- for a pilot with a PPL (Private Pilot License - Private Pilot),
- for a pilot with a CPL (A) (Commercial Pilot License), or PPL (A) / IR ),
- for a CPL (A) / IR pilot.

Upon successful completion of the training and qualification test, the graduate holds the "FROZEN ATP (A)" qualification of the transport pilot. The ZU also offers the authorization of piloting multi-engine aircraft for the interested parties.

The current integrated theoretical and training system of the ZU focuses primarily on airplane pilots. As part of the synthetic training, the CBT classroom and training programs are used, with the possibility to prepare and train on an air simulator. Practical flight training of crews with an emergency abandonment is not practiced. Other aeronautical operators are not usually involved in the preparation and training process during the pilots' study. The University of Zilina has practical experience with flight training of pilots for the armed forces from past and present.

Transport aviation generally covers a wide range of activities, in some cases with closely specialized staff which must be prepared for the activities at the appropriate level. Requirements for the scope and depth of knowledge and skills to perform specific activities on aviation, security, airport or services are determined by appropriate aviation legislation. A prerequisite for a good performance of the working functions in the above mentioned system of aviation operations and security technology, with emphasis on a safety factor, is the quality education of the worker.

In Slovakia, the Faculty of Aeronautics of the Technical University of Kosice is another educational institution in the field of aviation education of military and civil aviation personnel.

### Faculty of Aeronautics of Technical University of Kosice

In the past, for more than 60 years of aviation education in Košice, the flight training of pilots and aviation technical staff was provided by the Military Aviation Academy of Gen. M. R. Stefanik in Kosice. As an accredited university education institution, it focused primarily on the training of military students and, since 1991, civilian students.

On 1 September 2004, the Act No. 455/2004 Coll. on the establishment of the Academy of the Armed Forces of Gen. M. R. Stefanik, on the merger of the Air Force Academy in Kosice with the Technical University in Kosice, on the establishment of the Marshal Andrey Hadik National Defence Academy and on the amendment and supplementation of some laws. Under Section 2 of this Act, the Military Aviation Academy, M. R. Stefanik merged with the Technical University in Kosice.

With effect from 1 September 2004, the Institute of Aeronautics of the Technical University in Kosice was established as a separate research and pedagogical workplace which was incorporated into the structure of the Rectorate of the Technical University of Kosice. As a result of the transformation process of the Air Force Academy of Gen. M.R. Stefanik in Kosice another faculty of the Technical University was established on 1 February 2005.

**Tab. 5 Engineering and doctoral studies at FA TUKE Košice (former fields), (Masters and Doctoral studies, 2003)**

Name of study/scientific field	Name of study specialization	Degree of study	Length of study
Air Traffic Control	1. A combat aircraft pilot 2. Control, operation and automation in aviation 3. Air traffic control	Ing.	5 years
Aircraft Engineering	1. Operation, maintenance and repair of aircraft and LM 2. Airport technical equipment and operation	Ing.	5 years
Air Electrical Engineering	1. Radiotechnical equipment of air traffic 2. Aircraft instruments and electrical systems 3. Air weapon systems 4. Radio and radiotechnical systems of aircraft	Ing.	5 years
Operational and combat use of aviation and air defence	Field of science	PhD.	3/5 years
Air Armament and Technology	Field of science	PhD.	3/5 years

The Faculty of Aeronautics of the Technical University in Kosice continues to provide university education, develops scientific knowledge and conducts scientific research activities in three fields of engineering studies and two fields of doctoral study (see Table 5). Based on changed conditions within the transforming military education system of the Slovak Republic and requirements of school and aviation legislation, new study programs of university education were elaborated (see Table 6). The programs respect the requirements of the Higher Education Act, the Accreditation Commission, and the current Aviation Legislation.

**Tab. 6 Accredited study programs of FA TUKE Kosice (Doctoral studies, 2003)**

Field of study	Study program		
	1. degree Bachelor´s	2. degree Master´s	3. degree Doctoral
5.2.59 (6) Transport	Air Transport Management External/Daily	Air Transport Management External/Daily	Air Transport Management External/Daily
	Air Traffic Controller Daily		
	Professional pilot Daily	X	X

### **The integrated flight system preparation and training of pilots**

The theoretical flight preparation of pilots, synthetic training tools, practical flight training and emergency exit training (EET), are three crucial subsystems of *Integrated Flight Preparation and Training IFPT* (Kelemen & Szabo, 2019). The form and content of pilot preparation and training should meet the requirements of professional competence to perform the functions of aviation personnel, with an emphasis on:

- ❖ *Theoretical Flight Preparation of Pilots (1st Situation Class)*
- ✓ professional theoretical preparation of the Armed Forces of the Slovak Republic,
- ✓ basic theoretical flight training of pilots, in accordance with the requirements of the European Common Aviation Regulations (EASA),
- ✓ basic and special theoretical flight preparation of a military pilot, in accordance with the operational requirements of the NATO Air Force pilots and NATO standards, as part of a specialized theoretical module, preparation of the material part of aviation equipment used for flight training.
- ❖ *Means of synthetic pilot training (2nd situation class)*
- ✓ for computer-aided pilots training,

- ✓ air training simulators for flight operations training,
- ✓ air simulators for flying tasks focusing on instrumentation piloting and simulation of flight tasks for combat use.
- ❖ *Practical training (Flight and emergency training of aborting airplane - 3rd Situation Class)*
  - ✓ entry and selection flight training of airplane and helicopter pilots
  - ✓ basic flight training of airplane and helicopter pilots
  - ✓ continuing flight training of airplane and helicopter pilots
  - ✓ flight training of airplane and propeller aircraft pilots in emergency abandonment - EET (under different conditions).

#### Flight Preparation and Pilot Training Structure

The Integrated Flight Preparation and Training is characterized by a decentralized hierarchical management structure, with a decisive share of the human factor in the decision-making and management process, in line with the active and cooperative links of the relatively autonomous elements (pilots) of preparation and training of pilots.

The preparation of the executive pilot of the SR consists of professional theoretical preparation and practical military training, whose structure can be expressed as follows:

- Professional theoretical training:
  - combined arm theoretical preparation,
  - specialized theoretical preparation of the components of the AF SR (Air Force),
  - theoretical flight preparation for flight training.
- Practical training:
  - combined arm training of individual / units,
  - basic professional training of components of the AF SR:
    - ✓ entry, selection and basic flight training pilots,
    - ✓ survival training after an emergency flight,
  - operational training of the Air Force of the SR:
    - ✓ continuing flight training for pilots,
    - ✓ combat flight training for pilots,
  - retraining in the Air Force of the SR on:
    - ✓ new military aviation technique, procedures and methodology of training,
    - ✓ equipment, armaments, military systems, etc.,
    - ✓ preparation for performing a function in another section of the AF SR.

Theoretical preparation is done in the form of lectures, seminars and exercises. The emergency flight training is organized in both winter and summer conditions, both day and night. Form of individual preparation and training in organic flight crews (according to conditions). Pilot flight training is conducted in the form of individual training (such as individual flight training) and training of air units (such as combat-oriented unit training).

By training we understand:

- (a) according to the means of training used, such as
  - training using synthetic means of training;
  - practical flight training using aviation technology;
- b) according to daily training time
  - day flight training;
  - flight training at night;
- (c) according to the rules of flight
  - flight training according to the flight rules for the country's visibility;
  - flight training according to instrument flight rules;
- (d) according to meteorological conditions of flight
  - flight training in meteorological conditions of flight for VMC visibility;
  - flight training in IMC instrument flight conditions;
- e) by type of training
  - training in pilotage techniques;
  - navigational training (line flights / navigation flights);
  - training in combat use by type of aviation of the Air Force of the SR;
- (f) Individual training to obtain a combat pilot training class
  - 3rd class pilot in weather conditions of VMC during the day;
  - a 2nd class pilot in all meteorological conditions during the day and under VMC meteorological conditions at night;
  - a 1st class pilot in all day and night weather conditions;
- (g) training of an individual to obtain an instructor's authorization
  - flight training instructor (in sequence and in the range of daily and meteorological flight conditions, as in class pilot training);
  - the instructor training on an air simulator;
  - an inspector of a certain type of the Air Force of the SR;
- (h) unit training in group flights of airplanes or helicopters
  - the training of pair airplanes or helicopters;
  - the training of swarms (4) of airplanes or helicopters;
  - training in a squadron (12 aircraft).

### **Conclusion**

The priority of aviation theory and practice is to create conditions for compliance with the Air Force of the SR for the Air Force Staff, NATO Standards and EASA Common European Aviation Requirements, in the field of aeronautical personnel training. The attention is mainly paid on the education and training of the military pilots of the Armed Forces of the Slovak Republic. The chapter consists an analysis of the past and current state of education and training of pilots for the Air Forces of the Armed Forces of the Slovak Republic which is the platform for the following pedagogical research.

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## **Impact of State's Political Stability on Company's Economy – Case Study of Pegasus Airlines**

There is a reciprocal relationship between air travel and a tourist destination. An existing airline connection is a prerequisite for visiting an area by foreign tourists and thus for the development of tourism. On the other hand, the popularity of a tourist area creates the preconditions for the further development of flight routes to other destinations. Unstable political situation prevailing in the region can harm the whole economy. Among others, the aviation industry will be hit in particular, because there is a dependence between air transportation growth and Gross domestic product (GDP), the aviation strongly correlates with the economic cycle. On the example of Turkey the improvement in the political situation can be seen reflected in the results of the Pegasus Airlines. Financial results of two consecutive years were compared and interpreted. At the same time other circumstances that could have contributed to the results were investigated. At the end of the discussion attention was drawn to new circumstances that could further destabilize the situation in Turkey and the whole region and negatively affect the further development of the Turkish aviation.

Air transport plays an important role in today's society. It greatly contributes to the economy of the country, as it enables the rapid transport and circulation of goods, raw materials, and human capital throughout the world. Whether the country's economy is dependent on exports, imports, or the two sectors are in balance, air transport is an important agent for maintaining the flow of goods. Developed infrastructure and existing air connection can help regions to grow, as they can bring new revenue from tourism, or make the area more economically interesting for foreign companies and investors. On the other hand, air transport is dependent on the economic cycle. The recession of the economy results in a decrease in air transportation demand. There are many other factors that affect the development of aviation in the country. One of such factors is also the political situation in the country.

If a conflict breaks out in a country or in its immediate vicinity, it automatically reduces the perception of security and safety. In the past, aircraft were often used as a means of demonstrating the power of hostile forces when they were abducted or eventually became the target of terrorist attacks, or mean – weapon, so to say – to commence one. According to Riley (2014) the motivation to attack public transportation targets in general, and the aviation industry in particular, is tied to the direct psychological effect of this type of attack. These attacks create fear and anxiety among the population, and may paralyze the transportation at the state level and

sometimes at the international level. It is especially true when adding the effect and reach of media. (Azani & Lvovsky & Haberfeld, 2016).

Terrorism and armed conflicts can affect the air transport of the country in various ways:

- Terrorists target the aircraft of a specific airline: In this case, passengers are afraid to fly with the airline. Airline's entire network suffers from decreased demand. If this carrier largely covers air connections in a particular country, it will negatively affect the air transport performance of the country as well.
- Terrorists target routes to a specific country: In order to threaten a country or to extort it on an international level, terrorists may threaten with attacks on aircraft heading into a particular country. In this case, country's international air transport is affected and losses are incurred on all routes operating to and from that country.
- Armed conflict in the country: For various reasons conflict may arise in a region, resulting in instability, sometimes propagating into civil war. The public perceives the state of danger, and foreign travellers prefer to cancel their planned flights, foreign investors withdraw their capital from the country. Even in the domestic market, it is not possible to expect growth in transport performance. At times of conflict and instability, increased security measures at airports are often introduced, certain parts of the airspace may also be closed for civil air transport. These measures present further complications for civil aviation.
- Armed conflict in the vicinity of the country: Even a conflict beyond the borders of a country can cause inconvenience for the air travel. If the whole region is perceived as unstable, it negatively affects the economy of other states as well. Another complication may be due to the closure of airspace over a conflicting country, so the flights are redirected and fly other air routes, often longer with airspace capacity reaching its limits.

There are still many open armed conflicts and local wars in the world. More so, the authors Lewis & Heathershaw & Megoran (2018) point out, that ideas of liberal peacebuilding are being supplanted by state-centric, authoritarian responses to internal armed conflicts. Drawing on accounts of state responses to conflicts in Russia, Sri Lanka, China, Ethiopia, Rwanda and Turkey, they develop an alternative conceptual framework to understand authoritarian conflict management as a form of wartime and post-conflict order in its own right.

Other authors focus on economic context and monetary policymaking. Donmez & Zemandl (2019) explore the changes in monetary policymaking in Hungary and Turkey in the context of the post-2008 global financial crisis and restructuring. They suggest that the latest crisis has contributed to the

emergence of a politicisation process which accompanied the entrenchment of increasingly oppressive discourse and practices.

The influence of power struggles of two different sides is also reflected by Silverman (2014). His essay uses the conflict between Turkey's Justice and Development Party (AKP) and Dogan Holding as part of a traditional economic elite dominated by a number of large, coastal firms. It gives a lead to understand the occurrence of military coup attempt in 2016 which strongly influenced and impeded Turkey for many months.

The impact of terrorism on tourism demand was examined for example in the works of Arana & Leon (2008) and Charbel (2014). With an assessment of the importance of tourism for the Turkish economy works Akkemik (2012). The impact of terrorism on Turkish tourism was described by Yaya (2009). Latest development in Turkey and it's reflection on tourism is included in works of Theocharous & Zopiatis & Lambertides & Savva & Mansfeld (2018).

As mentioned above, tourism and aviation are interconnected and play an important role in further development of a region. While the existence of air connection allows for and simplifies the development of tourism, a tourist-attractive area on the other hand has the potential for the development of air routes in the region. This topic is discussed in more detail in the publication by Graham & Papatheodorou & Forsyth (2008).

Mitigation of conflicts and political stability have an synergic effect on aviation. They bring growth of economy, increased interest of foreign investors as well as more tourists, which all lead to growth in airline performance. We looked at the financial performance of a selected Turkish airline company in the same period of two consecutive years to support our assumptions about growth.

### **Methodology**

For the purpose of our research we decided to analyse the financial statements of a chosen airline company. We used the publicly accessible data for current and potential investors published at the web pages of the company. As we wanted to work with latest data, we decided to take the latest financial report from the period of first three quarters of the year 2018 and compared them with the data from the same period of the preceding year 2017. Together with the data it is also important to understand the business model of the company, so the data is also interpreted in connection with known facts about the company and the general knowledge of low-cost airline business model.

### **Profile of the company Pegasus Airlines**

Pegasus is a low-cost airline in Turkey, which provides opportunities on point-to-point basis in short and medium range routes with high flight frequency. The company was founded as a joint venture company on 1990 by Aer Lingus Group, Silkar Yatırım ve Insaat Organizasyonu A.S. and Net

Holding A.S. to be a tour charter company. Later, foreign shares were sold and Pegasus became purely Turkish company. In 2005 after another acquisition Pegasus profiled as a low cost company. Since 2013 about a third of it's shares are traded on the Borsa Istanbul stock exchange (Pegasus, 2018a).

Today Pegasus' fleet is composed of 83 airplanes with age average 5.6. The network consists of 105 locations of which 36 are domestic, and the remaining 69 locations are placed in 40 countries (Pegasus, 2018a). As to the business model of the airline company, in many aspects the operation of Pegasus Airlines is consistent with the description of a hybrid airline model. Bjelicic (2007) describes the penetration of low-cost companies into the sector of full service carriers with blurring of the borderlines between these two types of airlines. Pegasus presents a nice example of an originally low cost operator who now provides a wide range of services with congruent pricing. The company offers four travel packages: Basic, Essentials, Advantage and Business flex. These packages differ by the level of services and the total price of the ticket. The differences consist in the baggage allowance, possibility of seat selection, in-flight meals, ticket change or access to other services offered by Pegasus, such as car hire, airport transfer, hotel reservation, online parking or tour reservations. What is more, the carrier also has its own frequent flyer program named BolBol (Flypgs, 2018). All these are services that were originally provided by traditional carriers as part of the low-cost business model is to reduce operations and services provided by carrier to lower the costs (Gross & Schroder, 2007). The competition in the European aviation market, especially with the entry of low cost airlines in mind was also analysed by Alderighi & Cento & Nijkamp & Rietveld (2012). Looking at the European market then talking about Turkish airlines is reasonable, as most of the cross-border connections of Pegasus airlines are with airports within Europe. The importance of European market for Turkish airline companies was also acknowledged by Camurdan & Cetin & Gurgen & Kushan (2016), who discussed Turkish air transportation in terms of quality and quantity.

### **Analysis of the financial statements**

In the following section we looked at the detailed financial statements for the periods of first three quarters in the years 2017 and 2018 ending 30 September and compared Pegasus's performance in these periods. Table 1 shows the composition of assets in the two periods. Pegasus booked a very successful year 2018 in comparison to 2017. Cash and cash equivalents almost doubled. In 2018 the company billed more than 20 million Euro to its customers than in the same period of 2017. The value of derivative financial instruments in the portfolio of Pegasus also grew substantially, the value of the inventories more than doubled. The total value of assets in the followed period of 2018 more than doubled in comparison to 2017.

**Table 1. Assets for the nine-month period ending 30 September of the given year**

<b>ASSETS</b>	<b>2017 Q 1, 2, 3</b>	<b>2018 Q 1, 2, 3</b>	<b>Difference</b>
<b>Current assets</b>	491 626 173 €	878 448 833 €	386 822 660 €
Cash and cash equivalents	291 685 722 €	549 865 522 €	258 179 800 €
Trade receivables	75 960 018 €	97 744 707 €	21 784 689 €
<i>Trade receivables from related parties</i>	-	-	-
<i>Trade receivables from third parties</i>	75 960 018 €	97 744 707 €	21 784 689 €
Other receivables	2 434 835 €	52 578 875 €	50 144 040 €
<i>Other receivables from related parties</i>	289 130 €	501 920 €	212 791 €
<i>Other receivables from third parties</i>	2 145 706 €	52 076 954 €	49 931 249 €
Derivative financial instruments	1 108 980 €	20 862 582 €	19 753 602 €
Inventories	4 327 619 €	9 025 297 €	4 697 677 €
Prepaid expenses	115 403 605 €	145 593 840 €	30 190 234 €
Current income tax assets	-	-	-
Other current assets	705 393 €	2 778 010 €	2 072 618 €
<b>Non-Current assets</b>	673 406 639 €	1 602 370 541 €	928 963 903 €
Other receivables	2 721 697 €	3 838 348 €	1 116 650 €
<i>Other receivables from third parties</i>	2 721 697 €		(2 721 697) €
Investments accounted by using the equity method	4 468 468 €	3 838 348 €	(630 120) €
Property and equipment		6 690 748 €	6 690 748 €
Intangible assets	3 362 401 €	1 521 492 900 €	1 518 130 499 €
Prepaid expenses	18 124 078 €	7 523 840 €	(10 600 238) €
Deferred tax assets		62 824 706 €	62 824 706 €
<b>TOTAL ASSETS</b>	1 165 032 812 €	2 480 819 374 €	1 315 786 563 €

Source: Pegasus, 2017 and Pegasus, 2018b, processed by authors

When analysing the liabilities (see Table 2), it is obvious that the company exhibits increased activity in 2018 in comparison to 2017. Short term financial liabilities grew by 18 million Euro and trade payables more than doubled. Growth can also be seen in employee benefit obligations and short term as well as long term provisions for employee benefits, which corresponds to increased operations of the company. This section continues with Table 3.

**Table 2. Liabilities for the nine-month period ending 30 September of the given year**

<b>LIABILITIES</b>	<b>2017 Q 1, 2, 3</b>	<b>2018 Q 1, 2, 3</b>	<b>Difference</b>
<b>Current liabilities</b>	309 682 356 €	499 216 978 €	189 534 623 €
Short term financial liabilities	73 883 680 €	92 009 472 €	18 125 792 €
Short term portion of long-term financial liabilities	79 886 171 €	123 397 684 €	43 511 513 €
Trade payables	61 850 813 €	130 024 428 €	68 173 615 €
<i>Trade payables to related parties</i>	208 493 €	114 516 €	(93 977) €
<i>Trade payables to third parties</i>	61 642 320 €	129 909 911 €	68 267 592 €
Employee benefit obligations	7 000 021 €	8 769 902 €	1 769 881 €
Other payables	8 550 628 €	11 323 566 €	2 772 938 €
<i>Other payables to third parties</i>	8 550 628 €	11 323 566 €	2 772 938 €
Derivative financial instruments	291 878 €	0 €	(291 878) €
Deferred income	66 801 295 €	116 940 401 €	50 139 106 €
Current income tax liabilities	205 996 €	733 960 €	527 963 €
Short term provisions	11 167 317 €	14 970 015 €	3 802 698 €
<i>Short term provisions for employee benefits</i>	8 670 864 €	12 513 122 €	3 842 259 €
<i>Other short-term provisions</i>	2 496 454 €	2 456 893 €	(39 561) €
Other current liabilities	44 557 €	1 047 552 €	1 002 994 €
<b>Non-Current liabilities</b>	487 462 696 €	1 256 989 777 €	769 527 081 €
Long term financial liabilities	330 363 388 €	955 283 310 €	624 919 922 €
Deferred income	1 435 334 €	557 074 €	(878 260) €
Long term provisions	90 843 208 €	189 415 192 €	98 571 983 €
<i>Long term provisions for employee benefits</i>	1 717 749 €	3 435 299 €	1 717 549 €
<i>Other long-term provisions</i>	89 125 459 €	185 979 893 €	96 854 434 €
Deferred tax liabilities	64 820 765 €	111 734 201 €	46 913 436 €

Source: Pegasus, 2017 and Pegasus, 2018b, processed by authors

Table 3 illustrates the positive asset valuation and company management, as the shareholders' equity almost doubled when comparing the two periods. The deposit in the hedge fund substantially increased from about 700,000 Euro to 17 Mio. Euro. The retained earnings grew by 135%. The bottom of Table 3 shows the total liabilities and equity.

**Table 3. Shareholders' equity for the nine-month period ending 30 September of the given year**

<b>SHAREHOLDERS' EQUITY</b>	<b>2017 Q3</b>	<b>2018 Q3</b>	<b>Difference</b>
<b>Shareholders' equity</b>	367 887 760 €	724 612 619 €	356 724 858 €
<b>Equity attributable to shareholders' of the parent</b>	371 234 077 €	730 075 822 €	358 841 746 €
Paid-in share capital	16 363 520 €	16 363 520 €	0 €
Share premiums on capital stock	72 909 924 €	72 909 924 €	0 €
Effects of business acquisition	4 720 793 €	4 720 793 €	0 €
Other comprehensive income/expense			
not to be reclassified to profit or loss	0 €	0 €	0 €
Actuarial losses on defined benefit plans	528 837 €	528 837 €	0 €
Currency translation differences	140 263 925 €	400 953 806 €	260 689 881 €
Other comprehensive income/expense			
to be reclassified to profit or loss	0 €	0 €	0 €
Currency translation differences	0 €	19 780 986 €	19 780 986 €
Hedge fund	741 487 €	17 159 557 €	16 418 070 €
Restricted profit reserves	802 609 €	802 609 €	0 €
Retained earnings	56 889 888 €	134 248 579 €	77 358 690 €
Net loss for the period	79 070 768 €	103 226 858 €	24 156 090 €
<b>Non-controlling interest</b>	3 346 316 €	5 463 204 €	2 116 887 €
<b>TOTAL LIABILITIES AND EQUITY</b>	1 165 032 812 €	2 480 819 374 €	1 315 786 563 €

Source: Pegasus, 2017 and Pegasus, 2018b, processed by authors

Table 4 contains information about profit of the company. As mentioned above, the first three quarters of the year 2018 were better as the same period in previous year. Sales grew by 50 % and gross profit grew by almost 67 %. The company spent more on general administrative expenses as well as on marketing, other operating expenses grew substantially. Nevertheless, the total comprehensive income grew by 180 %.

**Table 4. Profit or loss and income for the nine-month period ending 30 September of the given year**

<b>Profit or loss</b>	<b>2017 Q 1, 2, 3</b>	<b>2018 Q 1, 2, 3</b>	<b>Difference</b>
Sales	665 938 881 €	999 004 966 €	333 066 085 €
Cost of sales (-)	543 830 150 €	795 296 023 €	251 465 873 €
<b>Gross profit</b>	<b>122 108 731 €</b>	<b>203 708 943 €</b>	<b>81 600 212 €</b>
General administrative expenses (-)	20 532 904 €	29 195 234 €	8 662 330 €
Marketing expenses (-)	21 302 471 €	29 384 900 €	8 082 428 €
Other operating income	9 327 924 €	144 541 €	(9 183 383) €
Other operating expenses (-)	613 840 €	20 201 753 €	19 587 912 €
<b>Operating income/(loss)</b>	<b>88 987 439 €</b>	<b>125 071 598 €</b>	<b>36 084 158 €</b>
Income from investing activities	22 799 748 €	4 532 908 €	(18 266 841) €
Expenses from investing activities (-)	9 370 089 €	0 €	(9 370 089) €
Share of investments income accounted for	0 €	0 €	0 €
using the equity method	535 669 €	1 424 134 €	888 464 €
<b>Net loss attributable to:</b>			
Non-controlling interest	324 837 €	283 730 €	(41 108) €
Shareholders' of the parent	79 070 768 €	103 226 858 €	24 156 090 €
<b>Income for the period</b>	<b>78 745 931 €</b>	<b>102 943 128 €</b>	<b>24 197 198 €</b>
Income per share (€)	0,7728 €	1,0096 €	0,2368 €
Currency translation differences	38 111 739 €	226 523 216 €	188 411 477 €
Cash flow hedge	868 488 €	12 752 630 €	11 884 142 €
Currency translation differences	0 €	15 177 543 €	15 177 543 €
Deferred tax effect	173 698 €	1 819 791 €	1 646 093 €
<b>Other comprehensive income</b>	<b>38 806 530 €</b>	<b>227 128 338 €</b>	<b>188 321 808 €</b>
<b>Total comprehensive income attributable to:</b>			
Non-controlling interest	336 864 €	2 066 162 €	1 729 298 €
Shareholders' of the parent	117 889 324 €	332 137 628 €	214 248 304 €
<b>Total comprehensive income</b>	<b>117 552 460 €</b>	<b>330 071 466 €</b>	<b>212 519 006 €</b>

Source: Pegasus, 2017 and Pegasus, 2018b, processed by authors

The positive economic results of the company should also be put in context with overall situation in Turkey. Turkey's air transport sector has become the world's fastest growing aviation industry in the last decade with a growth rate of 14 percent. In the international air transport sector the average growth was 5.6 % (Daily Sabah, 2017). Since 2008, Turkey has seen its number of aircraft grow by 265 percent reaching 988 pieces in August 2017. Its fleet of business jets increased by 41.8 percent to 78 aircraft. The number of active airports has more than doubled in the last 14 years, rising from 26 to 55. Turkish operators fly in summer to up to 300 destinations home and abroad.

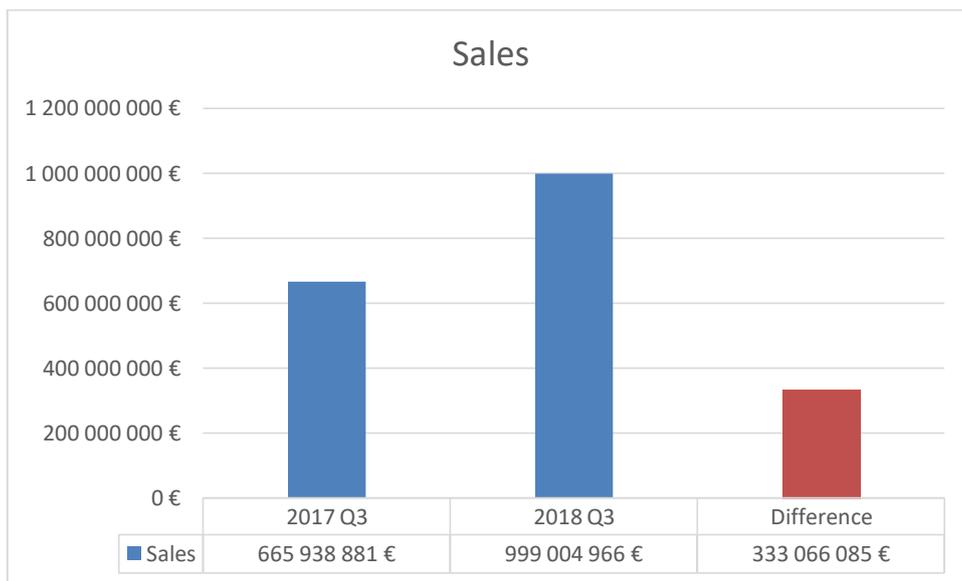
Besides the positive situation in the aviation industry sector the development in tourism was also successful. Daily Sabah (2018) reports that nearly 35.6 million foreigners visited Turkey in the first 10 months of 2018, a 22.4 percent increase compared to some 29 million in the same period last year. Adding more than 5 million Turkish citizens living abroad who arrived in Turkey the number of foreign visits exceeded the 40 million target for foreign visits set by the government.

On the other hand the positive financial statement might be slightly inflated in the context of economic development at the end of the year 2018. Early in 2018, economists had warned that government tax cuts and investment incentives threatened to overheat the economy. Ahval, 2018 reports, that a combination of a weak lira and high inflation, which has brought a slump in demand for imports and pushed up interest rates to the highest levels in 15 years, has prompted ratings agency Moody's and the Organisation for Economic Cooperation and Development (OECD) to predict economic contraction for 2019.

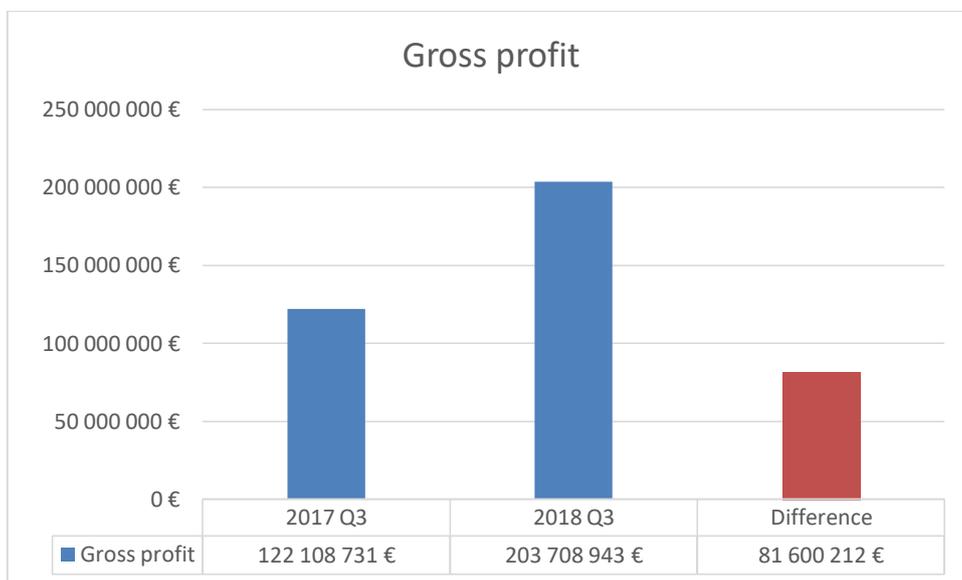
### **Discussion**

After the financial crisis in 2008 experts have followed the restructuring processes of monetary policy making in Turkey just like anywhere else. Also of great interest was the political development as well as the economic sector of tourism. Tourism was expected to be one of the corner stones of the economy. The above-average growth in the aviation sector is a proof for this. Since 2001 the country is oppressed by the armed conflict in the neighbouring Syria, where Turkish armed forces are also being active. In 2016 Turkey went through its own conflict with a military coup attempt. While in 2014 42 million tourist visited the country, in 2016 Turkey welcomed only 24 million foreign visitors (Power, 2018). In 2018 international agencies have lifted a number of warnings on visiting Turkey and in first 10 month the number of foreign visitors exceeded 40 million.

The company Pegasus Airlines embraced the positive environment well. Although calling themselves low-cost, the operator offers a hybrid product addressing a wide spectrum of travellers. Its financial statement shows a 30% growth in sales (Figure 1). The gross profit grew by almost 67 % (Figure 2).

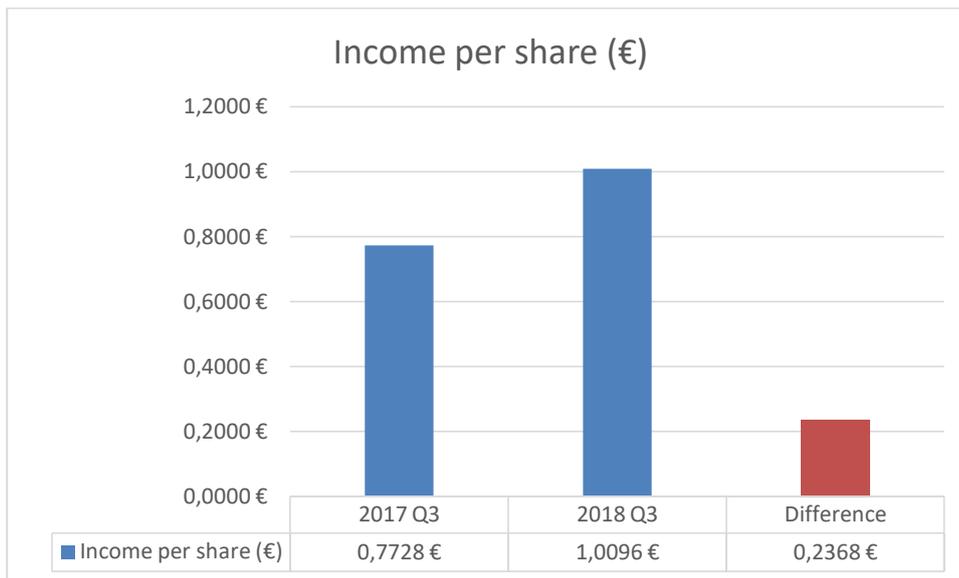


**Figure 1. Sales for the nine-month period ending 30 September of the given year. Source: processed by authors.**



**Figure 2. Gross profit for the nine-month period ending 30 September of the given year. Source: processed by authors.**

Since 2013 part of the Pegasus shares are traded on the stock exchange. From the shareholders perspective important is the condition of the shareholders equity. Income per share increased in the period of first three quarters of the year 2018 by almost 30 % in comparison with the same period of the previous year.



**Figure 3. Income per share for the nine-month period ending 30 September of the given year. Source: processed by authors.**

However it is questionable, what will the financial statement look like at the end of the year given the negative development on the Turkish financial market. Also potentially negative is the latest development in Syria, when US president Donald Trump considers the withdrawal of US armed forces from the country. As an answer to this Turkey commenced negotiations with Russia to ensure the retention of current state, entangling Turkey deeper in Syrian affairs once more.

While positive development and stability of a country is a strong driving force for growth, political upheaval and/or tension in the region can easily influence the public perception and reduce the tourist attractiveness of otherwise popular destinations. This can be poisonous especially for regions and industries dependent on tourism, such as Turkish coastal region and the otherwise above-average airline industry.

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## How Psychological Infantilism Affects the Self-Presentation of an Individual: to the Issue of Social Integration

The article reveals the definition of self-presentation of personality, types of self-presentation. Opens views on the concept of self-presentation from the point of view of different scientists. The gender and age characteristics of self-presentation are considered. It is proposed to allocate the infantile type of self-presentation of the individual.

Relevance of the Problem. Throughout its life person tries to manage the other's impression of himself through his or her behavior. Ability to correctly demonstrate his or her own point of view, be liked by the social environment, to earn respect and recognition of a significant environment is closely related to the phenomenon of self-presentation and determine the success of a person, because it all are means of achieving his or her professional and personal goals. There are psychological factors that influence self-presentation, therefore the outcome depends on them.

The purpose of the article. Theoretical study of approaches to the definition of self-presentation phenomenon, strategies and techniques of self-presentation. Explore how psychological infantilism affects self-presentation of an individual.

### **Presentation of the main research material.**

The first work devoted to the analysis of self-presentation phenomenon, was published in 1959 by E. Goffman [1]. Since then, there has been an increased interest to this phenomenon in theoretical and practical psychology. Self-presentation definition was offered by various scholars, in particular E. Goffman [1], D. Myers [2], G. Borozdina [3], O. Mikhailova [5], O. Sokolova-Bausch [6], B. Schlenker [7] and others. R. Arkin and A. Schutz [9], G. Borozdina [3], I. Jones and T. Pittman [8] and other scholars studied the problem of types, strategies and techniques of self-presentation.

The term "self-presentation" for a long time has been firmly included in the scientific vocabulary, is reflected in modern studies, which have already become classical in terms of interpersonal perception and influence. This is due to the fact that the most significant human needs are the need for communication, recognition and self-expression. It is these needs that determine the importance of forming a favorable impression of oneself, which, of course, is reflected in social success: the subject's ability to form a favorable impression of himself often allows him to effectively implement the particular strategy in communication, and becomes the basis for effective implementation of professional plans, organizing his actions, etc.[10;11]

In the general sense, self-presentation is defined as the process of creating an impression of oneself in the surrounding social environment. The

purpose of self-presentation is to create and present one's image to other people. Because of the increased interest in researching ways to demonstrate one's own personality and retaining a certain impression of oneself, today there are several related concepts of self-presentation, the characteristics of which are largely identical to the self-presentation definition.

In the process of theoretical and empirical studies of self-presentation problem, various authors offer their own definitions of self-presentation. We can say that self-presentation is a process in which the management of the perception of the surrounding society takes place through attracting attention in order to implement motivation, meet the needs and achieve the goals of the individual, as well as the self-image is formed and self-esteem is maintained. In doing so, the needs, motives and goals can be as purely personal, and can be imposed from outside by the environment in which the person is reside. In the process of self-presentation, human being manages the impressions of others and thus creates a certain attitude towards himself. If the means of self-presentation are balanced, consistent and of a constant nature, then the formation of the image takes place. As a result of a particular image creation, the person who created it receives feedback from the society about his or her own behavior. The social environment reaction causes an emotional (negative or positive) reaction of the person. The number of negative or positive reactions to a certain extent determines and maintains self-esteem. Together with the emotional reaction to the feedback of the society, the formation and correction of the own self-image is taking place.

According to E. Goffman, regardless of the specific intent, the individual is always interested in exercising control over the other people's behavior [1]. Such control is mainly carried out by influencing the "determined" situation. Subject can influence these "determined situations" and present itself in such a way that others voluntarily act in accordance with his plans [1].

In contrast to a number of later studies of self-presentation (M. Snyder, E. Jones, A. Bass, S. Briggs, Arkin and Baumgardner), which showed that self-presentation takes place only in specific conditions and is used only by a certain type of person, E. Goffman was a supporter of an expanded approach to the interpretation of self-presentation problems and impression management, considering self-presentation as a permanent process, as a general feature of social behavior of the individual, who changes his character depending on goals of the "actor" and circumstances.

Thus, J. Tedeschi and M. Riess defined self-presentation as intentional conscious behavior, aimed at creating a certain impression among others [12]. In this case, the subject not only shows activity, he achieves objective goals by psychological means through managing the impression of himself. A significant audience acts as the recipient, to which this influence is directed. The recipient in this case is considered as an object, that is, it is a question of the classical subject-object-oriented relationship [13].

Self-presentation, according to D. Myers, relates to the desire of the subject to present the desired image both to the outside audience (other people) and to the inside audience (we ourselves). The subject learns to manage the impressions he creates, he expresses his "self-determination" by showing himself as a certain type of person [14]. Deliberately or not, but the subject apologizes, justifies or protects himself when it is necessary to maintain his self-esteem and confirm his self-image. In the personal guidelines system, the person marks the "point of intersection" of the social and intrapsychological in his personality structure: he is coming out from social standards that are formed in society (the distinction between the real and ideal image, the creation of behavior model, which at the moment corresponds to the performed role, image, or socially approved model).

According to B. Schlenker, self-presentation is not only superficial or manipulative, it can also include an attempt to present to the audience the image of someone approaching the ideal. Usually this image reflects a slightly modified and improved I-concept, but it is the one in which the "actor" sincerely believes himself [14]. According to B. Schlenker, self-presentation in a conscious or unconscious form represents a polymodal characteristic, carried out based on a multitude motives; it presents among friends, and even in intimate situations; it takes place also in a long-term relationship, such as marriage. But it does not necessarily include conscious attention and control [14].

Another research direction relates personality's self-presentation with its aspirations to power (I. Jones, T. Pittman, etc.). According to the scientists, the basis for self-presentation is the desire to expand and maintain influence in interpersonal relations, that is, the desire for power [15]. I. Jones and T. Pittman understand self-presentation as a fully aware process, consciously constructed behavior. An active subject works on an external audience by psychological means - strategies of self-presentation - and achieves objective goals. The sphere of scientific interests of this direction's representatives includes only communicator, the recipient here is an object of manipulation [15].

The process of self-presentation begins with the formation of the first impression. At the first stages of communication a significant role is played by various generalized schemes, stereotypes of perception of the actions and feelings of another person. In this situation, the object is perceived as a person bearing a certain role and the task of allocating an object with certain features, on the basis of which the primary contact can be build. On the motivational level, according to existing theories, depending on the personality characteristics of the subject, the motive of power, self-expression, self-disclosure and other motives may lie at the basis of self-presentation. At the level of goals - the I-concept, the subject's identity, the actual social roles determine the content of the image that the subject shows to his environment. Specific methods of self-presentation correspond to the

instrumental, that is, operational level. They depend mainly on the competitive interaction situation.

There are two main types of "self-presentation": "natural" and "artificial". "Natural self-presentation" is characteristic for all people without exception, and it is gained by a person from birth. The process of "natural self-presentation" can be described as an unconscious, uncontrollable person's presentation of herself. The main "minus" of "natural self-presentation" is that a person cannot control and correct a process within this particular presentation. That is, the individual does not choose whether his "natural self-representation" will be positive or have negative connotation. The main purpose of "artificial self-presentation" is to win the loyalty to his personality from the side of a significant group of people. In other words, we can say that in order to win the commitment of the people important to us (and it does not matter whether they are important in this particular situation or always), we build an algorithm for a communicative process with the so-called "potential audience", that is, with people on whom we direct our self-presentation [4].

One can identify a positive and negative self-presentation of the individual. Positive self-presentation is aimed at creating a positive image of "Self", and negative - a negative image of "Self". Moreover, both positive and negative self-presentation can be effective. Creating a particular line of behavior depends on the person's goals. That is, in the process of interaction, a person is able to influence the behavior of the surrounding people in accordance with his goals, creating a corresponding negative or positive impression [2]. That is, the process of self-presentation is closely linked to the process of manipulation. Manipulation is a kind of psychological influence, the skillful execution of which leads to a hidden violation of the intentions of another person, which does not coincide with his actual existing desires [16].

#### **Basic self-presentation strategies and tactics of the individual.**

In the process of communication, subjects use different tactics and strategies of self-presentation, which are both verbal and non-verbal.

The main reason for pointing out self-presentation strategies was the peculiarities of the behavior of people who seek to obtain social approval or to avoid significant loss in social approval (Berglas & Jones; Arkin, Appelman & Burger; Schlenker; Rosenfeld; Giacalone & Riordanata and others). Thus, strategies of attractive behavior, self-enhancement and power influence are directly aimed at obtaining approval from others; strategies of evasion and self-denial are usually used by a person to avoid a bad impression of oneself.

Thus, the main strategies of self-presentation include the following [10]:

1. Evasion (with protective tactics of justification with denial of responsibility, renunciation and impediment to oneself),
2. Attractive behavior (with a protective tactic of apology and with assertive tactics of desire and desire to please, a model for imitation),

3. Self-enhancement (with defense tactics of justification with acceptance of responsibility and with assertive tactics of attributing achievements to oneself and exaggerating the achievements);
4. Self-deprecation (with assertive tactics of request / plea)
5. Force influence (with assertive tactics of intimidation and negative evaluation of others).

### **Gender, age features of personality self-presentation. Infantile type of self-presentation.**

Despite the universality of the motives of self-presentation behavior, we can observe significant individual differences in the implementation of self-presentation. Thus, representatives of public professions (actors, politicians, journalists, etc.) are mostly aware of the process of controlling the impression created, in other areas, such control and awareness are less expressed. In addition to the professional features of self-presentation, there are also gender and age differences in this process, which affect the peculiarities of the style of communication, the choice of self-presentation tactics and strategies, the psychological characteristics of which will be mentioned below. Also, one should not exclude such psychological characteristics as infantilism and maturity of a person who have a significant influence on the tactics of self-presentation.

The general psychological approach involves the approach to self-presentation as a component of self-consciousness, the method of eliminating cognitive dissonance, as the implementation of motivation, in particular, the motivation to achieve success or avoid failure, considers self-presentation as focusing the subject's attention on himself due to the attention he gets from other people.

The socio-psychological approach sees self-presentation as a permanent process, a general feature of social behavior of the individual, emphasizes the activity, social aspects of self-presentation. Self-presentation in this context is self-disclosure in interpersonal communication through the demonstration of one's thoughts, character, etc.

Much attention is paid to the problem of gender differences in social behavior. In various aspects, it is represented in ethnographic, cross-cultural, sexological studies, in the study of psychological differences between the sexes. At the same time, it is rarely represented in the works, the subject of which is the phenomenon of self-presentation of personality. The main modern vector of studying gender differences in self-presentation is the assertiveness / protection of communicative behavior and its cross-cultural features. In addition, taking into account that the most frequent object of research in the field of self-presentation are university and college students (that is, women and men at a certain age - from 18 to 25), it seems relevant to study the effect of gender and age characteristics on the use of self-presentation tactics. In 2003–2005, studies were conducted to study the

characteristics of self-presentation of men and women, differentiated by three age groups (youth 18–30 years old; adults 30–45 years old; mature people from 45 years old) [17]. The age range of the surveyed - from 18 to 75.

The research results which presented by Pikuljova O.A. revealed the following [17]:

1. The personal characteristics of the subject of self-presentation, expressed by the level of self-monitoring and extraversion, are related with his self-presentation behavior in the process of interpersonal communication, regardless of the gender of the subject of self-presentation.

2. Explicit gender differences in a person's self-presentation exist within only one age period - from 30 to 45 years of age. In this period of adulthood, men use assertive self-presentation tactics more often than women.

3. For women, there is a tendency to show a more assertive self-presentational behavior in the older age period (from 45 years), compared with the period of youth and adulthood. Thus, the tactics of "intimidation" and "negative evaluation of others" in the period of maturity are used by women more often than in the period of adulthood. Men, in turn, have a tendency to less frequent use of assertive-type tactics (in particular, the tactics "intimidation" and "negative assessment of others") during the period of maturity (over 45 years of age) compared with the period of youth and adulthood.

4. The presence of gender and age differences in the use of tactics "self-obstruction", "request / plea". For women, there is a tendency to use these tactics less often as the age increases, and for men, on the contrary, with age these tactics are used more often in social interaction.

5. In the periods of youth and mature age, people in social interaction exhibit strong emotional reactions, sociability, activity, impulsivity, along with marked anxiety and sensitivity, due to the subjective feeling of freedom from socially defined "frameworks of behavior". In the period of adulthood from 30 to 45 years, people show a lower level of emotional lability, anxiety with frequent expression of stress in personal and social situations, compared with the period of youth and maturity.

6. Men have a lower level of motivation to get social approval than women. Thus, in comparison with men, women have a greater need for obtaining the approval of others and the evaluation of others are more significant for them.

7. The use of tactics of protective and assertive types of self-presentation is interrelated and manifests itself in the social behavior of a person, as a rule, regardless of the gender of the subject of self-presentation. At the same time, self-presentation of an individual has gender differences in relation to the content components of self-presentation behavior, due to the adoption of gender roles [17; 18].

One of the factors influencing self-presentation is psychological infantilism.

Infantility is the result of not quite correct education or unfavorable conditions in the period from 8 to 12 years of age. It is at this age that the child must be conveyed responsibility for himself, for his actions. From 13 to 16 years of age, a sense of adulthood, individuality, one's own system of values appear. And from the age of 17 - an understanding of his place in human society and his calling in life.

In infantilism, there can be such features as lack of self-sufficiency, disorganization, lack of practical skills, initiatives, as well as insufficient social maturity and adaptability.

The causes of infantilism can be heredity, intrauterine pathology and trauma, childhood infections. But, more often, it is a combination of these factors with wrong parental efforts, incorrect education at school, children's institutions, computer dependency, etc.

Hyperopia is one of the common mistakes in parenting when parents manage every step of a child. And then alongside with infantilism egocentrism, inability to reckon with others, extreme self-sufficiency, passivity and inability to strain become very noticeable. Despotic upbringing with physical punishment and constant prohibition also contributes to reducing the initiative, the manifestation of lack of independence, indecision.

The combination of too much parenting activity and infantilism, immaturity of children is a typical phenomenon. The mechanism of action is based on the psychological law: the personality and ability of the child develop only in the activity that she does with her own will and with interest.

As a rule, infantilism as a stable personality characteristic correlates highly with such personality features as external control focus, overestimation of self-esteem and level of aspirations, self-centeredness, willingness to transfer under any circumstances responsibility for failures on others, sharpened, sometimes painful feelings of psychological insecurity. In this case, the main compensatory mechanism manifests attempts to avoid the need to at least more or less adequately assess the objective social reality, in particular, by immersion in virtual reality (for example, Internet addiction, etc.) [19]. It is obvious that all these personal personality features have a direct impact on self-presentation. Schlenker [20] in his research mention that self-presentation depend of social anxiety, which often arises from an accurately perceived social skills deficit: The individual is unable to interact effectively with others, comes across poorly in social interactions.

How does psychological infantilism affect the personality's self-presentation and its relations with other subjects? Any contact of an infantile person with psychologically mature people will cause irritation on their part and lead to conflicts. An accomplished person expects from his entourage the same adequate actions that he follows as a guide. An immature subject who does not have the ability to clearly perceive the world around and adapt to the circumstances will cause the full-fledged person some difficulties in communicating with him and even irritation towards himself.

Usually, such people elect older, socially active individuals. However, in this case, the conflict will not disappear. It automatically flows into relationship of the new "mother" or the new "father" with the biological parents of the infantile subject. Competition for custody over the "child" may unfold between them. The winners in this fight are usually the real moms or dads who manage to push away the husband/wife of the infantile subject, and take their usual dominant position over their child. Naturally, in this case, the conflict will affect the young family, often leading to its dissolution.

### Conclusions

Thus, the psychological study of the phenomenon of self-presentation is very relevant and requires both theoretical and practical processing. Self-presentation is often viewed as a process in which the management of the perception of the surrounding social environment takes place through attracting attention in order to realize motivation, meet needs and achieve the goals of the individual, and also the image of the "self" is formed and self-esteem is maintained. Self-presentation of a person can be successful and unsuccessful. A successful self-presentation is the one which helps a person achieve his goals when communicating with the surrounding social environment. The effectiveness of self-presentation is determined by the expedient use of special techniques and strategies, as well as the natural ability of the person to behave in accordance with the situation. Prospects for further study of the phenomenon of self-presentation are the study of age features of application and use of different types, strategies and techniques of self-presentation, as well as in the study of the peculiarities and psychological conditions of the effectiveness of the use of strategies and techniques of self-presentation in various social situations. With the growth of society's infantilism, the study of self-presentation of students and young people aged 18-25 years deserves special attention. Given that self-presentation allows a person to influence other people, in particular their attitude, thoughts, stereotypes, values, and even their behavior, one can assume that self-presentation should be regarded as an effective means of influence. Having analyzed the existing research, we propose to point out the infantile type of self-presentation of the individual which, in our opinion, requires a comprehensive practical study.

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## **Development of Psychological Culture of Tourist Business Students as the Factor of Their Professional Activity Success**

Psychological peculiarities of tourist business specialists' professional activity, the role of psychological culture in the development of students' personality during their studies at the institution of higher learning have been considered in the article. Structural-functional levels of the development of psychological culture of future tourist business specialists have been described. Psychological determinants of tourist business specialists' professional activity success have been revealed. The model of the development of psychological culture as the factor of professional activity of future tourist business specialists success; the diagram of basic functions of psychological personality's culture have been worked out. The sphere of tourism, as one of the perspective economic fields, needs highly skilled workers with a high level of general culture and ecological consciousness able to self-perfection and creative thinking, capable to solve difficult problems and tasks that require renovation and integration of knowledge responsible for the results of their labor.

The main purpose of the state policy in the field of education is the creation of conditions for the development of a personality and creative self-realization of every citizen of Ukraine, renovation of the content of education and organization of educational process in accordance with democratic values, market principles of the economy, modern scientific and technical achievements [10].

At the very beginning of studies at the institution of higher learning there appears and further increases student's aspiration to be successful. Moreover, such desire becomes very strong especially in senior students that, forcing events, they sometimes prematurely begin to consider themselves as already highly skilled specialists requiring a corresponding attitude toward them. At the same time a student who studies at senior courses does not in everything meets the requirements that are set to the professional. Most students strive to form these qualities.

Students' own aspiration to professionalism increases due to the fact that the students are treated more seriously and more demandingly at the institution of higher learning. As a result of these processes student's internal aspiration becomes stronger by intention to become a highly skilled specialist and this creates absolutely new external and internal situation of personal psychological development. It requires and generates the change of all system of student's relations with the surrounding people and with himself.

Coming from these circumstances the aim of the specialist's professional training must be formed as a triune task that includes providing of high professional knowledge, abilities and skills, professional competence, culture of the professional activity; forming the adequate professional motivation, purposefulness; the development of professionally important qualities of a personality of a specialist and his psychological culture.

For adequate mastering the profession it is necessary to know not only one's own individual traits but also the requirements which the profession puts to the student who realizes it. Major information generators about professions are *professiogram* and *psychogram*. *Professiogram* is the description of the list of features of the profession or specialty. *Professiogram* contains socio-economic, production and technical, sanitary-hygienic, physiological and psychological characteristics of the professional activity that are fulfilled within the framework of the described profession. *Psychogram* is the description of the requirements that are set by the professional activity to the psychical peculiarities of a personality.

The examples of such features can be the peculiarity of the cognitive sphere, temperament, character and other personal characteristics (Fig. 1).

The character of professional competence is, in a great deal, determined by student's knowledge, experience, interests, fascinations and inclinations. Professional interest is the emotionally colored student's attitude toward a certain type of the professional activity.

*Psychogram* of professional training of tourist business specialists describes professional motivation and purposefulness; cognitive, communicative and regulative qualities; professionally important components of psychological culture (psychological literacy, psychological competence, valued-semantic component, reflexive-evaluative component) and individually-psychological peculiarities.

Interests and inclinations allow estimating personality from the point of view of his orientation in a certain direction, that is, determine what a student performs for mastering his profession. Abilities determine the quality of the implementation of this activity, his success, the level of achievements. Abilities characterize the course of the performance of the activity. Abilities are individual features that determine lightness of mastering knowledge and success of the personality's activity. They are not born but are formed on the basis of inclinations in the process of a certain professional activity. Success of realization of professional activity of a specialist is determined by combinations of his abilities that are peculiar for every student and characterize him as a personality.

Thus, for providing professional competence during training of specialists it is necessary to invite the representatives of tourist business with the aim of acquaintance the students with their profession and the process of work; to conduct excursions of students at tourist objects; to conduct practical classes at these tourist objects; to acquaint students with the novelties of

professional direction in the world market; constantly conduct creative work with students: to carry out the improvement of the tourist process, writing reports, articles to scientific journals; bringing in the students to optional classes.

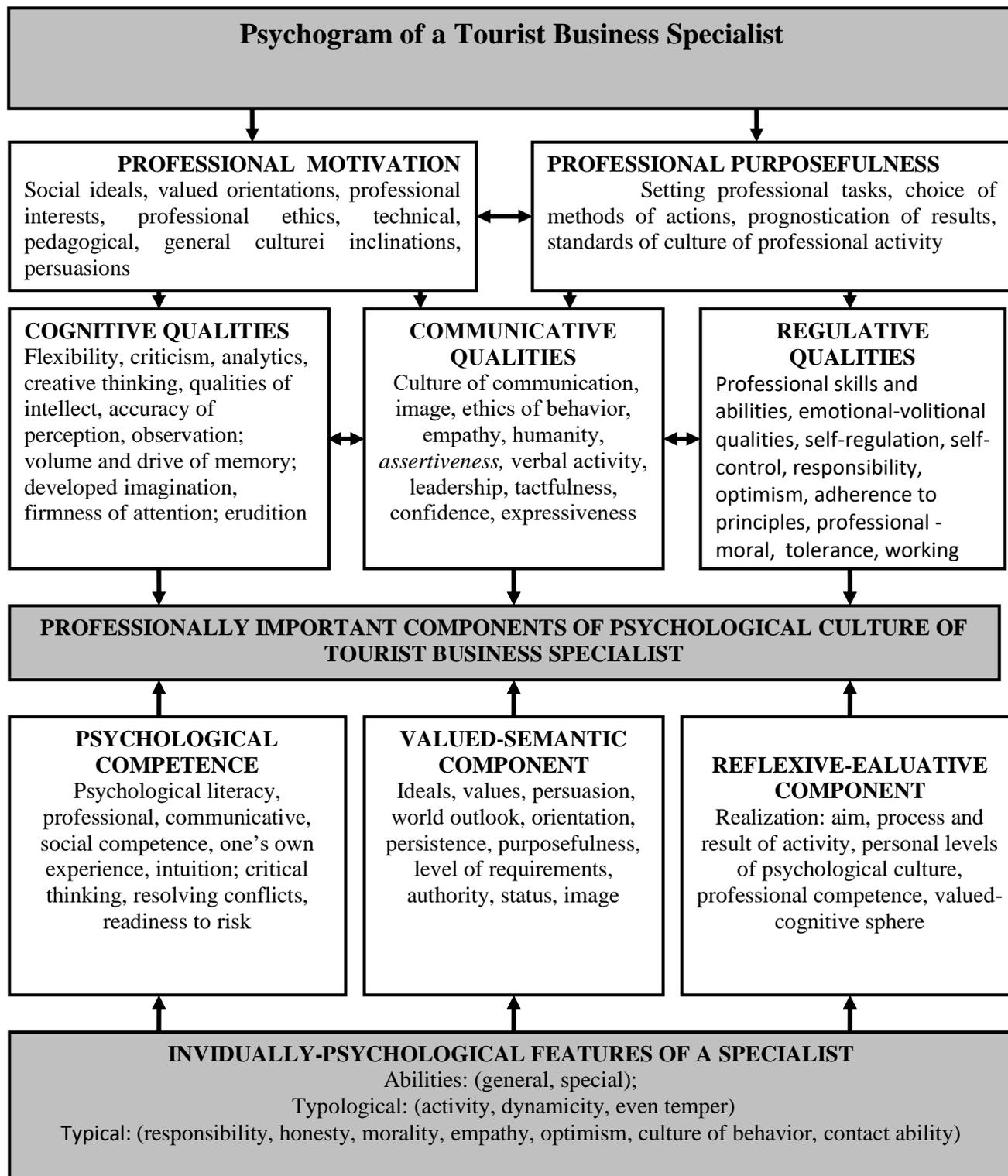


Fig. 1. Model of the psychogram of a tourist business specialist

Professionally important qualities are individual qualities of the subject of the activity that influence the efficiency of professional activity and success of their mastering. Abilities belong to professionally important qualities but they do not exhaust all volume of these qualities. Professionally important qualities and their system come forward in the role of personality's internal conditions where external actions and requirements of the activity are reflected. Therefore the following actions are necessary for the development of professionally important qualities of a specialist's personality:

- forming and supporting persistent interest to systematic and tense activity of the corresponding kind, forming positive motivation;
- forming firm character, will-power and desire to overcome difficulties;
- developing general inclinations as without them it is impossible to develop professionally important personality's features, for example, memory, intellect, creative thinking etc.;
- forming working capacity, systematic engaging in the corresponding kind of the activity, aspiring to leadership (to surpass group mates, get approval, praise, reward, attain high results);
- forming creative abilities, creativity, *assertiveness* for solving professional problems and tasks.

In the modern conditions of the development of a tourist business there is a necessity of overcoming communicative barriers in the professional activity. The expressive tendency of the turn of home education to the humanistic-oriented education and upbringing is connected first of all with spiritually-practical activity and culture of a personality. Mastering psychological culture at a higher school allows students to accelerate and perfect informative processes that assist strengthening their communicative competence.

Consideration of psychological culture of a specialist stipulates the study of moral values, norms, ideals and standards of emotional attitude of students to their professional activity. The central problem of psychological culture in the educational environment is communication in cooperation that needs the search of new ways of comprehension of professional communicative competence of specialists and the problem of search of forms and methods of professional communication.

Traditionally during the analysis of forms and methods of professional communication the researchers address to the behavioral displays of a personality, distinguishing certain forms of communication on the basis of external signs. But separate behavioral characteristics can not give complete information about psychological content, character and peculiarities of interpersonal relations.

Analyzing the results of the researches conducted by foreign scientists, we pay attention to the point of view of J. Raven who considers that "high competence is necessary for office workers and citizens on all levels of the

management and in all spheres of the society". Having carried out numerous researches J. Raven came to the conclusion that today there is a requirement in the transformation of the system of social, civil and political education; in the introduction of quite new programs of organizational and personal development at the educational institutions and enterprises. At present there is a similar situation in Ukraine. Not by chance the program of modernization of higher education has been offered, one of major strategic tasks is forming culture of communicative competence [20].

As C.O. Pisaryeva marks "strategy of modernization is education as the leading direction of educational policy of the state and the official document of the same name assumes the construction of all educational process from the purpose-oriented stage to the stage of evaluation of educational results in accordance with the logic of the competent approach" [13, c.32].

Coming from the idea of indissoluble unity of a man and social environment, we consider that it is necessary to seek new approaches for understanding psychological mechanisms of professional communicative competence taking into account modern requirements to the level of psychological culture of a specialist.

In his researches O.O. Derkach marks that "ideas of competence are actively and fruitfully developed within the framework of the acmeological direction oriented to interdisciplinary character of researches and maximum interpretation of the competence phenomenon that carries out productive development of the complex structural model of professional competence including such components as reflective, auto-psychological, social-perceptive" [5, c.29].

There are different approaches to definitions of competence. C.O. Pisaryeva considers that definition of the concept "competence" can be formulated in different scales: in a wide social, pedagogical or narrow special [13]. In our view, such definition of competence is productive enough: "...ability of a personality to carry out complex culture-oriented types of actions". O.V. Akulova, summarizing native and foreign researches of the essence of competence, understands under a competence the ability to solve problems and typical tasks that arise up in the real vital situations using knowledge of educational and vital experience, values and inclinations, understanding "ability" not as "inclination", but as "skills". In our opinion, this is a connection with the level of the formed psychological culture of a specialist [2].

It is necessary to pay attention to the divergence of concepts "competent" and "competence". V.I. Panov considers that a "competence" is a psychological formation that comes forward as the basis of "competent" as the result of education. Referring to the number of investigations, a researcher considers that a competence contains three components: **own experience** (language, communicative, emotional); **mastered knowledge**; **intuitional component** (understanding of the investigated phenomena) [12]. O.V.

Akulova divides the concepts "competent" and "competence" into such directions: competence includes a combination of interdependent qualities of a personality (knowledge, abilities, skills, methods of the activity) that are determined in relation to a certain number of objects and processes the necessity of certain actions for the quality of productive activity; **competent** is possessing by a man of the corresponding competence that includes his own attitude toward this phenomenon and the subject of his activity [12].

V.I. Panov determines that a transition from "knowledgeable" education to the "competent" paradigm brings out on the first place psychological mechanisms, conditions and methods of forming psychological abilities and other new formations that present psychological basis of key competencies. Similar to new formations is the ability of a person, who studies, to arbitrary (realized) self-regulation of his cognitive and personal sphere that provides realization and responsibility not only during performing of educational tasks but also during the choice of methods of his behavior and living course of life" [12].

O.M. Shved considers that communicative competence contains not only intellectual abilities but also a number of personal properties: ability to communicate with different people, adequately perceive and transmit information; ability to make up and express opinions logically, demonstratively and clear; language culture etc. In the last quarter of the past century proper attention was not paid to these issues by workers of a higher school. O.M. Shved describes different types of competences quite a bit from which it is possible to attribute to psychological communicative competencies of specialists, for example: "tendency to control his own activity", "confidence in himself", "self-control", "adaptability", "independence of thinking", "critical thinking", "readiness to the risk", "persistence", "trust", "personal responsibility", "capacity for joint work", "ability to resolve conflicts", "tolerance in relation to different lifestyles of the surrounding people".

The conclusion of a scientist that competence consists of plenty of components many of which are relatively independent one from another. Some components are related rather to the cognitive sphere and others - to emotional one. These components of the competence can largely change each other as constituents of the effective behavior" is important. O.M. Shved gives the primary significance to the motivational constituent considering that a valued-motivational aspect of personality is a system-forming component in competence [18].

Examining conditions and factors of the development of professional communicative competence, O.M. Shved underlines the importance of the creation of the "developing environment" and describes its characteristics. In his point of view the developing environment is one of the key concepts. In addition, the researcher describes the parameters of organizational climate that assists the increase of competence and motivation of the professional activity [18].

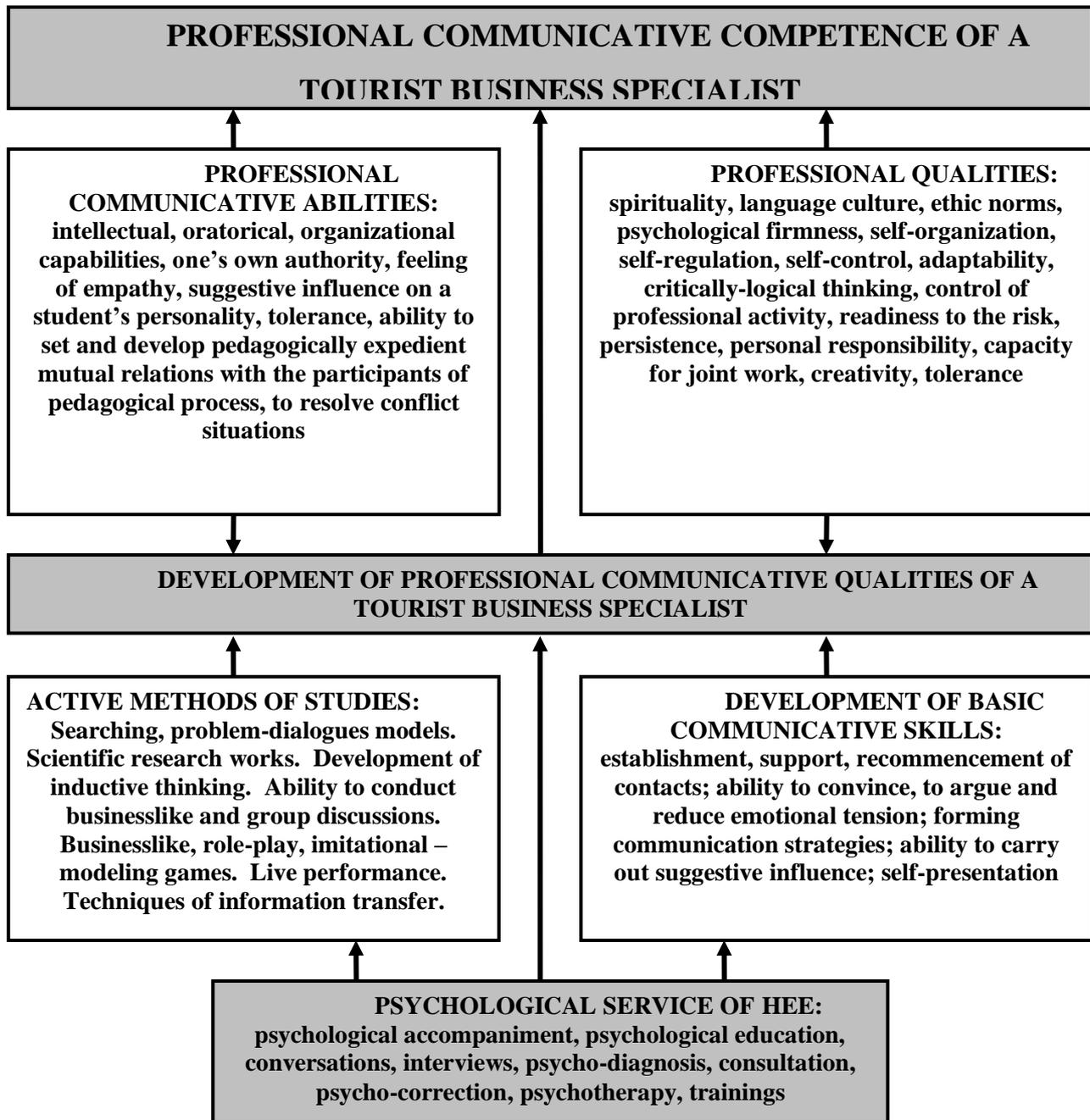
W. James, studying the features of individual consciousness, marked that their role and function consist in the possibility of adaptation to different situations. One of ways of the behavior, after W. James, is psychological firmness of a personality which is the element of psychological culture [6].

**Psychological firmness** is understood as the movable state of the equilibrium of the system that is kept by its counteraction to the external and internal factors, on the one hand, and on the other hand - as the purposeful violation of this equilibrium in accordance with tasks that arise up during co-operating of the system with the environment. In relation to these tasks the system forms the internal model of external (problematic) situation that determines its behavior.

This approach needs the revision of the conception of "middle position" of the equilibrium in psychology asserting such fundamental psychical attributions as stability and changeability of the concept of **psychological firmness** as a central psychological category in the basis of which are mechanisms of self-regulation and self-organization. Psychological firmness provides the ability of the individual to self-changeability dialectically combining his dependence on the situation with overcoming of its direct influence.

That's why, it is possible to assume, according to this approach, that the condition of optimization of any activity, in our case of professional communication, are actions (or strategies of communication) that correspond to the internal (personality's) and external (situational) factors. Thus, it is possible to mark that psychological firmness of the individual style of the professional communication of a specialist is realized by variations of communication strategies. We understand under the **variation of communication strategies** in the professional activity the optimal correspondence of the selected forms and ways of communication to the **internal factors** that include an idea about itself, social options, norms, vital experience, and to the **external factors** conditioned by the influence of a certain situation of social interaction.

Objectively every communicative situation in the professional activity is unique, that is why it would be logically to assume that an optimality or efficiency of professional communication of a specialist will be determined by different levels of formed psychological culture. In the worked out by us structural model of professional communicative competence of a specialist systemic approach was used for analysis of this phenomenon as a factor of psychological culture (fig. 2). Continuing the opinion of K.A. Abulhanov that the main criterion of the efficiency of vital strategy is satisfaction by life, we consider that psychological culture of the individual style of professional communication of a specialist must be directed to the achievement of the set aims, the increase of personality's potentials satisfying with the process of communication by all the participants and must determine the productivity (efficiency) of the communicative activity [1].



**Fig. 2 Semantic aspects of professional communicative competence as a component of the psychological culture of a tourist business specialist**

Especially topical in the field of professional communicative competence of a specialist is the development of tendencies to self-actualization. In the first turn, it is not only an openness of a specialist to every moment of interaction but also his active participation, creative transformation and ability to change the usual stereotypes of interaction. It means possessing not only knowledge of culture of interaction but also possessing the major **elements of psychological culture**, the choice of means and ways of optimal strategy of professional communication of a specialist.

In our view, similar approach reflects humanistic values that determine the conditions of the development of psychological culture of specialists. Thus, professional communicative competence is the necessary condition of successful realization of psychological culture of a personality of a future tourist business specialist.

In opinion of the scientist, Ie. M. Potapchuk, rapid rates of industrialization and globalization of certain social conditions of life, activity and studies of a personality can result in violations not only in the environment but also in the health of people [15]. The changes of the normatively-valued system that take place in the society today become a stress factor for an individual that causes deep psychological resonance. In a transitional, critical period a man activates the system of expectations. A special value for future specialists is the problem of personal attitude toward different social displays, prognostication of his future depending on those or other features of mastering social-public experience.

The psychological state of future specialists and their social feeling are a consequence and reason of those social changes that take place in the society and have signs of instability and vagueness. Next to it, the intensity of the influence of social factors is conditioned by the individually-psychological features of an individual. From here there is a requirement in the search of the answer to the question in relation to the main factors of determination of psychical health of a personality as **a component of psychological culture** taking into account different conditions of vital functions, labor and studies. At the same time training specialists at institutions of higher learning has a number of specific (professional) peculiarities connected with the influence of various social psychological factors and psychological culture (fig. 3).

The model of forming psychological culture of specialists has the following directions: the valued direction; judicial direction; evaluative activity. The aim of the valued stage is directed to realization of value of the development of psychological culture by specialists in the context of their future specialty.

The following tasks are performed on this stage: working out a diagnostic tool that allows, with the sufficient degree of authenticity, to define the level of formed psychological culture of specialists; forming reasons of understanding the necessity and meaningfulness of psychological culture in professional training; stimulation of the emotional state of a student at the acceptance of this phenomenon in professional training; actualization of the requirements in self-perfection, self-realization, in realization himself as a personality, as a specialist with a high level of psychological culture.

Acknowledging the leading role of motivation in studies, a teacher designs his lesson or a cycle of classes so that a certain stage of the educational process will achieve his aims, develop motivation of students' educational achievements. The aim of the judicial stage is the use the system

of active measures of forming psychological culture in professional training that are achieved in the process of the implementation of the following tasks: creating conditions for fixing and strengthening the reasons of forming psychological culture; developing professional interest that assists the activation of professional training; providing the system of means and methods oriented to motivation of forming psychological culture in professional training; planning forms of the development of psychological culture in accordance with the individual peculiarities of future specialists.

An important aspect on the judicial stage is the creation of positive emotional mood in professional training as a factor of the development of the achievement motivation. The aim of evaluation activity is the control and evaluation of the level of quality of professional training and dynamics of the development of psychological culture which is achieved in the process of implementation of such tasks: control of the level of knowledge, abilities, skills about psychological culture, measuring of final knowledge, testing, design, zero, entrance, module, current, final, expert control. This direction in forming psychological culture assists to the development of reflexive mechanisms of thinking, self-examination, self-control, activates interest in skills of using psychological culture in the professional activity. The components of the model of forming psychological culture of a specialist, as our researches testify, provide the unity of organizational, psychological and personal factors that allow optimally use possibilities of training specialists at the institution of higher learning.

In the model of forming psychological culture of specialists worked out by us, the following psychological-pedagogical measures were used:

- psychological objective on the professional activity; professional, psychological, social and communicative competence;
- activation of forms, methods and realization of ways of forming psychological culture, preservation of psychical health; innovative technologies of professional training; problem-oriented and personality-oriented approach;
- encouraging specialists on the evaluative activity and forming adequate self-appraisal taking into account individual abilities of specialists, analysis of the results of the development of their psychological culture.

The model of the development of psychological culture of a specialist envisages a large role of psychological service. Practical psychologists, carrying out their professional duties, solve urgent tasks of modern elucidative field - renovation of the content and forms of educational process, psychological objective on the content of professional training, psychological accompaniment of pedagogical innovations, increase of psychological culture of future specialists, teachers, the authorities of educational institutions and preservation of psychical health of all participants of the educational process.

<b>DEVELOPMENT OF PSYCHOLOGICAL CULTURE OF A TOURIST BUSINESS SPECIALIST</b>		
<p><b>VALUED DIRECTION</b> Aim - realization of purposes of forming psychological culture in the context of future profession</p>	<p><b>JUDICIAL DIRECTION</b> Aim - using the system of active measures of forming psychological culture in professional training</p>	<p><b>EVALUATIVE ACTIVITY</b> Aim - control and evaluation of the level of quality of professional training and dynamics of the development of psychological culture</p>
<b>PSYCHOLOGICAL-PEDAGOGICAL MEASURES</b>		
<p>Psychological objective on professional activity, professional, psychological, social and communicative competence; realization of the aim of studies and their connection with future profession</p>	<p>Activation of forms, methods and means of stimulation of educational motivation, psychological objective of content of disciplines that are studied; realization of methods of forming psychological culture and preservation of psychical health; innovative technologies; personality-oriented approach</p>	<p>Taking into account individual abilities, encouragement of students to evaluation activity and forming adequate self-appraisal, increase of scientific- methodical and organizational level of teaching, analysis of the results of the development of psychological culture</p>
<b>ROLE OF PSYCHOLOGICAL SERVICE OF HEI</b>		
<p>Psycho-diagnostics of personal traits, valued orientations, motivation of success and failures, personal and professional orientation, questionnaire, interview, testing</p>	<p style="text-align: center;"><b>Correction</b></p> <p>Training, educational tasks, exercises, practical activity, practice of the development of scientific-psychological projects, psychological scientific conferences, correction-preventive measures</p>	
<p><b>RESULT:</b> increase of the level of the development of psychological culture during professional training of tourist business specialists</p>		

**Fig. 3. Structure of components of the development of psychological culture of future tourist business specialists**

The level of psychological culture can be consciously promoted by means of specially directed processes of the development and self-development. Psychological culture requires for its support and increase practically daily, but moderate efforts, the development of positive, personal objectives, "positive thinking" and positive behavior.

B. Malinovskyi comes to the conclusion that in culture there is no any single element that would be not important for it. The scientist understands culture as a single unity of all parts which are closely connected with one

another and carry out in relation to each other **certain functions**. As researches testify, there is nothing superfluous in culture, and it is necessary to consider all innovations as **functionally important**. Thus, the structure of psychological culture consists of elements that answer the **queries of functionality**. In this aspect it is very important to distinguish the functions of psychological culture that, as a result of the distribution between its elements, provide its integration [19].

On the basis of the undertaken studies (fig. 4) we pay attention to such functions of psychological culture: maintenance and transmission of those achievements in psychological views, theories, methods, and also in the achievement of the personal certain standard of culture that would provide heredity of generations, would not allow the next generations to degrade as a type and would create conditions for successive progress of humanity; providing effective interaction, mutual understanding, communication of people that differ after national, age, sexual and other signs; providing the efficiency of the external and internal activity of a man directed to solving problems, self-regulation, self-realization, self-development on the basis of present vital experience, the development of psychical processes and qualities; assistance in vital self-determination, conscious organization of man's life, fate, possibility to valuably manage his life, watch, analyze and decide those contradictions that arise up in his life, go out of crises; harmonization of the inner world of a man, creation of integral non-conflicting I-concept, harmonization of internal prosperity.

Taking into account the fact of including the phenomenon of psychological culture into the composition of basic culture, the analysis of its functions was conducted from the positions of culture studies taking into account principles of psychology. Historical approach assumes consideration of any phenomenon related to human existence without tearing away from surrounding society and public phenomena. Therefore, we conducted the analysis of functions of psychological culture considering the marked categories. Psychological culture was historically formed as a method of the spiritual mastering of reality as a spiritual production.

Psychological culture is characterized, foremost, by the ability to product, to preserve and transmit spiritual values of different forms and types. The main function of psychological culture is preservation and recreation of the combined spiritual experience of the humanity, transmission of its enrichment from generation to generation. For implementation of these tasks there were different forms and methods of spiritual activity of a man that gradually acquired independent status and exist already as an institute of culture. Psychological culture grew into complex and varied, it gives spiritual education to a personality. The development of processes of public division of labor and globalization resulted in the forms of displays of psychological culture which were all anymore differentiated and specialized in the generalized sense. However, it is possible to speak about some integral

functions of psychological culture. Foremost, these are **accumulations of spiritual values**.

<p><b>PRESERVATION AND RECREATION of SPIRITUAL EXPERIENCE:</b> Spiritual education, accumulation and producing of spiritual values, transmission of spiritual experience to generations, humane activity, forming of image and status of a man, forming of persuasions</p>	<p><b>NORMATIVE:</b> Normalization of actions, ways and aims of human vital functions, practical use of norms of psychological culture and rules of social behavior, integration of people</p>	<p><b>EVALUATIVE:</b> Creation of methods and criteria of estimation of actions of a man, forming the modes of the regulated and ranged behavior of a man, dividing actions of a man into positive and negative, refined and vice versa, humane and cruel, progressive and conservative</p>	
<p><b>PURPOSEFULNESS:</b> Forming aims, standards, values, ideals, interest to people, morality, tolerance, self-esteem</p>	<p><b>FUNCTIONS OF PSYCHOLOGICAL CULTURE</b></p>	<p><b>COGNITIVE:</b> Accumulation of psychological knowledge, the development of memory, thinking, intellect, interests, creativity of work</p>	
<p><b>INFORMATIVE:</b> Preservation and transmission of modern achievements into theory and practice of the professional activity; cognitive attitude toward the world, to himself etc, programming</p>		<p><b>SENSE-CREATIVE:</b> operating by language, by images, symbols, ideas, concepts, categories, theories, mastering the elements of psychological culture, skills of self-development, self-regulation</p>	<p><b>COMMUNICATIVE:</b> Creation of the system of communications, socialization of a man, interaction in communication, forming strategies of communications, master the techniques of conversation, interview, live performance</p>

**Fig. 4. Basic functions of psychological culture of a personality**

Psychological culture gradually harmonizes various values and creates an integral space of spiritual wealth of the humanity. Farther, spiritual values are approbated in the activity of people, and a **normative function** is here set. This function carries out normative kind of actions, ways and aims of human vital functions. Practical use of norms of psychological culture allows expose their significance and efficiency.

Psychological culture realizes a valued function too. The indicated function divides the actions of a man into positive and negative, humane and cruel, progressive and conservative. It is possible to refer creation of methods

and criteria of estimation of actions of a man to the functions of psychological culture, and, thus, forming the mode of regulated and ranged behavior of a man. Except it, psychological culture, forming standard values, produces ideals that carry out the role of stimuli and purposefulness for forming and selection of aims in the vital functions of a man, that is, psychological culture performs the purposefulness function. It typifies aims, develops its content and does it as an acquisition of the society. Practical work for achieving psychological culture, its realization requires knowledge and abilities from a man.

It is possible also to distinguish the **informative function** that is the result of cognitive attitude toward the world and is characterized by certain knowledge about psychological culture, its components that are transformed into abilities in the process of its practical use. By means of different creative techniques a **SENSE-CREATIVE** function that includes the culture of speech, use of signs, specific set of character and images, concepts and ideas is realized. This function provides the integral picture of psychological culture that consists of separate knowledge and also its elements. Producing and reproducing spiritual values, psychological culture creates a certain system of communications.

**The communicative function** of psychological culture provides effective interaction of people through the valued component. Performing such work, culture carries out socialization of a man, constantly offering to it norms, standards and algorithms of vital functions. Except it, psychological culture is able to perform the **cognitive function**. The marked function creates ways of preservation and accumulation of knowledge. Psychological culture is formed in the process of direct activity (cognitive, bringing in to the culture) and can not be formed only in the context of interiorization. A creative component is always necessary.

On the basis of the above-mentioned, it is possible to distinguish such functions of psychological culture: realization of integration of people; accumulation of social and spiritual experience; forming aims and evaluation of the behavior of a personality; providing the main ways of common vital functions of people; determination of functioning of all elements of psychological culture. It is also possible to distinguish such functions: cognitive; communicative; normative; valued; sense-creative. Thus, psychological culture helps a man to develop, integrate and realize his public, social and individual nature.

Important characteristic of professional activity is a concept of a success. Professional success was studied by researchers during the analysis of problems of the professional development and professionalization (B.G. Ananyev [3], E.F. Zeyer [7], Ie.O. Klimov [8] etc.);

- Professional typologies of a personality were analyzed by (V.S. Merkin [11], Iu.B. Gippenreiter, V.Ia. Romanov [16] etc.);

- Professional correspondence and professional selection were considered by (K.K. Platonov [14], V.D. Shadrikov [17] etc.).

On the basis of ideas about the success of the professional activity of a personality decisions are made about the use of labor of a worker in the organization. Success of the professional activity is estimated after contribution of a worker to the general result of his activity.

The general estimation of the success of the professional activity must embrace both external criterion (estimations that are given by other people) and internal (own estimation of the success of the activity). Both types of criteria are relied on the number of descriptions of their labor activity that in a greater or less degree yield to measuring. Success of professional activity depends on the peculiarities of labor motivation, cognitive and agile properties of a subject, his knowledge and abilities, and also psycho-physiological reserves of the organism.

External and internal estimations of the success of the activity substantially depend on the personal features of the subject of labor. Analyzing personal features of the subject of professional activity, we understand under a personality an integral formation that has a level structure. Reasons, necessities, orientation, interests, estimations, self-appraisal are the highest motivation-evaluation level. The base level of a personality is determined by basic properties of the nervous system and powerful possibilities of a man that is expressed in the functional state. Important characteristic of a personality of a specialist is his behavior. All three characteristics are in indissoluble cooperation. Base properties of the nervous system of a specialist influence the preservation of psychological health of a personality.

These characteristics of a personality stipulate character of a specialist who, from the point of view of success of the professional activity, influences such behavior features as responsibility, manifestation of the initiative, productivity, exactness, restraint. There appears a quality of his professional activity that is determined by the cognitive, motivation-valued, communicative structures of a personality and by his functional states. An important role in providing the success of his professional activity is played by the features of the nervous system of a worker. Weakness of the nervous system can be the basis of the reaction of alarm typical for anxious personality. However if this behavior expressions of alarm are not supported by abilities, knowledge they come forward as fussiness and nervousness. A man with a strong type of the nervous system can work effectively enough and successfully.

A meaningful factor, on the basis of which the external estimation of success is formed, is the efficiency of co-operating with colleagues in their professional activity. As a specialist of tourist business is inseparable from the society, his labor is always related to the interpersonal contacts. Efficiency of co-operating with other people depends on personal structures: introvert and

extravert characteristics that are conditioned at the level of psychophysiological differences and can become the basis for more or less effective behavior displays in the field of communication and to influence the success of his professional activity. These descriptions in estimation have subjective peculiarities of persons, who estimate, and peculiarities of their business and informal relationships.

Analysis of professional activity of tourist business specialists indicates such basic criteria of their successful professional activity: high level of professional orientation, professional motivation, emotional firmness, tolerance, responsibility, constructive persistence (internal criterion) and also the demand and criticism in his professional communication (external criterion);

Motivation-personal characteristics, that differentiate the "successful" specialist of a tourist business, are high level of professional orientation, high level of self-control, consciousness, persistence, responsibility, integrating of a personality; high expressiveness of the general motivational objective - "orientation on the result of the activity" and general labor motive "on the result of labor", the motive of professional mastery and the requirement of professional self-perfection.

Non-motivational specialist is characterized by emotional instability, increase of anxiety, lack of confidence, emotional tension, frustration, increase of hostility that testifies to non-adaptive behavior in a conflict situation, intolerance to other people and high level of motivational objectives of "orientation on himself".

There are three groups of factors that influence the success of professional activity of a personality (P.S. Gurevich) [4]. Socio-economic factors are included in the first group. Belonging of a man to a certain socio-economic structure determines what the society offers to him as a sphere of realization of his efforts. First of all it touches the spectrum of professions, prospects of their change and development, methods and tools, their technical equipment, demands of the society in these or other specialists. Attitude toward the labor of a man from the side of the society that is expressed in the forms of stimulation and encouragement of the professional activity, prestige of professions has been defined.

The second group is presented by social-psychological factors. They are: social surroundings - professional educational institution, teachers, enterprise, colleagues at work, social services. It is necessary to refer actually psychological factors to the third group: individually-typological and motivation-personal.

Let us consider in more details the last group of factors that are the most essential significant for our research. There are not doubts in the fact that a natural factor substantially influences the professional formation. Ignoring it can result in the fact that the chosen labor activity will be performed with considerable tension, the consequence of which will become

the loss of the interest to their profession, disappointment in their abilities, even nervous diseases.

Analyzing the influence of personal features on the success of the professional activity in the system "man-man" which is the professional activity in a tourist business, the number of researchers indicates that the subject of the professional activity as personal formations is characterized by a certain specific totality of firmness of personal formations including motives, objectives, hierarchical system of subjective relations, orientation, ways of the behavior and reacting, characteristic features and other structures that determine originality of his individual- psychological display in his professional activity.

Success of the professional activity of a tourist business specialist depends on the complex of subjective qualities, in particular, from the level of the reflection (capabilities to look at himself as though from the side, realize many sides of his activity, the type of the locus of control (inclinations to rely on oneself or other men during evaluation of the events) (Ie.O. Klimov) [8].

In forming inclination of a subject to the successful activity such as stable, permanent characteristics as features of cognitive style, locus of control, the level of emotional firmness are important (M.A. Kotik, O.M. Yemelyanov) [9].

The above-mentioned testifies to the fact that professionally successful workers have specific personal features. Thus, personal approach in the study of professional success of tourist business specialists is perspective.

The external and internal constituents of general estimation of the success of the professional activity include signs that unite them: effectiveness of work (amount and quality); efficiency of co-operating with people at work; manifestation of the initiative of the activity.

The external and internal estimations of a success substantially depend on the personal peculiarities of the subject of labor. The qualification role of a man in professional activity stipulates the necessity of a personal approach in the study of the professional success of a man where an idea about the peculiarities of the display of internal factors of the activity and their roles in regulating the processes of forming and developing of a subject of labor as a personality is realized.

The internal estimation of the success of the labor activity arises up as a result of correlation of the award for labor with the ideas of a personality about effectiveness of labor, the peculiarities of co-operating with colleagues at work and manifestation of the initiative and also with the motivational-evaluation structures of a personality and expenditures on the achievement of the results of labor. As the external estimation of a success of labor mainly depends upon the effectiveness of the activity of professional, then it is no less important by what expenditures this result for his internal estimation is achieved.

Factors, that assist the success of the professional activity, contain both the parameters of professional activity and peculiarities of the subject of the activity. Basic subjective factors, that stipulate the success of the professional activity, are individually-psychological peculiarities, professional motivation, peculiarities of the subject of labor.

Thus, it is necessary to underline that during the evaluation of the success of the professional activity of tourist business specialists the following factors should be taken into account:

- external estimations of the success - subjective ideas of persons who estimate: effectiveness of the activity, efficiency of cooperation of a working person with his colleagues at work and manifestation of the initiative;
- internal estimations of the success of a professional that are formed on the basis of the comparison of the known ideas of the subject of labor about the effectiveness of his activity, the efficiency of co-operating with colleagues, manifestation of the initiative.

### **Conclusions**

1. Psychological culture is an integral characteristic of a personality, socio-cultural acquisition that appears in the ways of vital functions and interaction with the world and embraces the attitude toward himself and other people. The basic parameters of psychological culture of a personality are the following: determinants; functions; aspects; volume; directions of the development; levels in the genesis; structure and component composition.

2. The structure of psychological culture of a personality consists of totality of cognitive, affective, highly emotional, motivational and behavioral components and represents the specific feature of the professional activity. Cognitive component embraces the complex of psychological knowledge, self-knowledge, understanding other people. Affective component is given by the combination of emotional liability, emotional firmness and constructive aggression. Motivational component embraces the orientation of a personality and a system of valued orientations laid in basis of teacher's professional activity. Behavioral component embraces communicative abilities, capacity for self-regulation.

3. It is necessary to consider psychological culture from positions of the systemic approach as hierarchical systemic formation and a new formation of the psyche of a man in the context of cultural and historical development and social interaction of people. Psychological culture is formed in the process of the formation of a personality. Bringing in a personality to the professional activity takes place under the influence of the formed psychological culture. In its turn, psychological culture assists the success of the professional activity of a personality.

4. The differentially-diagnostic indexes of the high psychological culture of a specialist are: high level of psychological knowledge (cognitive component); self-esteem and self-perception (affective component);

orientation on a personality of a specialist, support of the approved values (motivational component); developed communicative abilities, capacity for self-regulation (behavioral component). Psychological culture - in the developed kind - is the high enough quality of self-organization and self-regulation of any vital functions of a man, different kinds of his base aspirations and tendencies, attitude of a personality to himself, to close and extraneous people, to living and lifeless nature, to the world on the whole. It is the optimally organized motion of the process of life. By means of the developed psychological culture a man harmoniously takes into account both internal requirements of a personality, his psyche, his body and external requirements of social and natural environments of the life and labor.

5. The development of psychological culture of a specialist as system-forming component of the development of a personality includes the complex of special aspirations: tendencies, needs, motives, interests, orientations, self-regulation, self-organization that are consciously developed on the basis of peculiar to men natural abilities; also the set of corresponding to these aspirations and abilities skills and steady types of skills of the behavior that appear every day and need self-perfection. Educational work at the institution of higher learning must provide not only mastering of scientifically-methodical information but also develop personal effect in the form of the high psychological culture of a professional. Psychological culture of a personality is a capacity of the conscious mastering of scientific information, purposeful self-organization of the behavior and communication in educational groups, creative implementation of the professional activity on the basis of legal, ethic and aesthetic objectives. Psychological culture is effectively developed on three judicial levels of psychic activity: cognitive; communicational; regulatory.

6. The level of psychological culture can be consciously promoted by means of the specially directed processes of the development and self-development. It requires for its support and increase practically daily but moderate efforts, the development of positive personal objectives, "positive thinking" and positive behavior. In the social life the objective factors of the development of psychological culture of a personality is a family, the institute of education and society that influence the formation and development of psychological culture of a personality, stipulate the processes of socialization and culture study.

7. Analysis of psychological culture allowed to distinguish such functions, as cognitive (accumulation of psychological knowledge, the development of memory, thinking, intellect, interests, creativity of work); communicative (creation of the system of communications, socialization of a man, interaction in communication, forming strategies of communications, mastering the techniques of conversation, interview, live performance); normative (normative objective of actions, means and aims of human vital functions, practical use of the norms of psychological culture and rules of

social behavior, integration of people); informative (preservation and transmission of modern achievements in the theory and practice of the professional activity); sense-forming (operating a language, images, symbols, ideas, concepts, categories, theories, mastering the elements of psychological culture, skills of self-development, self-regulation). Thus, psychological culture helps a man to develop, integrate and realize its public, social and individual nature.

8. Consideration of psychological culture of a specialist stipulates the study of moral values, norms, ideals and standards of emotional relation of students to the professional activity. The central problem of psychological culture in an educational environment is pedagogical communication that needs the search of new ways of comprehension of professional communicative competence of specialists and problems of the search of forms and ways of professional communication.

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## Continuity of Education: International Practice and National Interests

Education is the strategic resource to improve the public welfare, to provide national interests, to strengthen the authority and competitiveness of Ukrainian state at international arena. Education and science are the most important conditions to consolidate Ukraine in the world market of high technologies.

The state policy in the sphere of continuous education is carried out taking into consideration the global tendencies in development of education within the framework of social economical, technological and social cultural changes.

The efficiency in functions of any system, including continuous education, depends on optimality of its structure, subsystems and structural sections and relation between them. The main sections in the system of continuous education are general education and higher schools, which have their own goals, content and direction of pedagogical process. Each of these subsystems is improved autonomously that not always assists to intensification of integrity for the system of continuous education, the succession between general education school and higher school is not always provided.

The President of Academy of Pedagogical Sciences of Ukraine V.G.Kremen mentions that now, when the freedom and public identity become the factors for social transformations, the new criteria of social progress have been defined and in its turn it stipulates the social needs in high level of enlightenment, culture and professionalism of specialists. He emphasizes that the low professional and common cultural level at significant part of population, especially youth, does not only influence of the competitiveness of the country at the world market but on the level of social stability. Thus, it is education that is called to assist to form the intellectual potential of the nation and to overall development of personality as the highest value of the society. Education shall become the powerful factor for development of spiritual culture at Ukrainian people, reproduction of productive forces in Ukraine<sup>1</sup>.

Different aspects in operation of system of continuous education, improvement of academic process at senior general education and higher school in recent decade were studied in works by A.M. Aleksyuk, S.I.Arkhangelsky, Yu.K. Bababnsky, V.I. Bondar, Ya.I. Burlaka, M.V.Vergasov, V.A. Vykhruh, V.M. Galuzynsky, S.U. Goncharenko, N.P.Gudzyk, A.I. Dyomin, M.B. Yevtukh, I.A. Ziaziun, V.A. Kozakov,

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<sup>1</sup> Kremen V.G. Forewords / Continuous occupational education: problems, searches, perspectives: Monograph / Edited by I.A. Ziaziun. – Kyiv: Publishing House “Vipol”, 2000. - 636 p.

V.P. Kravets, I.Ia. Lerner, A.M. Matiushkin, N.G. Nychkalo, D.F. Nikolenko, O.S. Padalka, V.F. Palamarchuk, P.I. Pidkasystyy, I.P. Pidlasyy, B.M. Stuparyk, M.M. Fitsula, I.F. Kharlamov, et al. Thus, the problems on purposeful training of senior pupils (at lyceums) for admission to a higher school were considered by V.I. Kostenko<sup>2</sup>, P.I. Sikorsky<sup>3</sup>, A.V. Furman, at preparatory division at higher school – S.A. Kashyn, I.I. Kondratiuk, N.M. Tsypiuk<sup>4</sup>. The problems on choice of specialty and link “school – higher school” by school graduates, applicants were considered by V.V. Zalischuk, L.M. Mamayev, V.G. Taran. The pre-university training of students in the system of continuous pedagogical education was studied by V.P. Fediayeva<sup>5</sup>; training of senior pupils for study at faculty of physical education A.V. Ognystyy<sup>6</sup>; activation of cognitive activity at attendants of preparatory division, aimed to acquire the pedagogical profession – L.L. Rayko<sup>7</sup>; adaptation of first year students – V.S. Shtyfurak<sup>8</sup>.

The analysis of literature testifies to the fact that the problems on pre-vocational training of pupils from senior group to enter the higher school of the corresponding direction have been studied insufficiently. At the same time the continuity of education, in particular, professional one, becomes one of the most important tendencies in modern philosophy of education. As V.S. Lutay<sup>9</sup> emphasizes that “the philosophy of education performs the function of intermediate link in interaction of two most important and most complex parts of human culture – philosophy and education. Despite certain successes in modern system of education, the latter one is in general in the crisis state. On the one part, the exacerbation of ecological and some other modern global problems that threaten with death to the whole humankind testifies to the inability of the whole system to bring up such type of world outlook at people, which would satisfy the common human interests for solution of global problems. On the other hand, the alienation of official effective system of education from individual interests of most people, from their direct experiences is continued and aggravated. All abovementioned facts testify to necessity in root reforming in the whole system of education and its philosophical basics. Thus, one of the main tasks in modern philosophy of education is to develop the methodology for its exit and the

<sup>2</sup> Furman A.V. Kostenko V.I. School of faith: Program of research experimental work for 1994-2008. – Ukrainian institute for further training of executive staff for education – Experimental school-lyceum No 157 in c. Kyiv. – 1996. – 48p.

<sup>3</sup> Sikorsky P.I. Modular rating system of study at lyceum // Pedagogy and psychology 1997 – No 1 – p. 31-38.

<sup>4</sup> Kashyn S.A. Kondratiuk, Tsypiuk N.M., Joint learning work – an efficient way to teach the attendants of preparatory division // Problems of higher school. K, 1989 – Issue 68, P. 68-73.

<sup>5</sup> Fediayeva V.L. re-university training of applicants in the system of continuous pedagogical education: dissertation by Candidate of Pedagogy of Ukraine. - K. - 1996. - 180 p.

<sup>6</sup> Ognystyy A.V. Training of senior pupils and selection for study at faculty of physical education. Author's abstract. L. Ukrainka Volyn state university, Lutsk, 1999 – 18 p.

<sup>7</sup> Rayko L.L. Activation of cognitive activity at attendants or preparatory division, oriented to acquire the pedagogical occupation. Author's abstract by Candidate of Physical Education and Sports: 13.00.01. – K., Institute of pedagogy at APS of Ukraine 1998. – 16 p.

<sup>8</sup> Shtyfurak V.S. Adaptation of first year students under conditions of higher school: Author's abstract. Eastern Ukrainian University, Lugansk, 1998. – 15 p.

<sup>9</sup> Lutay V.S. Philosophy of modern education: Study guide. – K.: Center “Master-S” Creative union of teachers in Ukraine, 1996. - 256 p.- P.219.

whole humankind from crisis state that relates to the best solution of those most important contradictions, which arise in pedagogical activity”<sup>10</sup>.

The social scientists mention that only a half of those ones, who are now engaged in different fields of economy but with the level of qualification that is by two times higher, will be needed in the very near future. At the same time it is interesting to mention that according to the data from sociological researches the qualitative education is only at the eighth place in the rank succession for priority of social values. That’s why each human shall assume the responsibility for level of his/her qualification and education. Only the most modern education can provide with larger opportunities for professional growth and the best warranty for employment is now the knowledge that enables a human quickly acquiring them as the professional activity requires.

The orientation of growing generation to continuity of educations is a multiparameter process. This is the thought by M.M. Soldatenko<sup>11</sup>, who anticipates improving all sections in work of modern school, revision of some traditional ideas about function of demands, character for interaction of pupils and teachers, etc. That’s why the problem on continuity of education is rather intensively being discussed recently. Hereby the continuous education sometimes means the simple addition to basic education, different forms of study, qualification improvement, re-training, which are carried out during the whole working life of human i.e. education for adults. In opinion of M.M.Soldatenko, the continuity principle has deeper meaning: it anticipates the qualitatively other type for interaction of personality and society<sup>12</sup>.

Education during human life becomes the key factor for competitiveness of individual and society in the whole. Namely this fact enabled UNESCO developing and adopting the Concept about gradual training of specialists and making the international initiative “Education for all”, which was announced by UNESCO together with organizers-partners in 1990 during the conference in Thailand and in 1997 adopting the large program “Life long education for all”. G-7 of the most developed countries defined namely such program as the main strategic way for struggle against unemployment.

As V.M. Madzigon<sup>13</sup> mentions, in our times the problem on formation of a new personality is acute as never before. A personality that would have the strong knowledge and skills, wide cultural and polytechnic world outlook, could use the newest technologies, take non-standard decisions, and, mostly important, would be healthy and live a healthy lifestyle.

Hereby, as M.V. Popov<sup>14</sup> mentions, the important problem is the problem

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<sup>10</sup> Ibid. – P.32

<sup>11</sup> Continuous professional education: problems, searches, perspectives: Monograph / Edited by I.A. Ziazium /. Kyiv: Publishing House “Vipol”, 2000. - 636 p.- P.229.

<sup>12</sup> Ibid. – P.230.

<sup>13</sup> Madzigon V.M. Introductory speech at joint session of AMS and APS of Ukraine “Urgent problems on health and education at children at the beginning of XXI century”, 21, June, 2001 // Journal of AMS of Ukraine. – 2001. – V.7. – No 3. – P.405-407.

<sup>14</sup> Integration of teaching medical biological, hygienic and clinical disciplines pursuant to implementation of new concept for medical education: Theses of reports at general institutional scientific methodological conference, held on 17, May, 1991 / Under the general editorship of academician Ye.G. Goncharuk. – K.: Academician O.O. Bohomolets Kyiv medical institute, 1991. - 75 p.- P.8.

on intensification of receiving and processing the scientific and technical information in order to implement it into academic process. A certain re-orientation from quantitative approach to use of such information to the qualitative, substantial approach, which cannot be realized without wide use of all forms for integration of knowledge and integration of teaching, takes place.

In opinion of O.V. Chalyi, the appearance of the new scientific direction – synergetics, at the end of the 80-ies in XX century has created the reliable grounds to reinforce the integration tendencies in science and education. The scientist emphasizes that the relation of synergetics and different spheres of science and technology does not mean that it uses quite different concepts, vice versa; it is based on general didactic “first principles” that unite these spheres of knowledge. Besides, the successes of synergetics relate to the use of new “first principles”.

One of such new principles, settled by O.V. Chalyi, is “*the principle of generalized Darwinism*”, according to which the new structures in organic and inorganic world appear as a result of collective processes, their interaction and selection of those ones from them that have the largest relaxation time i.e. are the longest ones. It is they that define the evolution of the system that since its very origin had very many different degrees of freedom but at which only some order parameters are distinguished through collective interaction of different fluctuations. This is the content of subordination principle that significantly defines the course of most synergetic processes<sup>15</sup>.

The work by N.M. Lavrychenko<sup>16</sup> emphasizes that understanding the dynamism as a new quality of social system has caused that the institution of education, which had early been considered first of all as a mechanism for fixation and transfer of acquisitions of social experience to the new generations, started to be understood as a mechanism for social adaptation to transient and quick-changing living conditions, as a bridge into the culture of tomorrow. These changes in the status and functions for modern system of education cause to revision for ratio of its purposes and tasks, both at the level of society in general and at the level of personality.

According to *European Lifelong Learning Initiative* (ELLI) the lifelong education includes all kinds of learning – from primary to higher, it is a continuous process, which stimulates people and enables them acquiring the necessary knowledge, values, skills that are required during their life. Let’s mention that such continuous education:

- Assists to improvement of individual’s qualification during his/her whole life (competence, knowledge, skills, abilities, experience, ability to contacts, attitude and values);
- Includes the learning in the most different spheres of life both formal

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<sup>15</sup> Chalyi O.V. Synergetic principles of education and science: Monograph // Academy of pedagogical sciences of Ukraine, O.O. Bohomolets National medical university. – Kyiv, 2000. - 253 p.

<sup>16</sup> Lavrychenko N.M. Pedagogy of socialization: European Jsketches. – Kyiv: ViRA INSIGHT, 2000. - 444 p.

and informal kinds of educational activity;

- Reflects the continuous process for development of individual (thus, it is neither one-time, nor short-term);
- Provides a human with opportunities that enable him/her living in the world that is constantly changed.

For the first time “the concept of continuous education” was presented at UNESCO forum (1965) by famous theoretician P. Lengrand<sup>17</sup> and was of large theoretical and practical interest. The following humanistic idea in implemented in the interpretation of continuous education, suggested by P.Lengrad: a human, for whom it is necessary to create the conditions for full disclosure of his/her abilities during the whole life, was put to the center of all educational transformations. There is such thought that the push to create the theory of continuous educational and educational society was the global concept for “unity of the world”, according to which all structural components of human civilization is interrelated and interdependent. Hereby a human is the main value and refraction point of all processes that take place in the world.

As A.M. Serdiuk<sup>18</sup> emphasizes, understanding the most urgent problems by humankind resulted that the world community raised the issue about transfer to the way of stable development that meets the needs of the present times, not endangering the ability of future generations to meet their needs. In the center of such development there is a human that needs:

- To live the life, maintaining the good health;
- To acquire the education;
- To have the access to the communication means that provide with the worthy standard of living.

The sense and the purpose of education, as I.A. Ziaziun thinks, is a human in constant development, his/her spiritual establishment, harmony of his/her relations with himself/herself and other people, with the world. Thus, the education at the state level creates the conditions for development-self-development, education-self-education, learning-self-learning of all and any. Education means the process for entry of human into the life of society, into integral world of “organic” and “inorganic” nature. The system of education is created for human, functions and is developed within his/her interests, serves to the full value development of personality and ideally its purpose is the happiness of human<sup>19</sup>.

Some researchers found the primary sources for continuous education still at Aristotle, Socrates, Plato, Seneca and Confucius. N.G. Grama mentions that the concepts of continuous education originate from the general concept

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<sup>17</sup> Professional pedagogy: Textbook for students that study due to pedagogical specialties and directions. 2<sup>nd</sup> revised and amended edition. M.: Association “Professional education”, 1999. - 904 p. – P.134.

<sup>18</sup> Serdiuk A.M. Medical ecology and problems of health at children // Journal of AMS of Ukraine. – 2001. – V.7. – No 3. – P.437-449

<sup>19</sup> Ziaziun I.A. Intellectual creative development of personality under conditions of continuous education / Continuous professional education: problems, searches, perspectives: Monograph / Edited by I.A. Ziaziun / - K.: Publishing House “Vipol”, 2000. - 636 p. – P.11-57. - P.14.

of continuity, idea about lifelong learning, which was propagated still by Ya.A.Kamensky. On the assumption of historicism principle, Grama N.G. distinguishes three periods for development of the concept.

*The first period* is characterized by theoretical development of continuous education. The representatives of this period H. Gummel and R. Peterson created the system of post-secondary education for adults in order to liquidate the gaps in knowledge.

*The second period* for establishment of concept for continuous education (60-70-ies in XX century) is characterized by its intensified development within a great number of international organizations and especially intensively under aegis of UNESCO. Then the continuous education was considered already not only as a sphere of learning for adults and as the entire system of folk education under conditions of scientific technical progress and social economical changes. The representatives of pedagogy at that period (I.Kidd, R. Lengrand) saw the organizational principle for reform of all educational systems and exit from crisis phenomena, caused by violent rate of social transformations and scientific technical progress. The content of concept “continuous education” included not only all forms of organized learning and upbringing, it was interpreted not just a compensatory one that corrected the shortcomings of school education and first of all as continuous education of adults at three levels: low (which basis is primary school), secondary (on the basis of secondary school) and high (on the basis of higher education) and if necessary – satisfaction of cultural needs (“due to interests) – beyond any level<sup>20</sup>.

*The third period* in development of concept for continuous education (70-ies in XX century and modernity) is characterized by attempts to achieve simpler interpretation of its essence, a way to improve “life quality” that enables a personality adapting to existing living conditions, assists to its mobility, helps to adapt to unemployment, inflation, competition, etc.<sup>21</sup>.

The basis for theoretical and then practical development of concept for continuous education was the research by R. Dawe<sup>22</sup>, who distinguished 25 principles for continuous education: lifelong education of human, understanding the educational system as integral, which includes pre-school education, main, successive, recurrent, parallel education, which unites, integrates all levels of education and its forms; inclusion of formal, informal and outside institutional forms of education into the system of education, in addition to educational establishments and pre-preparation centers; horizontal integration: home – neighbors – local social sphere – society – world of labor – mass media – recreational, cultural, religious organizations,

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<sup>20</sup> System of continuous education: achievements, searches, problems / Materials of International scientific practical conference in 6 books. – Chernivtsi: “Mytets”, 1996. - 248 p.- P.158.

<sup>21</sup> Ibid. – P.159.

<sup>22</sup> Professional pedagogy: Textbook for students that study due to pedagogical specialties and directions. 2<sup>nd</sup> revised and amended edition. M.: Association “Professional education”, 1999. - 904 p. – P.134, 135.

etc.; relation between subjects, being studied; relation between different aspects of human development (physical, moral, intellectual, etc.) at certain stages of life; vertical integration: relation between separate stages of education – pre-school, school, post-school; between levels and subjects inside the stages themselves; between different social roles that are implemented by human at individual stages of life way; between different qualities of human development (qualities, being displayed at certain time, such as physical, moral intellectual development, etc.); universality and democratic character of education; possibility to create the alternative structures for acquisition of education; agreement of general and professional education; accent on self-management; accent on self-study, self-education, self-evaluation; individualization of learning; learning under conditions of different generations (in the family, society); extension of world outlook; polydisciplinarity of knowledge, their qualities, flexibility and diversity of content, ways and methods, time and place of study; dynamic approach to knowledge – ability to assimilation of new achievements in science; improvement of skills to study; stimulation of motivation to study; creation of corresponding conditions and atmosphere for study; realization of creative and innovative approaches; facilitation of change in social roles during different life periods; cognition and development of own system of values; support and improvement of quality in individual and collective life through personal, social and professional development; development of society that brings up and teaches; to study in order “to be” and “to become” some one or other; consistency of principles for the whole educational process.

The abovementioned theoretical provisions grounded the reforming the national systems of education in the world (USA, Japan, Germany, Great Britain, Canada, countries of the third world and Eastern Europe). Russian researchers and practitioners mention that they still lack of general national concept for continuous education and have only the directions of development. They think that the way to reforming the system of education is through innovative practice<sup>23</sup>.

Analyzing the concept for continuous education, M.M. Soldatenko mentions that in this case the concept “*education*” is enlarged so much that its content in terms of special social phenomenon is lost. The “open” character of school, the absence of organized influence on the personality, unlimited duration in time, organic dependence on conditions of life and production are the characteristic features of continuous education”<sup>24</sup>. It means that education within the concept “continuous” loses the “educational” character and becomes a form of practical human activity. Five aspects of continuous education are considered<sup>25</sup> :

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<sup>23</sup> Ibid. P.135

<sup>24</sup> Continuous professional education: problems, searches, perspectives: Monograph / Edited by I.A. Ziaziun / . – Kyiv: Publishing House “Vipol”, 2000. - 636 p.- P.241.

<sup>25</sup> Ibid. – P.242.

- Lifelong process of knowledge acquisition;
- Constant update of its content;
- Unity of preparation for life and life itself;
- Permanent character of change in education;
- Continuous process on transformation of education into self-education.

- According to this its main components are defined:
- Establishments of pre-school education;
- Secondary and higher occupational establishments with day release;
- Universities, institutes of occupational training and re-training;
- Club organizations, which are engaged into educational training;
- Communication media, which are used for educational purposes;
- Self-education.

At the same time it is observed that the abovementioned components do not completely correspond to the concept of system yet as they are rather weakly related between themselves.

Polish researcher Frantisek Shlyosek mentions that “the changes in education were significantly caused by civilization changes. However, there is the inverse dependence, when social, economical, technical and cultural changes are the result from qualitative changes in system of learning and upbringing”. He noted that “taking the reforming decisions about system of education in Poland is mainly the result from social economical changes, which were observed in our society last decade. The changes in education were partially caused by development of pedagogical theory that does not automatically influence on academic activity but assists to its changes”<sup>26</sup>.

The international aspect in development of continuous professional education is in details described in work by N.G. Nychkalo<sup>27</sup>, where it is shown that the special attention in international programs of continuous education is paid to the educational foundation of professional education, in particular, to systems of “pre-primary and primary education”, improvement of their quality and internal efficiency pursuant to development and implementation of academic programs and methods, which are oriented to development of pupil’s personality, his/her humanistic and civil values, ethics and basic skills.

In our opinion, higher schools are an organic component in system of continuous professional education, which defines the main vector in training of professional. That’s why, in our opinion, the didactic conditions for training of specialists with higher education due to occupational direction, analyzed by A.O. Ligotsky<sup>28</sup> have the important meaning for organization of

<sup>26</sup> Shlyosek F. Reform in system of professional education in Poland within the context of changes in education // Professional education: pedagogy and psychology: Ukrainian Polish yearbook – II. Chenstokhova-Kyiv, 2000. - P. 335-347.

<sup>27</sup> Continuous professional education: problems, searches, perspectives: Monograph / Edited by I.A. Ziaziun /. – Kyiv: Publishing House “Vipol”, 2000. - 636 p.- P.80.

<sup>28</sup> System of continuous education: achievements, searches, problems / Materials of International scientific practical conference in 6 books. – Chernivtsi: “Mytets”, 1996. - 248 p.

pre-vocational training of pupils as a component of continuous professional education: the basic training shall correspond to the purpose and tasks for training of specialists with different qualification levels, it shall assist to creation of condition for formation of creative personality of modern specialist, endowed with a wide scientific professional world outlook, prepared for social life. The scientific technical progress set up the problem on formation of certain functions and assignment of specialist in any sphere of social labor. It shall provide them with professional training and way of thinking that assists to development of cognitive independence, elaboration of their skill to generalize at high level and to use the knowledge in new situations and include them into system on enlargement of cognition limits.

The fundamental training enables the students defining the directions of scientific technical process; implementing the most modern ideas, which arise at the border of sciences; rather easily orienting in scientific information that is constantly changed; rebuilding its activity according to the new achievements in technical progress and requirements of labor market, offers an opportunity to a graduate well to orient in its system of production, forms the professional mobility at him/her, which consists in ability quickly to master the new professions, as well as to satisfy the needs in constant improvement of educational level; provision with internal relations of specialties and specializations. The criteria for implementation of internal relations assist to logical structuring of learning material for training of specialists. The humanitarian and social economical disciplines form the necessary theoretical basis to master basic knowledge; enable clearing out the general regularities.

The formulated criteria to form the integrated system for system of multilevel training of specialists at higher school may be used for systematic analysis of urgent problems in organization of pre-vocational training of pupils' youth, its successful adaptation and integration of education into academic process of higher school.

It should be mentioned that during recent years a great number of universities with various profiles has appeared in Ukraine. Education was simple, the final period in human life; the institute of education was under protection of society and its status was not subject to doubts. In most cases educational establishments and, in particular, universities lived their special lives, being isolated from outward world. At the same time the modern requirements to education set the new tasks to universities and other educational establishments. The status of university sets the significant requirements to activity of professors and teachers, provision with quality in training of specialists with higher education, establishment of conditions for their intellectual, cultural and spiritual development. At the same time, as western researchers mention, the traditional role of universities is narrowed. The people, who received the training in certain spheres of professional activity, shall conform to the conditions of entrepreneurship, constantly

update the knowledge and improve the competence. American researcher Kira Yanson<sup>29</sup> mentions that in many cases during energetic professional activity a human needs to update the professional education three or four times.

We think that the innovative pedagogical practice may really “support” the theoretical researches in the sphere of continuous education; in particular it relates the system of continuous professional education, which urgent problem is the professional selection of pupils’ youth to higher schools, qualified aid, especially to its talented part in determination of future professional activity. That’s why the leading universities in all countries establish the secondary educational establishments, where the pre-vocational training is carried out (in our opinion, it is better to call it as the pre-vocational training of pupils’ youth). I.A. Ziaziun<sup>30</sup> writes that regardless of diversity for types of schools they perform three important social state tasks:

- A school in state tries to be the single reproduction of the integral public experience that assists to provision of children with equal starting opportunities and control for difference in social situation of children. In such school the children in initial development are equal and are brought up by the language of one culture;

- A school overcomes with the alienation of human from labor. Study is one of kinds of activity, which enables involving the young generation into working life. A school shall be oriented to the society of creators of spiritual and material values and reasonable consumption;

- A school passes the integral knowledge to pupils, which is based on culture and science and provides a personality with the responsible freedom of thought. Basic knowledge (humanitarian, natural, physical mathematical due to content and diverse due to character) enable developing the world outlook and national identity, assist to spiritual moral establishment of human. A school graduate masters the system of images, symbols and senses and assists to improvement of general educational level of population, revival of intellectual potential of the state.

As C.A. Tangian<sup>31</sup> mentions, school shall now provide with receiving such general educational training, which would include and connect the humanitarian, natural and technical culture and anticipated the wide presentation of main spheres in human activity and more detailed acquaintance with one of them. Thus, the secondary school shall train the schoolchildren to enter the higher school and at the same time to inclusion into working activity in chosen sphere.

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<sup>29</sup> Creative personality in system of continuous professional education: Materials by International scientific conference on 16-17, May, 2000. / Edited by S.O. Sysoyeva and O.G. Romanovskyy. – Kharkov: KhSPU, 2000. - 436 p.- P.29-30

<sup>30</sup> Ziaziun I.A. Intellectual creative development of personality under conditions of continuous education. / Continuous professional education: problems, searches, perspectives: Monograph / Edited by I.A. Ziaziun /. – Kyiv: Publishing House “Vipol”, 2000. - 636 p. – P.11-57. P.17

<sup>31</sup> Tangian C.A. Higher education in the perspective of XXI century // Pedagogy, 2000. – No 2. - 110 p. - P. 3-10. - P.3

As S.O. Sysoyeva<sup>32</sup> thinks, the direction of Ukraine to inclusion into European educational space requires to develop the system of continuous professional education pursuant to humanistic principles, to improve the quality in training of specialists, their competitiveness and mobility that stimulates to the significant increase in scopes of knowledge, abilities and skills, necessary for a specialist at unchanged periods for his/her training (in some cases even less ones).

Such contradiction results in necessity to solve the problem on organization of academic process at establishments of professional education, its direction to development of such personal and professional qualities of future specialist that assist to his/her creative independent activity, successful adaptation under new social economical conditions. As S.O. Sysoyeva mentions, the analysis of international experience shows that the success in reforming the educational systems and their development under conditions of social economical transformation is nowadays characterized by two leading tendencies: humanization and technification of educational activity. The technification of educational process now acts as the index of its quality. Thus, the researcher thinks that the urgent problems in pedagogy of professional education are the definition of conceptual approaches to development of psychological pedagogical principles for learning technologies at occupational school; development and theoretical grounding the content and structure of personality-oriented pedagogical technologies; finding the psychological pedagogical conditions for efficient function of pedagogical technologies under conditions of continuous professional education.

In opinion of M.Z. Zgurovskyy, the outside world is the world of technologies and scientific achievements, significantly created by human. Computer and internet, decoded by human genome, successes in medicine, sanitary, hygiene, and pharmacy have changed the human life. All that have not only improved the life quality but increased its duration by one and half time in comparison with XIX century. A human-creator now, at the border of millenniums, as never before, feels the growing responsibility for the world destiny, for the consequences (sometimes negative) in development of civilization, for its future<sup>33</sup>.

The technification of educational activity under conditions of continuous professional education shall be based on:

- Acknowledgment of human as a personality and the highest value of society, satisfaction of its educational, professional needs, development of natural gifts; organic connection of professional education with national culture, history, traditions of Ukrainian people;
- Democratization of education, transfer to state public system of management, its variation;

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<sup>32</sup> Continuous professional education: problems, searches, perspectives: Monograph / Edited by I.A. Ziaziun /. – Kyiv: Publishing House “Vipol”, 2000. - 636 p. – P.250

<sup>33</sup> Zgurivskyy M. Scientific technical intellectuals and social progress // Herald of NAS of Ukraine. – 2001. – No 2. - P.38-43.

- Conformity in level of professional education to the world level; necessity in provision of academic and professional mobility of specialist;
- Establishment of new forms for state public control over the quality for training of specialists<sup>34</sup>.

The educational establishments, where the educational activity is implemented through creation of continuous learning system that includes the system of pre-higher, higher and postgraduate training appear now in Ukraine. Hereby, the pre-higher learning, in particular, may be carried out in experimental pedagogical complex, where preschool children study and are brought up, and in school of young managers, which is the educational establishment for children and teenagers since 6 up to 16 and which exists in parallel to the general education school: school of young managers already in its name reflects the professional direction: training the specialists of economical profile through integration of economical and humanitarian disciplines. Such study program is designed for 11 years<sup>35</sup>.

In Ukraine the authors' team (V.M. Daniuk, S.V. Stepanenko, V.M.Petiukh, etc.) suggested the concept for continuous education in economics, according to which it is reasonable to study economics as a basic discipline at main and senior school, at educational establishments and postgraduate training institutions, and the basics of market economics – at higher schools for non-production sphere. The concept anticipates teaching economics from the eighth class and until the second course of higher school that includes the economical activity of human, its participation in public production, changes of its role and place in society, development and stimulating motives of activity<sup>36</sup>.

Russian researcher D.F. Kriukova<sup>37</sup> thinks that the pedagogical experience of innovators, who study the fundamental problems of education (I.A. Ziaziun, B.P. Bepalko, S.U. Goncharenko, V.I. Zagviazinsky, N.G. Nychkalo, A.V.Mudryk et al) confirms the efficiency of continuous education and testifies to the fact that it is necessary to start “training” a highly skilled specialist from school-days. Thus learning and upbringing the pupils, which is directed to improve the level in development of their knowledge, abilities, working and professional creative instructions is an important task to improve the whole system of education.

At the same time P.I. Sikorskyy mentions<sup>38</sup> that although the reform of educational system in Ukraine has partially been performed, there are the

<sup>34</sup> Continuous professional education: problems, searches, perspectives: Monograph / Edited by I.A. Ziaziun /. – Kyiv: Publishing House “Vipol”, 2000. - 636 p. – P.252

<sup>35</sup> System of continuous education: achievements, searches, problems / Materials of International scientific practical conference in 6 books. – Chernivtsi: “Mytets”, 1996. - 248 p.- P.143.

<sup>36</sup> Ibid. P. 159.

<sup>37</sup> Kriukova D.F. Theoretical and methodological aspects in training of youth to master the complex occupations of technical profile: Methodological guidelines. – K.: IPPPO APS of Ukraine, 1998. - 23 p.- P.3.

<sup>38</sup> Sikorskyy P.I. Methodological approaches to solution of contradictions in pedagogical process // Way of education, 1999. - No 2. - P. 5-10.- P.9.

supporting elements from previous system that reproduce some negative results. The researchers distinguishes the following ones among them: village pupils in comparison with city coevals are not under the same conditions (the schools of new types are established mainly in cities); the system has not acquired the systematic form, where each pupil would study and be developed with the beat, given by nature to him/her; the gap between the level in training of graduates from secondary schools and requirements of higher schools is grown (the spontaneous schools of new type will not save the situation).

In Poland there appeared the European project for Polish system of professional orientation (EPPSOZ), which is directed to establish the system of school and professional information and orientation, as well as professional consulting and is agreed with recommendations by commission of European Union and directions of development in countries of community and significantly assists to the personal development and professional establishment of youth<sup>39</sup>.

The suggested Polish system of orientation that starts from the first form of primary school will function until finishing the school both in school system and psychological pedagogical consultations with allocated special consultations, so called Centers of professional information of orientation (CIOZ). Pupils may receive the additional aid from psychologist or professional consultant during preparation of their “life project”, as well as the professional consultation at Centers of school and professional information and orientation and psychological pedagogical consultations. The planned system of school and professional orientation is the system that is free of any orders, directed to render the aid, advice and support. A pupil is a subject of its professional future.

The work by F. Splyosek<sup>40</sup> mentions that “the implementation of reform in Poland started on the 1<sup>st</sup> of September, 1999. The main task of this reform is the learning and upbringing of human that would be able well to function every time in more complex reality. It means approaching the content of school learning and upbringing with the practice of public and occupational life. It will require a school and a teacher to have another style of cooperation with pupil, the style, which would directed to the needs of pupil. One of the most significant needs of each young person is the necessity to bring up such pro-professional and professional skills, which would enable him/her successfully competing in labor market. Namely this aspect has become the main reason that enforced the changes in the system of professional education in Poland.” As the average period for existence of enterprise is much shorter than the period for professional activity of human, there is the necessity for most people

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<sup>39</sup> Continuous professional education: problems, searches, perspectives: Monograph / Edited by I.A. Ziazium /. – Kyiv: Publishing House “Vipol”, 2000. - 636 p. – P.618

<sup>40</sup> Shlyosek F. Reform in system of professional education in Poland within the context of changes in education // Professional education: pedagogy and psychology: Ukrainian Polish yearbook – II. Chenstokhova-Kyiv, 2000. - P. 335-347.

to change their occupations during their professional activity for some times. Besides, the dynamics of technical and technological progress also requires the constant improvement.

The substantial analysis by Ya. Kaminetskyy testifies to the fact that already at the beginning of XX century the network of consulting professional centers actively functioned in Europe, the psychotechnical<sup>41</sup> services enjoyed the popularity among youth and adults, in Germany each town, consisting of 20 thousands residents, had its own psychotechnical institute and professional consulting center for choice of occupations. The Psychotechnical institute in Vienna enjoyed the greatest popularity among citizens of Austria. Austria did not almost have the post that may be occupied by officers or employees, who would not have passed through the filter of psychophysical and sociological researches at this institute<sup>42</sup>. In America already at the beginning of XX century G. Musterberg theoretically grounded the essence of psychotechnics and made the attempt to prove that the increase in labor productivity much depended on the fact how psychically the employees are ready for some or other labor, that the appropriate kinds of labor may be realized only by certain persons.

We fully agree with the thought by famous doctor of modernity M.M.Amosov that the main direction in formation of personality is the use of opportunities for education. Using its means the education develops the intellect and improves the level of human competence in any sphere of activity but it especially concerns the medical occupation. Training the brain-cortex in young age allows reinforcing the structural basics of intellect and changing its abilities and not only replenishing the memory with the new knowledge<sup>43</sup>.

Being creative- cognitive- pragmatist due to its nature, education constantly assists to orientation of young person to self-realization, to occupational growth. That's why the implementation of system for degree education in Ukraine, which is designed to provide with constant improvement of staff qualification, deepening and enlargement of professional knowledge, skills under specialty, receiving educational professional and educational scientific degrees assists to continuity of professional education. Yu.Zhydetskyy, I. Kovalchuk, V. Onyschenko<sup>44</sup> emphasize that the degree character anticipates the unity, interdependence, succession of purpose-oriented functions in all sections that establish the essence of degree-oriented professional education.

The efficient implementation of degree-oriented professional education

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<sup>41</sup> The term "psychotechnics" existed at the beginning of XX century. In the 30-ies it was replaced by modern term "labor psychology", which is used now.

<sup>42</sup> Kaminetskyy Ya., Subtelna G. Career guidance as a component of market economics // Pedagogy and psychology of professional education, 1998. -No 5. - P. 95-102. – P. 95.

<sup>43</sup> Amosov N.M. Encyclopedia of Amosov. Algorithm of health. Human and society. – M.: "PH AST" LLC, Donetsk: Stalker, 2002. – 464 p. – P.136-137.

<sup>44</sup> Zhydetskyy Yu., Kovalchuk I., Onyschenko V. Degree-oriented professional education: an attempt of conceptual approach // Pedagogy and psychology of professional education, 1998. - No 5. - P. 89-95.- P.89.

is impossible without attentive account for opportunities of pre-vocational training, system of professional orientation and professional consulting in general. The experience of Poland vividly points out to the importance and necessity of abovementioned stages.

Analyzing the urgent problems in professional orientation and professional consulting in Poland, I. Vilsh<sup>45</sup> mentions that during recent decades of XX century the deep changes take place in European continent; the integration processes are performed in Western Europe and the transformations of systems, which essence is the processes for deep political, economical and social changes, occur in Central and Eastern Europe. The transformation of public system requires reorganizing the strategy of economical development. The researcher mentions that the professional orientation until start of transformation in public system meant as an integral activity, directed to choice of occupation, which was made both by persons, who had to choose an occupation, and all others, who took part in this process. At the same time the terms “professional orientation” or “training for choice of occupation” were used in Poland. Thus, Polish researcher S. Szajek refers the following tasks to the tasks of professional orientation<sup>46</sup>:

- Mostly wide acquaintance of children and youth with different kinds of professional groups and schools and higher schools that train for acquisition of this occupation, as well as with personal features of managerial dynamic type (interests, inclinations) and of instrumental type (capabilities, skills, knowledge), necessary in this occupation
  - Formation of desired social motivation and attitude to occupation;
  - Acquaintance of employees with the needs of labor market for different occupational groups and in certain occupations;
  - Creation of possibilities for comparison of interests, inclinations, capabilities and certain occupations;
  - Acquaintance with tendencies for development of occupations and changes, which occur in content and structure of labor in these occupations under influence of scientific technical revolution;
  - Encouragement to comparison of available physiological psychical and medical conditions with requirements, which are set to them in the sphere of chosen occupation;
  - Aid in real evaluation of professional suitability and self-determination;
  - Understanding the necessity rationally to plan own future, professional way and elaboration of assurance in necessity to agree the personal professional plans with the needs of society.

Polish researchers emphasize that the modern social economical situation in Poland demands the implementation of concept about continuous

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<sup>45</sup> Continuous professional education: problems, searches, perspectives: Monograph / Edited by I.A. Ziaziun /. – Kyiv: Publishing House “Vipol”, 2000. - 636 p. – P. 613-614.

<sup>46</sup> Szajek S. System orientacji i poradnictwa zawodowego. – Warszawa, 1989.- S.14.

education; in particular, it requires a well organized activity in the sphere of professional orientation and professional consulting not only for youth and for adults. Thus, Polish researcher V. Rachalska<sup>47</sup> formulated the principles that relate the future system of professional orientation:

- Professional orientation is the long upbringing activity, which facilitates a human to choose an occupation and direction of study, as well as the transfer from school to professional activity;
- Training of pupil for choice of profession shall become an integral part in the wide educative activity, which is expressed in the aid to youth to build the most perspective, real life plans;
- The educative work shall be planned and carried out so that a young person would be transformed from object of upbringing into subject of upbringing;
- The activity in the sphere of professional orientation shall cover the whole period for professional development of human, especially taking into consideration the period of pre-vocational training;
- The correct implementation of professional orientation shall make the accent not only on material aspect of occupation but also on such aspects as social and related to improvement of personality;
- The training for choice of occupation shall assist to such choice that will benefit to the society according to individual expectations and capabilities of personality;
- The professional solution shall be such process at which next stages would approach a human to the most appropriate occupation for him/her through taking next, every time serious and long term decisions;
- It is necessary to create the opportunity to acquaint the youth with different kinds of labor so that the decision, taken as to the choice of occupation, would be not only independent but approached to reality and would be based on knowledge about itself and chosen occupation.

Thus, Polish scientists and practical men pay a tribute to the pre-vocational training of youth in the system of continuous education. At the same time, as I. Vilsh mentions, now there is no single all-Polish system of information, which would satisfy the needs for system of professional orientation and professional consulting and which could be used not only by directly concerned youth and adults, teachers but the employers and other organizers from the sphere of social life and economics<sup>48</sup>. The solution for the problem, suggested by F. Shlyosek, is significantly directed to integration of Polish learning system into European educational space<sup>49</sup>.

It should be mentioned that the traditions, which related to attention for

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<sup>47</sup> Rachalska W. Problemy orientacji zawodowej. – Warszawa, 1987/ - C/216-217.

<sup>48</sup> Continuous professional education: problems, searches, perspectives: Monograph / Edited by I.A. Ziazium /. – Kyiv: Publishing House “Vipol”, 2000. - 636 p. – P. 612.

<sup>49</sup> Shlyosek F. Reform in system of professional education in Poland within the context of changes in education // Professional education: pedagogy and psychology: Ukrainian Polish yearbook – II. Chenstokhova-Kyiv, 2000. - P. 335-347.

further professional self-determination, were characteristic of Ukraine. Already in the 30-ies of XX century, as Ya. Kaminetskyy mentions, the important role in life of Ukrainian youth in Galicia was played by “Consulting center for choice of degree”, which was founded in February 1933 at Chief Council of Society “Native school”. The idea about Consulting Center for Ukrainian youth in Galicia was not new. Already in 1930 Ukrainian technical society established the psychotechnical committee, which task was the preparatory work, directed to creation of psychotechnical Consulting Center<sup>50</sup>. In cooperation with society “Native school” they performed a certain preparatory work: in Lviv they opened the psychotechnical courses to acquaint teachers with experience and methodology for professional consulting. The psychotechnical Consulting Center had the council, which first task was to deploy the work on professional orientation. There were four sections at Consulting Center: pedagogical, economical statistical, medical, occupational traineeship. The employees of Consulting Center prepared the essays about professional consulting and schools in order to establish the close relations with schools and parents.

It is interesting to mention that the Consulting Center was oriented to the need of labor market, knew the real situation of local economy, directions of its development. During consulting they directed the youth to those occupations that warranted the job in the future. The work of Consulting Center took into consideration that separate schools were engaged into certain occupational training, thus the recommendations about search for appropriate educational establishment, admission conditions, its location, etc. were developed.

As G.Ye. Grebeniuk mentions the continuous professional education should mean the systematic activity, directed to receive and to improve the knowledge, abilities and skills both in all kinds of general and special educational establishment and through self-education. The system of continuous education is the most general concept and includes the educational establishments from schools, lyceums and different technical vocational schools up to technological universities and institutes, faculties of qualification improvement, etc.<sup>51</sup>

The main principles, inherent to continuous education, were defined in the 60-ies:<sup>52</sup>

- *Principle of purpose* in learning and upbringing mainly has the methodological character and is used to ground the limits for system of continuous education. The abovementioned principle influences on the progress of educational activity within occupational schools, establishment of

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<sup>50</sup>Kaminetskyy Ya., Subtelna G. Career guidance as a component of market economics // Pedagogy and psychology of professional education, 1998. -No 5. - P. 95-102.

<sup>51</sup> Grebeniuk G.Ye. Theoretical and methodological basics for continuous professional education of construction and architecture profile: / Edited by N.G. Nychkalo, - K.: “International financial agency”, 1997. - 232 p.- P. 94.

<sup>52</sup> Ibid. – P. 98-101.

forms for additional education and career guidance that results in breaking the borders between education personally, on the one hand, and more general processes of social and economical character (struggle against unemployment, re-qualification, employment) and so-called non-organized education of personality (during its whole conscious life) – on the other hand;

- *Principle of individuality* for vocational training takes into consideration both the unique character of each personality and the necessity in maximum development of mental potential at each human. Accordingly, it requires not only the special approach and learning methods but the appropriate content of education for each occupation. This principle should not be confused with the individual approach to study that admits the special influence on a certain pupil. Namely this influence is the most efficient for his/her learning and upbringing;

- *Principle of continuity*. Different interpretation of concept about continuity of professional education that enforces to take into consideration the issues, related to the content of education. Thus, Polish specialists Z.Liudkevych and Yu. Putuzhytski write that “continuous education is not only in the learning process, which is not finished but in such change of tasks and purposes for separate elements in learning system, which could enforce to maximum result of continuous education that would be significantly more than the sum of results, achieved by separate elements of education. If this condition is followed, so, one can say that the principle of continuity is implemented in the system of education”;

- *Principle of systemacity*. While considering different aspects of concept about continuous education, as a rule the system of continuous education is used. The practical implementation of this concept shall be not only further improvement in work of separate types for educational establishments (vocational school, lyceum, college, university) but the creation namely of system of continuous education, which main organizational principle and basis for construction shall be the systematic approach.

## Understanding the Psychology of Borderlands

The article proved the need to consider specific forms of ethnic consciousness of residents of border regions. The author argues the position on the presence of specific in their ethnic, cultural and mental consciousness gradient forms of regional ethno-geographical spaces. Observations and analysis of research in psychology, ethnography, history, cultural studies, can come to the conclusion about the existence of specific borderland ethnic identity and locus targeting ethnic group in the borderlands and border regions implicated in specific historical and cultural values and interpretation of national and significant events, ethnic competition, etc. Presented the results of empirical research types of Ukrainian ethnic identity, and understanding the dynamics of social distance of Anti-terrorist Operation (ATO) residents, displaced persons from the East of UA and pupils from the South of Ukraine according to the following social facilities: Donbas region, Central Ukraine, Western Ukraine, South Ukraine, northern Ukraine, Kyiv, Russia, United States, European Union.

Modern ethno-national trends and the crisis in the Ukrainian society enhance the interest of domestic and foreign researchers in the problem of the borderlands. Military events in Donbass significantly motivated to rethink the places of ethno-geographical spaces, specific by their ethnic, cultural and mental gradient; consider potential threats to public order and implementation of public policy in borderland regions. It is known that a balanced ethnic policy in the multiethnic country is a pledge not only to its dynamic development, but also to the territorial integrity and state security. The social significance of the study is explained by the fact that the society is dipped in historical and political analysis of events going on in Ukraine, opposing to regional and national political elites, and the need for reconciliation of ethnic groups in the plane of modern military and political events.

Analysis of recent researches and publications in which a solution of the problem was suggested. The problem of the study of ethnic identity is reflected in the research by Afonassenko (comparison of features of ethnic identity of young people of Russia and China); Berezin and Boyko study the peculiarities of psychological factors of national self-identity; Bychko, Horbunova, Kozlovets research the psychological factors of ethnic and national identity, national and ethnic identification, acquisition of ethnic identity and ethnic identity formation in adolescents and students; Danylyuk explores the transformation of ethnic identity, its types and language as a factor of group cohesion; Hnatenko studies ethnic stereotypes; Lozova considers issues of psychosemantical ethnic studies; Medynska analyzes the collective unconscious as a deep determinant of ethnic mentality; Muhina and

Soldatova consider the problem of identity in terms of ethnic revival, ethnic tension and clash of civilizations. Phenomenology of the borderlands in the context of ethnic psychology is well studied by scientists from Poland (Kvyatkovska Sharota, etc.).

Context of Ukrainian borderlands and its psychological and mental factors are disclosed in studies of Krylov and Hrytsenko. It should be noted that the lack of comprehensive studies of psychology of Ukrainian borderlands at some theses and monographs is present.

**The purpose of the article** is the generalization of psychological principles of Ukrainian borderland ethnic identity, namely the inhabitants of the zone of the antiterrorist operation (hereinafter — ATO), internally displaced persons from the East of Ukraine and citizens of the South of Ukraine.

**The main material and research results** with full justification of scientific results. Specific national forms of information transfer are required for spatial stability and cultural integration of ethnos, they contribute to the consolidation of ethnic culture and ethnic group, separate us from other ethnic groups, provide internal integrity, originality and uniqueness of ethnic culture. Actually, at the expense of this, Ukrainian identity has preserved in times of centuries of national inequality. By the same mechanism ethno-centralization of population of borderland regions now happens. Stigmatization thus leads to even greater ethno-centralization. We propose to consider this phenomenology in the context of mentioned concepts: borderlands, border, border identity. Results of analysis and researches in psychology, ethnology, history, cultural studies, can come to the conclusion about the existence of specific *pro*-border ethnic identity in the borderlands and border regions implicated in specific historical and cultural values and interpretation of nationally significant events, ethnic competition etc.

Brestskyy and Brestska, summarizing the results of studying the borderlands ("frontier studies", "border studies", "boundary studies"), concluded that a coherent theory of the borderlands does not exist.

Although the terms of border and borderlands area often reversed in the use, many elements of the border (areas that are at the political boundaries) can be used to the borderlands, which may not have a clear reference to the geographical area at the physical border. Borderlands, unlike the border, is more imaginary, symbolic, social measurement and is more tied to social theory places ... border theory begins to interact with the borderlands theory more and more often".

As it is seen from the analysis of scientific works, an integral part of the problem is its border component associated with the identity. This study of borderlands area (border) is increasingly not limited to a narrow strip on both sides of the border (the state, the administrative-territorial). It is more useful to determine borderlands as much larger spaces than it is usually meant by this word.

"Border" is considered as a transition zone to which you can apply the term "Ecotone" from physical geography.

In this regard, the category of "identity" in the context of border serves several interrelated perspectives: identity as borders – borders between identities (identity differentiation in geographic space) – the interplay of formal (state borders in the first place) borders and identities. An interesting attempt to analyze it is to analyze in specified continuum "border – ecotone – geo-ecotone – ethnos – borderlands", which found a place in other researches of us.

To determine the specific forms of borderland identity of individual populations citizens of Ukraine (ATO residents, internally displaced persons from the Eastern Ukraine and the Southern Ukraine), the pilot socio-psychological research was held.

The purpose of this pilot study was to clarify the characteristics of ethnical identity of citizens of Ukraine (residents ATO, immigrants, the South Ukraine), awareness of social distance in the perception of "group" and "out-group" of different groups of Ukrainians and other countries that are related to the war in Eastern Ukraine.

**Discussion question.** Can you talk about the impact of social features of Ukrainian identity in border areas in eastern Ukraine on military-political conflicts in this region? What are specific border identity population attributes that define the fact of membership (in the group and outside the group) in this area? Is there a difference in the social self government and group identity among refugees from Eastern Ukraine and citizens of ATO?

Conceptual terms of the study were: ethnic (national) identity, community, identity, borderlands. According to the American Psychological Association definition of the concept of ethnic (national) identity appropriate to consider as one of the wide range of social identities, which can be focused on political, national (origin), regional features, including identification with a group that is stigmatized. The key issue remains that these are the signs of conscious or unconscious motivators of human behavior. The group (community) direct human identity and "includes" a person in relationship with others. Identification - the process of associating themselves closely with others and their characteristics. Identification "works" mainly in the unconscious or conscious enough level. As individual private self defined set of characteristics (identifying the person) and a number of social and interpersonal accessories (ethnic) and social roles, social identity.

As psychodiagnostic toolkit, adequate for purpose and object of the research methods package was used. However, within this article, we will focus on the presentation of survey results for the methods:

1. Diagnosis of types of ethnic identity (by Soldatova, Ryzhova).
2. Boharadus social distance scale

It is interesting that the residents of the zone ATO have ethnic indifference as the major value of identity type. This is the erosion of ethnic

identity, which is expressed in ethnical uncertainty and ethnicity irrelevance. However, a real surprise is positive ethnic identity, which is a combination of positive attitude towards their own people with a positive attitude to other people. In multi-ethnic society, positive ethnic identity is inherent nature of the rules and the vast majority. It sets the optimal balance of such tolerance towards their own and other ethnic groups, which allows us to consider it, on the one hand, as a condition of independence and stable existence of ethnic groups, and on the other as a condition for peaceful intercultural interaction in multiethnic world.

The lowest values are in scales of ethnic isolationism and ethnic fanaticism. At first glance, the obsession with pro-Russian ideas would have to manifest a high level of ethnic fanaticism, ethnic isolationism and ethnocentrism. However, it must be understood that the majority of residents of Donbas distinctive geographical and spatial vector of regional identity - that is linking to your place - Donbas region - which the citizens identify themselves positively. Experience of communicating and interacting indicates residents of Donbas idea of their "difference", "exclusiveness" even compared to most regions of the residents. Low rates of ethnic isolationism and ethnic fanaticism can also indicate a significant difference from the eastern Ukrainian Russians since last generally more characteristic of these trends. High rates of ethnic indifference is an evidence of a so-called "borderland identity."

Bogardus social distance scale was used to determine the social distance perception studied these objects of analysis:

1. Donbas (we separated Donbas from the Eastern Ukraine, as there are substantial grounds not to identify mentality of Donbas people with mentality of citizen of other eastern border regions, like Kharkiv).
2. Central Ukraine.
3. Western Ukraine.
4. Southern Ukraine.
5. Northern Ukraine.
6. Kyiv (separated as the capital).
7. Russia.
8. United States.
9. European Union.

In the study, we gave instructions to respondents to define their social distance towards themselves and their nearest group with respect to these nine objects by scaling analysis of their relationship in the following way:

- +3 – I want to see representatives of these groups as close relatives, partners in marriage etc.
- +2 – I see them as close friends.
- +1 – I see them as the neighbors.
- 0 – I see them as colleagues / employees.
- 1 – I see them only as citizens.

–2 – I see them only as tourists.

–3 – I would prefer to ban them from my country.

We were interested in the attitude of the respondents to the events in the Eastern Ukraine (before ATO) as they can remember them, and already in present, during ATO.

General analysis of graphic data suggests the positive attitude to different ethno-regional groups of Ukrainians and other states before ATO began.

No significant differences in attitudes of different borderland groups of Ukrainians to the objects of study – other Ukrainians and other states – were found.

A sufficient group cohesion can be stated.

In fact, it may indicate the existence of a well-established informational field and unitary mentality for different groups of Ukrainian in peacetime, when there is no threat to the existence of a population / regional group when the borders are quiet. Only surveyed residents of ATO were noticed to have trends towards highly positive attitude towards the South Ukraine at the level of family creation and establishment of close friendly relations.

During the military conflict in the area of ATO far more differences in the perception of different groups of borderlands Ukrainians of other Ukrainians and other states should be noted, which are related to the dynamics of the military conflict in eastern Ukraine.

Many significant differences in the attitudes of different groups of Ukrainian to the objects were found.

During the military conflict attitude of migrants to the Southern Ukraine is more positive than the residents of ATO have. Most of southern Ukrainians have increased their positive attitude to their own ethnic group.

The attitude of southern Ukrainians has more positive dynamics to the northern Ukrainians rather than migrated Ukrainians have. Southern Ukrainians have also significantly more positive attitude towards the European Union.

More positive attitude of migrants than residents of ATO towards the United States can be stated.

Finally, an important part of the study was to determine the dynamics of changes in awareness of respondents of three control groups relationship to the objects of study (Table 1).

Generally, after analyzing the changes in attitudes of three studied groups of different ethnic populations of Ukrainian to themselves and other countries involved in the military conflict in Eastern Ukraine, the following facts can be stated:

1. Residents of ATO have realized greater social distance: much worse was taken to the US and the EU.

2. Migrants have realized greater social distance from ATO zone, however, their distance to Western Ukraine has also increased. Attitude to the Central Ukraine has been improved.

3. No significant differences in awareness before and during ATO related to southern Ukrainians have been found.

The results support the assumption that the biggest impact on ethnic identity and rapport with other populations of Ukrainians and other countries that are somehow involved in the conflict was experienced by residents of ATO and migrants.

**Table 1. The dynamics of awareness of social distance to the regions of Ukraine and other countries before ATO began and during it by respondents**

	Donbas	Central Ukraine	Western Ukraine	Southern U.	Northern U.	Kyiv	Russia	USA	EU
ATO	0	0.3	0.3	0	0	0	0	Distance increased	Distance increased
Migrants	Distance increased	Distance increased	Distance increased	1.8	1.0	0.5	2.9	1.5	1.6
Citizens of the southern Ukrainian borderlands	0.4	0.4	1.0	1.0	1.0	0.4	0.2	0.2	0.5

It is quite clear that the deterioration in the attitude of residents of ATO to the USA and the EU has taken place. However, the surprising and glad fact is that at least subjects who participated in our study do not have social distance to other Ukrainian groups, including western and northern Ukrainians, increased.

Disturbing is the fact of deteriorating attitude and increasing social distance of migrants towards western Ukrainians.

### Conclusions

Observations and analysis of research in psychology, ethnology, history, cultural studies, can come to the conclusion about the existence of specific borderlands ethnic identity and locus targeting ethnic group in the borderlands and border regions implicated in specific historical and cultural values and interpretation of national significant events, ethnic competition, etc. The results of empirical research types of Ukrainian ethnic identity, and understanding the dynamics of social distance. The inhabitants of the zone ATO major types of indicators ethnic identity is indifference, the erosion of

ethnic identity. However, the rate of positive ethnic surprised. In general, analyzing the changes in attitudes studied three groups of different ethnic populations of Ukrainian, to ourselves and other countries involved in the military conflict in eastern Ukraine could change compared to the ATO and our time residents ATO realize greater social distance - much worse was taken to the US and the EU. Reluctantly displaced persons realize greater social distance from ATO Zone, however, increased distance and Western Ukraine. Improved attitude to the Center of Ukraine. No significant differences in awareness of and distance to the times of ATO in patients from southern Ukraine were found.

Pilot study results allow to extrapolate its context of a wider range of ethno-national problems.

We see **prospects for further research** in this direction in conducting empirical study of the dynamics of social distance towards ATO Ukrainian residents from residents of different regions and determine the attitude of borderlands Ukrainians towards the Ukrainian national idea.

**GROUP OF AUTHORS**

<b>GREETING RECTORS</b>	
<b>Tomáš Lengyelfalusy</b>	Rector of Dubnitsky Technological Institute, doc. PaedDr., PhD (Slovakia)
<b>Eudovít Hajduk</b>	Vice Rector of Paneurópska univerzita v Bratislave, Prof. PhDr.PhD (Slovakia)
<b>Lenka Dubovická</b>	Ass. Prof. Ing. University of Central Europe, Skalica, Slovak Republic
<b>Miroslav Kelemen</b>	Brigadier General ret., Professor of the Faculty of Aeronautics of the Technical University of Košice, Dr.h.c. prof. Ing., DrSc. MBA, LL.M. (Slovakia)
<b>Viktor V. Ievdokymov</b>	Rector Zhytomyr State Technological University, Doctor of Economics, Professor (Ukraine)
<b>Maryna Kanavets</b>	Director Center for Adaptation of the Civil Service to the Standards of the European Union, Candidate of Sciences in Public Administration (Ukraine)
<b>PART I</b>	
<b>Olga Rudenko</b>	Doctor of Public Administration, Associate Professor, Director of SRI of Public Administration and Management, Professor of the Department of Management of Chernihiv National University of Technology (Ukraine) - article 1.1.
<b>Ihor Koziura</b>	Professor of the Department of Management, Doctor of Public Administration, Poltava University of Economics and Trade (Ukraine) - article 1.2.
<b>Serhii Kravchenko</b>	Candidate of Sciences in Public Administration (PhD), Head of Division of Town-Planning, Architecture and State Architectural Supervision, Liubotyn City Council of Kharkiv Region, Associate Professor of Town-Planning and Urbanistics department, Kharkiv National University of Civil Engineering and Architecture Corresponding Member of the Academy of Construction of Ukraine (Ukraine) - article 1.3.
<b>Maryna Spivak</b>	Doctor of political sciences, Associate professor of the Department of public management and administration, National academy of internal affairs (Ukraine) - article 1.4.
<b>Oleksandr Zyma</b>	PhD, Associate Professor Poltava National Technical Yuri Kondratyuk University (Ukraine) - article 1.5.
<b>Roman Pahomov</b>	PhD, Associate Professor Poltava National Technical Yuri Kondratyuk University (Ukraine) - article 1.5.
<b>Olena Stepova</b>	PhD, Associate Professor Poltava National Technical Yuri Kondratyuk University (Ukraine) - article 1.5.
<b>Olena Korolchuk</b>	Ph.D. in Public Administration, Associate Professor of the Department of Social and Humanitarian Policy, National Academy for Public Administration under the President of Ukraine (Ukraine) - article 1.6.
<b>Viktoriia Sychova</b>	Doctor of Public Administration, Full Professor, Full Professor of Department of sociology of management & social work Kharkiv National University named after V. N. Karazin (Ukraine) – article 1.7.
<b>Vladimir Melko</b>	PhDr., PhD, MBA, LL.M (Slovakia) - article 1.8.
<b>PART II</b>	
<b>Olga Sosnovskaya</b>	PhD of Economic Sciences, Associate Professor of the Department of Finance and Economics Kiev Boris Grinchenko University (Ukraine) - article 2.1.
<b>Maksym Zhytar</b>	PhD of Economical Sciences, Deputy Director of the Educational and Scientific Institute of Finance and Banking University of State Fiscal Service of Ukraine (Ukraine) - article 2.1.
<b>Oleksii Khovpun</b>	PhD in Law, Department of Criminal Law, Process and Criminology, Academy of Labour of Social Relations and Tourism (Ukraine) - article 2.2.
<b>Galyna Muliar</b>	PhD in History, Associate professor of the department of Criminal Law, Process and Criminology, Academy of Labour of Social Relations and Tourism (Ukraine) - article 2.2.

<b>Viktoriia Panchenko</b>	Kiev postgraduate student of the Academy of Labour of Social Relations and Tourism (Ukraine) - article 2.2.
<b>Liudmyla Pashkevych</b>	The graduate student, The National Academy for Public Administration under the President of Ukraine (Ukraine) – article 2.3.
<b>Viktoriia Vasiuta</b>	PhD in Technical sciences, Associate Professor, Enterprise Economics and Personnel Management Department, Poltava National Technical Yuri Kondratyuk University (Ukraine) – article 2.4.
<b>Svitlana Ivanytska</b>	PhD in Economics, Associate Professor, Enterprise Economics and Personnel Management Department, Poltava National Technical Yuri Kondratyuk University (Ukraine) – article 2.4.
<b>Olesya Hryhor'yeva</b>	PhD in Economics, Associate Professor, Enterprise Economics and Personnel Management Department, Poltava National Technical Yuri Kondratyuk University (Ukraine) – article 2.4.
<b>PART III</b>	
<b>Maryna Dei</b>	Doctor of Philosophy in Law (Ph.D), Associate Professor, National Aviation University (Ukraine) - article 3.1.
<b>Irina Sopilko</b>	D.J.S., Professor, Director of the Educational and Scientific Law Institute, National Aviation University (Ukraine) - article 3.2.
<b>Sophia Likhova</b>	Doctor of Law, Professor, Head of the Department of Criminal Law and Process, Educational and Scientific Law Institute, National Aviation University (Ukraine) - article 3.3.
<b>Iryna Pyvovar</b>	Doctor of Philosophy in Law (Ph.D), Associate Professor Department of Constitutional and Administrative Law, National Aviation University (Ukraine) - article 3.4. ( <i>par. 1</i> )
<b>Yuriy Pyvovar</b>	Doctor of Philosophy in Law (Ph.D), Associate Professor, Head of the Department of Constitutional and Administrative Law, National Aviation University (Ukraine) - article 3.4. ( <i>par. 2</i> )
<b>Oleksii Khovpun</b>	PhD in Law, Department of Criminal Law, Process and Criminology, Academy of Labour of Social Relations and Tourism (Ukraine) - article 3.5.
<b>Galyna Muliar</b>	PhD in History, Associate professor of the department of Criminal Law, Process and Criminology, Academy of Labour of Social Relations and Tourism (Ukraine) - article 3.5.
<b>Tetyana Semigina</b>	Dr. in Political Sciences, Academy of Labour of Social Relations and Tourism (Ukraine) - article 3.5.
<b>Yuliia Semenova</b>	Post-graduate student, National University of Water and Environmental Engineering (Ukraine) - article 3.5.
<b>Oksana Kuzmenko</b>	Holder of habilitation degree in law, professor, deputy director of the Institute of Law, under Public higher education institution «Kyiv National Economic University named after Vadym Hetman» (Ukraine) - article 3.6.
<b>Viktoriia Chorna</b>	Candidate of legal sciences, associate professor, associate professor of the department of Department of Theory and History of Law, under Public higher education institution «Kyiv National Economic University named after Vadym Hetman» (Ukraine) - article 3.6.
<b>Nataliia Yuzikova</b>	Doctor of law science, professor of department of administrative and criminal law, Oles Honchar Dnipro National University (Ukraine) - article 3.7.
<b>Andrii Behma</b>	PhD in Law, Associate professor of the department of Criminal Law, Process and Criminology, Academy of Labour of Social Relations and Tourism (Ukraine) - article 3.8.
<b>Valerii Mashyka</b>	Postgraduate student of the Academy of Labour of Social Relations and Tourism (Ukraine) - article 3.8.
<b>Oleksii Khovpun</b>	PhD in Law, Department of Criminal Law, Process and Criminology, Academy of Labour of Social Relations and Tourism (Ukraine) - article 3.8.
<b>Julia Iurynets</b>	Doctor of Law, Associate Professor, Professor Department of Constitutional and Administrative Law, National Aviation University (Ukraine) - article 3.9.
<b>Leonid Belkin</b>	Cand. of Tech. Sciences, Senior Scientific Associate, lawyer (Ukraine) - article 3.9.
<b>Mark Belkin</b>	Cand. of Law, lawyer (Ukraine) - article 3.9.
<b>Lesia Savchenko</b>	Doctor in Law, professor, Vice-President on scientific and legal issues, Kyiv International University (Ukraine) - article 3.10.
<b>Ihor Chornodid</b>	Doctor of Economic Sciences, Head of Enterprise Economy and Management

	Department, Academy of Labour, Social Relations and Tourism (Ukraine) - article 3.11.
<b>Galyna Muliar</b>	PhD in History, Associate professor of the department of Criminal Law, Process and Criminology, Academy of Labour of Social Relations and Tourism (Ukraine) - article 3.11.
<b>Yaroslav Zhuravel</b>	PhD in Law, Academy of Labour, Social Relations and Tourism (Ukraine) - article 3.11.
<b>Vladyslav Varynskyi</b>	Candidate of Political Science, Teacher of the Department of Philosophy and Social and Humanitarian Sciences, Odessa State University of Internal Affairs (Ukraine) - article 3.12.
<b>Yaroslav Zhuravel</b>	PhD in Law, Academy of Labour, Social Relations and Tourism (Ukraine) - article 3.13.
<b>Oleksii Donets</b>	Postgraduate student of the Academy of Labour of Social Relations and Tourism (Ukraine) - article 3.13.
<b>Vadym Buhaichuk</b>	Postgraduate student of the Academy of Labour of Social Relations and Tourism (Ukraine) - article 3.13.
<b>Oleksii Khovpun</b>	PhD in Law, Department of Criminal Law, Process and Criminology, Academy of Labour of Social Relations and Tourism (Ukraine) - article 3.14.
<b>Galyna Muliar</b>	PhD in History, Associate professor of the department of Criminal Law, Process and Criminology, Academy of Labour of Social Relations and Tourism (Ukraine) - article 3.14.
<b>Igor Muliar</b>	Student of the Academy of Labor, Social Relations and Tourism (Ukraine) - article 3.14.
<b>Mariya P. Petrova</b>	Assist. Prof., Varna Free University “Chernorizets Hrabar”, Faculty of Law, Department of Legal Sciences “ (Bulgaria) - article 3.15.
<b>Hanna Rybikova</b>	Ph.D., Associate professor, The department of criminal law and procedure, National Aviation University (Ukraine) - article 3.16.
<b>PART IV</b>	
<b>Mykhailo Kuzheliev</b>	Doctor of Sciences (Economics), Professor, Director of Educational and Scientific Institute of Finance and Banking, University of State Fiscal Service of Ukraine (Ukraine) - article 4.1.
<b>Alina Nechyporenko</b>	PhD in Economics, Senior lecturer of Department of Finance, University of State Fiscal Service of Ukraine (Ukraine) - article 4.1.
<b>Zoriana Dvulit</b>	Doctor of Economic Sciences, Associate Professor, Professor of the Department of Foreign Trade and Customs, Lviv Polytechnic National University (Ukraine) – article 4.2.
<b>Tatyana Luchnikova</b>	Senior Lecturer of the Department of Management, State University of Infrastructure and Technology (Ukraine) – article 4.2.
<b>Olha Yarmolitska</b>	Candidate of Economics, Associated Professor of the Department of Accounting and Taxation, State University of Infrastructure and Technology (Ukraine) – article 4.2.
<b>Elvira Moldovan</b>	Scientific Research Centre for Customs Affairs of the Scientific Research Institute of Fiscal Policy at the University of the State Fiscal Service of Ukraine (Ukraine) – article 4.3.
<b>Kseniia Chychulina</b>	Ph.D., Poltava National Technical Yuri Kondratyuk University (Ukraine) – article 4.4.
<b>Vitaliia Skryl</b>	Ph.D., Poltava National Technical Yuri Kondratyuk University (Ukraine) – article 4.4.
<b>Nelia Volkova</b>	Candidate of Sciences (Economics), Associate Professor of the Department of Finance and Banking of the Vasyl Stus Donetsk National University (Ukraine) – article 4.5.
<b>Valeriia Volkova</b>	Candidate of Sciences (Economics), Associate Professor of the Department of Finance and Banking of the Vasyl Stus Donetsk National University (Ukraine) – article 4.5.
<b>Oleksandr Boblovskyi</b>	Ph.D., Associate Professor, Department of Organization of Production, Business and Management Kharkiv Petro Vasylenko National Technical University of Agriculture (Ukraine) – article 4.6.
<b>Dymytrij Grytsyshen</b>	Doctor of Economics, Professor, Dean of the Faculty of Public Management and Law, Zhytomyr State Technological University (Ukraine) – article 4.7.
<b>Ganna Nord</b>	Ph.D. in Economics, Director of the Educational and Scientific Postgraduate

	Institute at the Petro Mohyla Black Sea National University (Ukraine) – article 4.7.
<b>Oleg Dziubenko</b>	Ph.D. in Economics, Docent, Zhytomyr State Technological University (Ukraine) – article 4.7.
<b>Anatolii Dykyi</b>	Ph.D. in Economics, Docent, Zhytomyr State Technological University (Ukraine) – article 4.7.
<b>Zhanna Prokopenko</b>	Ph.D. in Economics, Docent, Zhytomyr State Technological University (Ukraine) – article 4.7.
<b>Nataliia Lutska</b>	Ph.D. in Economics, Vice-rector for financial and economic activity, Docent, University of King Danil (Ukraine) – article 4.8.
<b>Olena Dyka</b>	Ph.D. in Economics, Docent, Zhytomyr State Technological University (Ukraine) – article 4.8.
<b>Adriiana Lysychko</b>	Ph.D. in Economics, Zhytomyr State Technological University (Ukraine) – article 4.8.
<b>Kostiantyn Fokin</b>	Applicant of the department of accounting and audit, Zhytomyr State Technological University (Ukraine) – article 4.8.
<b>Maksym Samchyk</b>	Ph.D. in Economics, Docent, Zhytomyr State Technological University (Ukraine) – article 4.8.
<b>Lenka Dubovická</b>	University of Central Europe in Skalica, Education and Consulting Centre Košice (Slovakia) - article 4.9.
<b>Tatiana Varcholová</b>	University of Central Europe in Skalica, Education and Consulting Centre Košice (Slovakia) - article 4.9.
<b>Viktor Ievdokymov</b>	Doctor of Economics, Professor, Rector, Zhytomyr State Technological University (Ukraine) – article 4.10.
<b>Oksana Oliinyk</b>	Doctor of Economics, Professor, Vice-rector, Zhytomyr State Technological University (Ukraine) – article 4.10.
<b>Ganna Nord</b>	Ph.D. in Economics, Ph.D. in Economics, Director of the Educational and Scientific Postgraduate Institute at the Petro Mohyla Black Sea National University (Ukraine) – article 4.10.
<b>Valentyna Ksendzuk</b>	Ph.D. in Economics, Associate Professor at the Department of International Economic Relations, Zhytomyr State Technological University (Ukraine) – article 4.10.
<b>Larysa Sergiienko</b>	Ph.D. in Public Administration, Associate Professor at the Department of Economic Safety, Public Management and Administration, Zhytomyr State Technological University (Ukraine) – article 4.10.
<b>PART V</b>	
<b>Aneliya Nenova</b>	PhD, Assoc. prof., Varna Free University “Chernorizets Hrabar” (Republic of Bulgaria) - article 5.1.
<b>Olena Kovalenko</b>	Doctor of psychological sciences, Docent, Professor of psychology department, Poltava National Pedagogical University named after V.G.Korolenko (Ukraine) – article 5.2.
<b>Larysa Sergeieva</b>	Sergeieva Larysa, Doctor of Pedagogical Sciences, Professor, Department of Higher and Professional Education and Legal Studies, SHES «University of Educational Management» NAPS of Ukraine (Ukraine) – article 5.3.
<b>Tetyana Stoychyk</b>	Doctor of Philosophy, Deputy Director for Educational and Production Work, Kryvy Rih Professional Mining and Technology Lyceum (Ukraine) – article 5.3.
<b>Alla Varynska</b>	Candidate of Philology, Professor, Head of the Department of Ukrainian Studies, National University “Odessa Maritime Academy” (Ukraine) – article 5.4.
<b>Nataliya Kornodudova</b>	National University “Odessa Maritime Academy” (Ukraine) – article 5.4.
<b>Larysa Olifira</b>	Candidate of Pedagogical Sciences, Docent, Deputy Director for Educational Work of TSIPPO, University of educational management National Academy of Educational Sciences of Ukraine (Ukraine) – article 5.5.
<b>Svitlana Synenko</b>	Candidate of Pedagogical Sciences, Head of the Preparatory Department for foreigners and stateless persons, Institute for training of the State Employment Service of Ukraine (Ukraine) – article 5.5.
<b>Volodymyr Onyshchenko</b>	Doctor of Sciences (Economics), Professor, Rector of the Poltava National Technical Yuri Kondratyuk University, Honored Worker of Education of

	Ukraine, Laureate of the State Prize in Science and Technology (Ukraine) – article 5.6.
<b>Olena Filonych</b>	Ph.D (Economics), Vice-Rector for economic issues - Chief Accountant, Poltava National Technical Yuri Kondratyuk University (Ukraine) – article 5.6.
<b>Dmytro Storozhenko</b>	PhD in Chemistry, Associate Professor in Chemistry, Head of the Department of Chemistry, Poltava National Technical Yuri Kondratyuk University (Ukraine) – article 5.6.
<b>Nataliia Senenko</b>	PhD in Physics and Mathematics, Associate Professor in Chemistry, Poltava National Technical Yuri Kondratyuk University (Ukraine) – article 5.6.
<b>Tamara Kirik</b>	Candidate of Pedagogic Sciences, Associate Professor at the Department of foreign languages and socio-humanitarian disciplines of Kyiv Medical University (Ukraine) – article 5.7.
<b>Shevchuk I.K.</b>	Senior lecturer Professor at the Department of foreign languages and socio-humanitarian disciplines of Kyiv Medical University (Ukraine) – article 5.7.
<b>Kirik V.O.</b>	Lecturer of Kyiv Medical University (Ukraine) – article 5.7.
<b>Vadym Tsurkan</b>	Post-graduate student of the Department of Political Science of ONU n. Mechnykov (Ukraine) – article 5.8.
<b>Tatyana Varbanets</b>	Candidate of Geographical Sciences, Associate Professor, National University “Odessa Maritime Academy” (Ukraine) – article 5.9.
<b>Victoriia Shepel</b>	Senior Lecturer, Marine Technologies, National University “Odessa Maritime Academy (Ukraine) – article 5.9.
<b>Tetiana Blahova</b>	Candidate of Pedagogical Sciences, docent, Head of Choreography Department, Poltava National Pedagogical University named after V.G.Korolenko (Ukraine) – article 5.10.
<b>Viktoriia Vasiuta</b>	PhD in Technical sciences, Associate Professor, Enterprise Economics and Personnel Management Department, Poltava National Technical Yuri Kondratyuk University (Ukraine) – article 5.11.
<b>Volodymyr Byba</b>	PhD in technical, associate professor, Poltava National Technical Yuri Kondratyuk University (Ukraine) – article 5.11.
<b>Inna Miniailenko</b>	Postgraduate Student, Poltava National Technical Yuri Kondratyuk University (Ukraine) – article 5.11.
<b>Ganna Kondratenko</b>	PhD in Pedagogic Sciences, Vice-Director of the Institute of Arts of Borys Grinchenko Kyiv University (Ukraine) – article 5.12.
<b>Alexander Plokhotnyuk</b>	PhD in Pedagogic Sciences, docent, Artist of the orchestra, National Academy of the Security Service of Ukraine (Ukraine) – article 5.12.
<b>Natalia Marakhovska</b>	PhD (Educational Sciences), Assoc. Prof., Mariupol State University (Ukraine) – article 5.13.
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<b>Maryna Illiakhova</b>	PhD, Associate Professor, Central Institute for Continuing Teachers’ Training, University of Educational Management (Ukraine) – article 5.15.
<b>Artemy Ponomarevskiy</b>	Post-graduate student at the Philosophy and Adult Education Department, Central Institute for Continuing Teachers’ Training, University of Educational Management (Ukraine) – article 5.15.
<b>Natalia Kutuza</b>	Candidate of Philology, Docent, Associate professor of the Department of Applied Linguistics, Odessa National University named after I. I. Mechnikov (Ukraine) – article 5.16.
<b>Miroslav Kelemen</b>	Dr.h.c. prof. Ing, DrSc. MBA, LL.M., Brigadier General ret, Technical University of Kosice, Faculty of Aeronautics (Slovakia) - article 5.17.
<b>Róbert Rozenberg</b>	PhD, Head of Department of Flight Training, Technical University of Kosice, Faculty of Aeronautics (Slovakia) - article 5.17.
<b>Alica Tobisová</b>	Doctor of Philosophy, Department of Air Traffic Management, Technical University of Kosice, Faculty of Aeronautics (Slovakia) - article 5.17.
<b>Stanislav Szabo</b>	Assoc.Prof., Ph.D., MBA., LL.M., Dean Faculty of Aeronautics, Technical University of Kosice, Faculty of Aeronautics (Slovakia) - article 5.17.
<b>Róbert Rozenberg</b>	PhD, Head of Department of Flight Training, Technical University of Kosice,

	Faculty of Aeronautics (Slovakia) - article 5.18.
<b>Dorota Liptáková</b>	Technical University of Kosice, Faculty of Aeronautics (Slovakia) - article 5.18.
<b>Alica Tobisová</b>	Doctor of Philosophy, Department of Air Traffic Management, Technical University of Kosice, Faculty of Aeronautics (Slovakia) - article 5.18.
<b>Sebastián Makó</b>	PhD Student, Department of Air Traffic Management, Technical University of Kosice (Slovakia) - article 5.18.
<b>Mykhailo Ilin</b>	Head of Non-Governmental Organization “Universal Peace Federation, Ukraine”, PhD applicant (Ukraine) - article 5.19.
<b>Olha Hulbs</b>	Doctor of psychological science, Professor, Head of the department of psychology, Pavlo Tychyna Uman state pedagogical university (Ukraine) - article 5.20.
<b>Valerii Lantukh</b>	Doctor of historical science, Professor, Head of the department of the hotel and tourist business, Kharkiv commercial-economic institute of Kyiv national commercial-economic university (Ukraine) - article 5.20.
<b>Liudmyla Tyshakova</b>	Candidate of Pedagogical Science, Assistant Professor of the department of juridical linguistics and document study of Luhansk state university of internal affairs named after E.O. Didorenko, town Sievierodonetsk, Luhansk region (Ukraine) - article 5.20.
<b>Victoria Turyanskaya</b>	Candidate of psychological science, Assistant Professor, Head of the department of psychology, Kramatorsk institute of economics and humanities (Ukraine) - article 5.20.
<b>Yaroslav Tsekhmister</b>	Doctor of Educational Sciences, Professor, Corr. Member of NAES of Ukraine (Ukraine) – article 5.21.
<b>Vitalii Lunov</b>	Dr.H.C., Ph.D. in Psychology, Associate Professor, Corresponding Member of the British Academy of Education (G.S. Kostyuk Institute of Psychology of the National Academy of Pedagogical Sciences of Ukraine, leading researcher) (Ukraine) – article 5.22.

# **ASSOCIATION AGREEMENT: DRIVING INTEGRATIONAL CHANGES**

*Collective monograph*

**Edited by**

**Richard Iserman, Dr.H.C. in International Relations  
Maryna Dei, PhD, Associate Professor  
Olha Rudenko, Dr.Sc in PA, Professor  
Yaroslav Tsekhmister, Ed.D, Professor  
Vitalii Lunov, PhD, Associate Professor**

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