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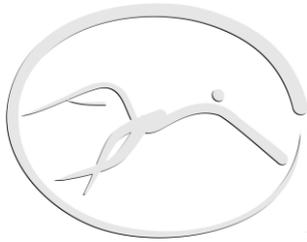
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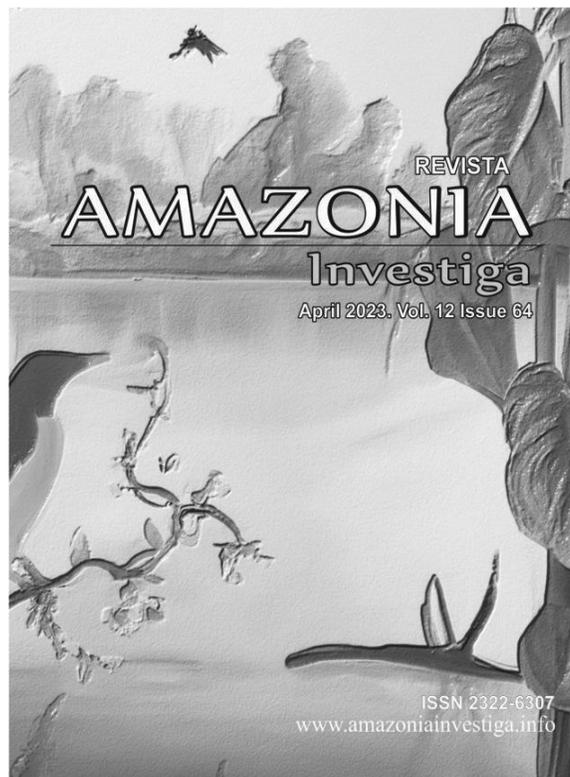


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CONTENIDO

Challenges and stakes of artificial intelligence in economic sciences	7
The potential impacts of digital transformation on organizations.....	9
Dynamic capacities and the influence on the innovative potential of urban hotels	19
How do young generations perceive gender differences?: A case study	28
The role of education in the innovative society	45
Theoretical and legal basis for the implementation of state policy on national security of Ukraine.....	57
Protection of the environment under the draft Criminal Code of Ukraine and the European criminal law: a comparative study.....	65
Challenges and strategies for intercultural communication:	73
A case study on national and gender stereotypes in postmodern women literature	73
The protection of property rights in criminal and civil proceedings: ECtHR practice	83
Phenomenology of domestic violence	94
Data journalism visualization in Ukraine and in Europe: a comparative analysis	102
Languages coexistence models in the multicultural environment of Ukraine and the EU	117
Integrity and good faith in the european concept of good administration: framework for legal and scientific research.....	128
Innovative development of the education industry in the European higher education area ...	136
Aesthetic education of personality development in the field of education.....	146
The role of inclusive education in the personal growth of a child with special educational needs	156
The role of psychological factors in improving health, activity and longevity	165
Strategic public policy providers in the context of european integration.....	175
Implementation of teaching technology in the process of future specialists' professional development.....	188
Labor migration in modern Russia: features, problems and ways to solve them	198
Research-based learning in the education process of a higher education institution.....	208
Corruption risks in the provision of administrative services.....	217
Activities of Ukraine law enforcement agencies to ensure the rights and freedoms of citizens during martial law	228
Language as a political manipulation tool.....	237
Human rights guarantees in the activities of law enforcement agencies of Ukraine	249
The effect of digitalization on the extent of criminal activity in the context of the pandemic	257
Legal nature of the tasks and functions of the financial control of railway transport of Ukraine	263
Suicide among minors in Ukraine: Manifestations and ways to prevent	269
The category of the transcendental in the Ukrainian postmodern novel	276
Features of the political regime of Great Britain	282
Digital tools for anti-crisis management of enterprises: the Ukrainian case	291
Digital art in designing an artistic image	300
The historical policy plan as it relates to the progression of the Russian-Ukrainian war.....	306
The place and role of political advertising in the system of manipulative technologies: the linguistic dimension	315
Legal problems and prospects for the development of document science in Ukraine: Problems and solutions	323
War in the practice of functioning of different types of political systems	331
The role of the state in supporting social investment projects to ensure sustainable development	340

Advertising of medicines in Ukraine: An ethical and legal view.....	348
Existential aspects of human existence and the human-centered paradigm in public administration	361

Editorial

Challenges and stakes of artificial intelligence in economic sciences

Retos y desafíos de la inteligencia artificial en las ciencias económicas

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The increasing presence of artificial intelligence (AI) in economics and finance brings promising opportunities and formidable obstacles. It is vital to conduct an in-depth analysis of the challenges and opportunities that artificial intelligence brings in this field as we get closer to becoming a society increasingly driven by technology.

One of the critical challenges in applying artificial intelligence in economic sciences is the access and quality of data. As Acemoglu and Autor (2011) point out in their article "Skills, Tasks, and Technologies: Implications for Employment and Earnings", artificial intelligence relies on analyzing large data sets to obtain valuable information (Matysiak et al., 2023). However, economic data is often scattered and difficult to collect, which can affect the accuracy and effectiveness of AI models. Additionally, data quality may be biased, raising ethical concerns and potentially perpetuating existing inequalities (O'Neil, 2016; Chiou & Lee, 2023).

Another significant obstacle to overcome in the field of economic sciences is interpreting the findings of models that use artificial intelligence. Because economic occurrences are notoriously challenging to predict, it is essential to comprehend how AI models arrive at their findings. On the other hand, many of these models are considered black boxes, making their interpretation and explanation challenging (Makridakis et al., 2019). Artificial intelligence models must be transparent and easily interpretable to ensure trust and adoption by economic specialists and decision-makers.

The issues posed by artificial intelligence in the economic sciences are also heavily focused on ethical considerations. Algorithms based on

artificial intelligence can considerably impact the distribution of resources, the selection of investments, and the regulation of markets. Ensuring these algorithms are just and impartial and obey fundamental ethical principles (Jobin et al., 2019). In economics, a lack of appropriate regulation can also lead to the exploitation and abuse of artificial intelligence, which can have negative consequences (Brynjolfsson & McAfee, 2017).

Despite the obstacles, artificial intelligence also presents potential in the business world that has never been seen before. It is possible to improve decision-making and stimulate economic growth by doing real-time analysis of enormous amounts of data and making predictions about economic trends (Varian, 2014; Yoo et al., 2023). Additionally, artificial intelligence can assist in optimizing resource allocation and identifying previously concealed patterns and linkages in economic data (Chui et al., 2016; Divedi et al., 2023).

A strategy that emphasizes cooperation and draws on expertise from various fields is required to handle these issues effectively. In order to ensure the growth of artificial intelligence in economics in a responsible manner, a collaboration between data scientists, economists, ethicists, and policymakers is necessary. In addition, continuing investments in research and development are necessary in order to enhance data collecting and analysis methods and to construct AI algorithms that are more ethical and transparent.

In addition, robust regulatory frameworks are needed that address the ethical, legal, and privacy issues associated with artificial intelligence in economics. These frameworks should promote

equity and non-discrimination while fostering innovation and economic progress (Nogueiro et al., 2022). The active participation of stakeholders, including citizens, in formulating policies and regulations is also essential to ensure fair and equitable implementation of artificial intelligence in the economic sphere (Stilgoe et al., 2013).

Giacomini & White (2006) conducted a relevant study in this field entitled "Tests of Conditional Predictive Ability". The authors applied artificial intelligence techniques, such as neural networks, to predict GDP growth in the United States. They compared the performance of artificial intelligence models with traditional econometric models and found that neural networks provided more accurate and reliable forecasts. This example demonstrates how artificial intelligence can overcome conventional approaches' limitations and improve economic forecasting's accuracy.

Another use of artificial intelligence successfully implemented in economics are algorithmic trading and high-frequency trading. The application of artificial intelligence algorithms in algorithmic trading allows for split-second judgments to be made regarding the purchase and sale of financial assets. Artificial intelligence algorithms can potentially improve market liquidity and efficiency, but they also pose regulatory and financial stability challenges, according to a study conducted by Hendershott et al. (2011). This study examined the impact that high-frequency trading has on the stock market.

By way of final considerations, artificial intelligence presents fundamental challenges and stakes in the economic sciences, but it also offers exciting opportunities to improve decision-making and economic development. It is essential to address the challenges related to data, interpretation of results, and ethics while making the most of the potential of artificial intelligence in this field. With a collaborative and multidisciplinary approach, we can guarantee a responsible development of artificial intelligence in economic sciences and move towards a more efficient, equitable, and sustainable economy.

Bibliographic references

Acemoglu, D., & Autor, D. H. (2011). Skills, Tasks, and Technologies: Implications for Employment and Earnings. *Handbook of Labor Economics*, 4, 1043-1171.

- Brynjolfsson, E., & McAfee, A. (2017). The business of artificial intelligence. *Harvard Business Review*, 95(1), 237-250.
- Chiou, E. K., & Lee, J. D. (2023). Trusting automation: Designing for responsiveness and resilience. *Human factors*, 65(1), 137-165.
- Chui, M., Manyika, J., & Miremadi, M. (2016). Where machines could replace humans—and where they can't (yet). *McKinsey Quarterly*.
- Dwivedi, Y. K., Kshetri, N., Hughes, L., Slade, E. L., Jeyaraj, A., Kar, A. K., ... & Wright, R. (2023). "So what if ChatGPT wrote it?" Multidisciplinary perspectives on opportunities, challenges, and implications of generative conversational AI for research, practice, and policy. *International Journal of Information Management*, 71, 102642.
- Giacomini, R., & White, H. (2006). Tests of conditional predictive ability. *Econometrica*, 74(6), 1545-1578.
- Hendershott, T., Jones, C. M., & Menkveld, A. J. (2011). Does Algorithmic Trading Improve Liquidity?. *Journal of Finance*, 66(1), 1-33.
- Jobin, A., Ienca, M., & Vayena, E. (2019). The global landscape of AI ethics guidelines. *Nature Machine Intelligence*, 1(9), 389-399.
- Makridakis, S., Spiliotis, E., & Assimakopoulos, V. (2019). The forthcoming artificial intelligence (AI) revolution: Its impact on society and firms. *Futures*, 111, 26-38.
- Matysiak, A., Bellani, D., & Bogusz, H. (2023). Industrial robots and regional fertility in European countries. *European Journal of Population*, 39(1), 11.
- Nogueiro, T., Saraiva, M., Jorge, F., & Chaleta, E. (2022). The Erasmus+ Programme and Sustainable Development Goals—Contribution of mobility actions in higher education. *Sustainability*, 14(3), 1628.
- O'Neil, C. (2016). *Weapons of Math Destruction: How Big Data Increases Inequality and Threatens Democracy*. Broadway Books.
- Stilgoe, J., Owen, R., & Macnaghten, P. (2013). Developing a framework for responsible innovation. *Research Policy*, 42(9), 1568-1580.
- Varian, H. R. (2014). Big data: New tricks for econometrics. *Journal of Economic Perspectives*, 28(2), 3-28.
- Yoo, H. S., Jung, Y. L., & Jun, S. P. (2023). Prediction of SMEs' R&D performances by machine learning for project selection. *Scientific Reports*, 13(1), 7598

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The potential impacts of digital transformation on organizations

التأثيرات المحتملة للتحويل الرقمي على المنظمات

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Abstract

المستخلص:

Digital Transformation is the new trend in all industries. Although, the term's usage in the industries is still vague and ambiguous, many organizations have claimed that they have begun their digital transformation journey or have a plan to do so. For those reasons there is an urgent necessity to understand what digital transformation is? and how to evaluate its impact on an organization. Thus, this paper seeks to investigate the potential impact of digital transformation on organizations. This study utilized a qualitative research method of investigation, semi-structured interviews with different participants from different organizations were performed. Two major areas were identified to be the most susceptible organizations' functional areas that impacted by the transformation, and they synthesized into a cohesive model. The model includes Organization Business Processes Optimization, Organizational Information Technology which led to organization innovation. The model can help organizations to identify and consider the impact digital transformation.

التحول الرقمي هو الاتجاه الجديد في جميع الصناعات. وعلى الرغم من أن استخدام المصطلح في الصناعات لا يزال غامضاً وغير واضح، فقد ادعت العديد من المؤسسات أنها بدأت رحلة التحول الرقمي أو لديها خطة للقيام بذلك. لهذا السبب هناك ضرورة ملحة لفهم ما هو التحول الرقمي؟ وكيفية تقييم تأثيره على المنظمات. لذلك تسعى هذه الورقة إلى التحقيق في التأثير المحتمل للتحول الرقمي على المنظمات. استخدمت هذه الدراسة طريقة بحث نوعية، وأجريت مقابلات متعددة مع مشاركين مختلفين من مؤسسات مختلفة. من خلال هذه الدراسة تم تحديد مجالين رئيسيين ليكونا أكثر المجالات الوظيفية للمؤسسات تضرراً بالتحول الرقمي وتم صهر هذه النتائج في قالب واحد لينتج لنا نموذج يوضح الآثار المحتملة للتحول الرقمي. يشتمل النموذج على تحسين عمليات أعمال المنظمة، وتكنولوجيا أنظمة معلومات المنظمة التي أدت إلى زيادة ابتكار المنظمة. يمكن لهذا النموذج أن يساعد المنظمات على تحديد تأثير التحول الرقمي والنظر فيه.

الكلمات المفتاحية: الرقمنة – التحول الرقمي – تبني الابتكارات – ادارة العمليات

Keywords: Digitalization, Digitization, Digital Transformation, Innovation Adoption, Business Process Management.

Introduction

In the 21st century, digital transformation (DT) has emerged as the primary catalyst for economic and social advancement. DT refers to the process of integrating digital technology into all areas of an organization, resulting in fundamental changes to how it operates and delivers value to its customers (Kaur, 2020). Recognizing the importance of DT, Saudi Arabia has made significant investments in technology and

innovation to encourage its adoption (Alnemer, 2022; Aseeri & Kang, 2023). The Saudi Government's Vision 2030 plan highlights the critical role that technology plays in achieving the country's economic and social goals (Al-Mamary et al., 2020; Mitchell & Alfuraih, 2018).

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The Saudi government has taken several initiatives to promote the adoption of new technologies within the country. One such initiative is the National Industrial Development and Logistics Program (NIDLP), launched in 2019, which aims to foster the growth of innovative technologies and industries. In addition to this, the government is making significant investments in the development of smart cities (Vision2030, 2021). These cities are designed to utilize cutting-edge technologies such as IoT, big data analytics, and AI to provide efficient services to their inhabitants. The implementation of these advanced technologies has the potential to bring about transformative changes in a wide range of industries, including healthcare, education, and finance (Ashford, 1993).

Digital transformation has also brought about significant changes in organizational business models. Digital technologies have allowed businesses to develop new business models and challenge established industries. For example, businesses are using digital technologies to develop new goods and services, enhance customer interactions, and generate new revenue streams. These changes in business models include the adoption of platform business models, a move towards subscription-based models, and the development of digital ecosystems. Thus, this study aims to investigate the potential impact of digital transformation on adopting organizations.

Literature Review

Digital transformation (DT) refers to the changes and disruptions that businesses undergo by using digital technologies to enhance their processes, goods, and services (Reis et al., 2018). The rapid evolution of technology has led to the expansion of the literature on digital transformation in recent years, as specialists explore the impact of technological advancements on organizational strategy and business models (Rogers, 2016). This literature review aims to provide a comprehensive overview of the existing literature on digital transformation and its effects on businesses, with a particular focus on technological, strategic, and business model changes (Mahmood et al., 2019; Rogers, 2016).

As businesses strive to remain competitive, they must adapt to the rapidly evolving technological landscape by embracing digital technologies to optimize their processes, improve their goods and services, and create new business models (Reis et al., 2018). However, digital

transformation is a complex and multifaceted process that involves more than just the implementation of technology (Mithas et al., 2013). It also requires a shift in organizational culture and mindset, as well as a reevaluation of business processes and strategies (Fitzgerald et al., 2014). Therefore, it is essential to understand the organization's settings that support successful digital transformation (Hartl & Hess, 2017).

The rapid growth of big data and the internet of things (IoT) has had a significant impact on digital transformation. Kaur (2020) conducted a comprehensive study on the effects of big data on business and identified several areas where it can have a significant impact, including decision-making, customer experience, and operational efficiency. The study also evaluates the subjects and trends of IoT and emphasizes the potential and challenges presented by this rapidly developing technology. Big data can provide valuable insights and inform decision-making processes, helping businesses to improve their operations and enhance the customer experience. The IoT offers businesses the opportunity to collect real-time data on products and services, which can be used to optimize operations, reduce costs, and improve customer satisfaction. However, the adoption of these technologies also presents challenges, including data privacy and security concerns and the need for new skills and expertise to manage and analyze large amounts of data. As such, it is essential for businesses to develop a comprehensive strategy for incorporating big data and IoT technologies into their operations while addressing these challenges (Kaur, 2020).

Dibbern and Hirschheim (2020) suggest that digital transformation is not merely a technological change, but rather a more complex process involving people, processes, and governance. In order to align digital transformation with organizational objectives, it is critical to foster a culture that promotes innovation and risk-taking. According to the authors, digital transformation can lead to the creation of new business models that are beneficial for both the organization and its customers (Hess et al., 2020; Matt et al., 2015). They highlight the importance of a customer-centric strategy, agile development, and collaboration with external partners as crucial elements for successful business model innovation. In this regard, organizations need to recognize the potential of digital technologies and focus on their effective utilization to create value for their customers and stakeholders.

Moreover, digital transformation can help organizations to gain a competitive advantage and create new opportunities for growth and expansion (Bharadwaj et al., 2013; Hess et al., 2020). Therefore, a clear and well-defined digital transformation strategy is essential for organizations to succeed in today's dynamic and competitive business environment.

Mergel et al., (2019) identified a number of knowledge gaps in the research on digital transformation and called for a deeper understanding of its impact on organizational performance and culture. Similarly, (Espig et al., 2021; Hartl & Hess, 2017) emphasized the importance of organizational change and a willingness to accept new business models, in addition to adopting new technologies, as key components of digital transformation. To successfully implement digital transformation, businesses need to develop a culture that promotes experimentation and innovation, as well as a clear strategy that outlines their digital transformation goals (Adaba et al., 2021). This includes examining how technology can be used to improve processes, goods, and services, as well as how it can be leveraged to support strategic and business model changes (Aljlayel, 2020). Therefore, it is crucial for organizations to not only adopt new technologies but also to develop a digital mindset and change their organizational culture in order to fully exploit the benefits of digital transformation (Fitzgerald et al., 2014).

According to (Piccinini et al., 2015), agility and flexibility are the main managerial challenges when implementing digital transformation, and they are essential values that organizations must cultivate to master digital transformation successfully. This is because digital transformation requires continuous adaptation to stay up-to-date with the latest technological developments. Organizations that value openness towards change are more likely to accept, implement, encourage, and develop a change-oriented mindset, which is critical for successful digital transformation (Kane et al., 2015). Furthermore, the impact of digital transformation on business models has been significant, enabling organizations to create new products and services, explore new markets, and foster more innovative collaborations with other businesses (Hess et al., 2020; Singh & Hess, 2020). As a result, organizations have had to adapt their strategies in order to remain competitive and capitalize on new opportunities (Chaniias & Hess, 2016). According to Matarazzo et al., (2021), the influence of digital

technologies on business models has been enormous.

In a 2019 KPMG report by Szalavetz (2019), it was noted that digital transformation has facilitated the emergence of new business models such as platform-based, subscription-based, and outcome-based models. Platform-based business models, such as Uber and Airbnb, have disrupted traditional industries by directly connecting buyers and sellers. Subscription-based models, such as Netflix and Spotify, have disrupted the media and entertainment sectors by offering customers access to a wide variety of content for a monthly fee. Outcome-based models, such as GE's "power by the hour" approach, have disrupted the industrial sector by compensating customers based on how their products are actually used. These new business models highlight the transformative power of digital technologies on organizational strategy and innovation.

Moreover, Digital strategy is a plan of action for an organization to utilize digital technology to achieve its goals (Singh & Hess, 2020). It is important to consider the demands and preferences of consumers and stakeholders as part of the organization's overall strategy and digital strategy, according to (Vial, 2019). To remain competitive, an organization should have a digital strategy that is flexible and adaptable to changing market conditions and new technologies. Being open to experimenting with new technology and business models is crucial for an organization to remain competitive (Matt et al., 2015).

Methodology

The aim of this study is to examine the impact of digital transformation on organizations. While many organizations purport to have undergone digital transformation, there is a lack of clarity surrounding the actual implementation of this transformation. Many organizations remain in the early stages of digitization and digitalization, and the actual effects of digital transformation on organizations remain elusive beyond the marketing hype.

To address this knowledge gap, this research employs a qualitative case study approach. Qualitative research is a valuable tool for exploring the perspectives and behaviors of individuals in specific contexts. It provides a more profound understanding of the phenomenon under study. In particular, this study employs the grounded theory approach as

it permits a comprehensive understanding of the phenomena and the development of a theory to describe it. The version of grounded theory utilized in this research enables the researcher to review and incorporate existing literature to develop the research question. To ensure research validity, this study's research plan is based on the process described by (Eisenhardt, 1989). This plan comprises seven steps. In the first step, Getting Started, the research questions are defined. In the second step, Selecting Cases, a criterion is developed to select the organizations to be included in the study. This step ensures that the organizations selected are relevant to the research questions and will provide valuable data.

In the third step, Crafting Instruments and Protocols, interview instruments are developed. These instruments are designed to gather relevant data from the organizations' employees and leaders who have firsthand experience with the digital transformation process. The fourth step, Entering the Field, involves actual interaction with interviewees through conducting interviews. This step provides the opportunity to collect in-depth data and insights about the organizations' experiences with digital transformation. The fifth step, Data Analysis, involves applying grounded theory data analysis techniques to analyze the interviews. This step enables the researcher to identify patterns and themes that emerge from the data. The sixth step, Shaping Hypotheses, involves developing concepts in the theory through several iterations of data analysis. This step serves to refine and clarify the emerging hypotheses.

Finally, the seventh step, Building Theory, involves transforming the emerging hypotheses into a unified theory that describes the phenomenon. The theory developed in this study aims to explain how digital transformation impacts organizations, including the challenges they face and the benefits they reap.

Following such research methodology, this research is expected to make a significant contribution to a better understanding of the digital transformation process and its impact on organizations. The study's methodology and research plan ensure that the data collected is reliable and valid, enabling the development of a theory that provides a comprehensive explanation of the phenomenon. The proposed research methodology and theoretical framework have the potential to aid organizations in better understanding the digital transformation process and its impacts, enabling them to make more

informed decisions about their digital transformation journeys.

Sampling and Data Collection

Grounded theory methodology requires a rigorous process of data collection to enable the researcher to develop a theory that is grounded in the data (Charmaz, 2006). In this study, data for the case study was collected using the interview technique as it is a powerful tool for qualitative research (Myers, 2019). Furthermore, the use of interviews allowed the researcher to engage with the participants and encourage them to share their perspectives and experiences of the digital transformation process. The participants were carefully selected based on their involvement in the digital transformation process, such as executives, directors, and managers, who were in charge of or involved in the early stages of the process.

To ensure the quality of data collection, questions were developed based on Eisenhardt (1989)'s framework, which emphasizes the importance of addressing the researcher's questions and understanding the context of the case. The questions were designed to obtain information about the industry, history of organization data flow management, choices and alternatives that might be open to the decision-makers at the time, and how the change was managed. By using these questions, the researcher was able to gather comprehensive information about the digital transformation process and its impact on the organization. The selection of cases was based on a set of criteria, including having a digital transformation vision and already implementing or being in the late stages of their digital transformation deployment. By targeting organizations that had already undergone the digital transformation process, the study was able to investigate the impact of the transformation beyond the marketing hypes. Furthermore, selecting high-profile personnel who were involved in the transformation process ensured that the data collected was from individuals who had a comprehensive understanding of the process.

To maintain the rigor of the research process, the study followed a research plan developed based on the research process described by Eisenhardt (1989). The plan included seven steps: getting started, selecting cases, crafting instruments and protocols, entering the field, data analysis, shaping hypotheses, and building theory. Following this plan ensured that the research was

conducted systematically, and the results were based on sound empirical evidence.

The use of qualitative case studies, combined with the grounded theory methodology, provided a comprehensive understanding of the impact of digital transformation on organizations. By using interviews as the primary means of data collection, the study was able to obtain rich and detailed data from high-profile personnel who were involved in the digital transformation process. The selection of cases based on a set of criteria ensured that the study investigated organizations that had already undergone the digital transformation process, providing valuable insights beyond marketing hypes. Finally, following a research plan ensured that the study was conducted systematically and produced reliable and valid results.

Data Analysis

Analyzing data using the Grounded Theory method of investigation is a rigorous and systematic process that involves multiple stages of data coding and analysis. The first stage, which is open coding, is described by Strauss and Corbin (1998) as the process of developing and deriving codes from the data through microanalysis techniques. This stage requires a thorough and detailed examination of the data line by line, with the aim of generating and identifying broad concepts and their preliminary associations.

For this study, the initial stage of analysis has revealed 162 broad concepts that were examined and re-examined to ensure consistency and accuracy. The researcher then proceeded to the second stage of data analysis, which is axial coding. This stage involves the merging of concepts into categories based on their essence and properties, and clarifying the linkages between these categories and their

characteristics, such as causes, conditions, and consequences (Mills et al., 2006).

In this study, the result of the axial coding stage has revealed 12 categories that emerged from the 162 broad concepts identified in the initial stage. However, not all the concepts were used in the categorization process, as some were deemed irrelevant, and others were merged into one concept after re-examination and identification of shared properties. The 12 categories that emerged from axial coding were then categorized into three broad categories that may be impacted by the implementation of digital transformation: Business Process/Model, Information Technology/System, and Organizational Innovation. To further examine the relationships among the concepts, the researcher utilized memos and cross-concept matrix queries. These tools allowed for a more nuanced understanding of the interrelationships and interdependencies among the categories and their properties, providing valuable insights into the complex nature of the implementation of digital transformation initiatives.

Grounded Theory method of investigation has provided a robust and rigorous approach to data analysis in this study, allowing for the identification of key categories and properties that may be impacted by the implementation of digital transformation initiatives. The use of multiple coding and analysis stages, combined with the use of tools such as memos and cross-concept matrix queries, has allowed for a deeper and more nuanced understanding of the data and its implications, providing valuable insights for future research and practice in the field of digital transformation.

Conceptual Model

In this section, we present the Conceptual Framework of Digital Transformation Impact on Organizations as depicted in Figure 1.

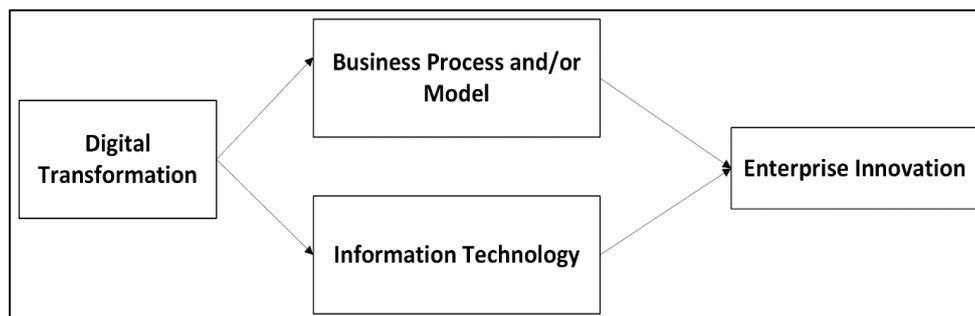


Figure 1. Conceptual Framework of Digital Transformation Impact on Organizations

The figure illustrates that the successful implementation of digital transformation leads to a positive impact on an organization's business processes, which may subsequently result in a transformation of the entire business model. Furthermore, we observe that the introduction of digital transformation in an organization induces changes in the information technology department, leading to further changes that impact organizational innovation. These changes are brought about by the implementation of digital transformation, and are transitory in nature as they arise after changes to other organizational functions, such as business processes and information technology. The impact of digital transformation on organizations is a multifaceted and complex phenomenon that requires careful examination of the various factors involved. In the following section, we will explore in detail the changes that occur as a result of digital transformation.

Discussion

The Potential Impacts of Digital Transformation

Digital transformation impact is a complex and multifaceted phenomenon that requires careful consideration and analysis. By prioritizing value creation, adopting a holistic approach, and embracing a culture of collaboration and innovation. Research in the field of digital transformation highlights the importance of taking a holistic approach that encompasses both technological and organizational considerations. As such, organizations must strive to develop a comprehensive understanding of the potential impact of digital transformation across various domains, including operations, strategy, and customer experience. By doing so, they can more effectively navigate the challenges associated with digital transformation and realize its full potential as a source of competitive advantage.

It is important to recognize that the impact of digital transformation extends beyond the organization itself, as it can also have significant implications for external stakeholders, including suppliers, customers, and partners. In this context, it is critical for organizations to adopt a collaborative approach that engages all relevant parties in the digital transformation process and fosters a culture of innovation and experimentation.

This study posits that in order for organizations to fully leverage the potential benefits of digital transformation, they must prioritize value creation as a central objective. It is critical for

organizations to recognize that digital transformation is an ongoing journey that does not occur instantaneously, and as such, requires a sustained commitment to continuous improvement and adaptation.

Digital Transformation and Business Process Optimization

The concept of business process is crucial in understanding the impact of digital transformation on organizations. In this study, the definition of business process adopted is based on the work of Davenport and Short, who define business process as "a set of logically related tasks performed to achieve a defined business outcome". Business processes are essential components of any organization's operations, and digital transformation implementation can have a significant impact on them. Digital transformation requires organizations to optimize and enhance their business processes to take advantage of its benefits. Consequently, organizations may need to modify their overall business model to align with the changes brought about by digital transformation.

In order for organizations to fully realize the potential of digital transformation, they must go beyond simple digitization and digitalization. To achieve this, organizations must undertake a significant overhaul of their business processes. One of the interviewees in this study highlighted how work tasks and processes had changed after the implementation of digital transformation.

“When we were using the old systems, we had to go through many steps to accomplish a task, it was time and effort consuming. Now everything is digitalized, no one need to interfere”.

Furthermore, according to interviewees' the impact of digital transformation on business processes can be analyzed from multiple perspectives. One way is to consider how the implementation of digital transformation technologies affects the way business processes are executed. This may involve a shift in the way work is performed, with manual or repetitive tasks being automated, leading to increased efficiency and productivity. Additionally, the implementation of digital technologies may necessitate changes in the way people work together, with the adoption of new tools and processes that facilitate collaboration and communication.

“In my opinion, undergone the transformation process has benefited us significantly. It makes us more efficient, it is not only about removing steps along some processes, but it also removes the needs for additional resources. I can confidently say that it is entirely new.

“Looking backwards, we were not able to improve our daily work. However, after we went through the transformation, we were able to change and shift responsibilities from one team to another, hence, becoming more efficient”

Although, many interviewees' statements have confirmed that undergoing digital transformation has brought efficiency and effectiveness to the business processes, some has expressed that it has changed all aspect of the organization not only the processes. It can facilitate the transition in the organizations' business model which might affect how organizations operate. Also, it might affect the organizations' hierarchal structure to be able to accommodate the transformation and best utilize its benefits. This can involve fundamental changes in the way organizations operate, such as new revenue streams, value propositions, and customer segments. Furthermore, digital transformation can impact organizational culture, leading to changes in the way employees work and collaborate with each other.

“In our organization some departments' teams were terminated; we no longer need them as they become obsolete with the new business model”

“It helps the organization to become more agile, it introduces efficiency and effectiveness. The organization becomes less hierarchical, and the decision-making process delegated to the lower level, hence, empowering the employees”

“The information flow become seamless and in the real-time, thanks for the Digitization of the processes”.

Based on the data collected from the participants in this study, it is evident that digital transformation has a significant impact on the organizational processes and the business model when implemented. This finding is in line with the existing literature on digital transformation, which emphasizes the importance of changes in processes and business models for organizations seeking to fully realize the benefits of digital transformation (Zhao et al., 2022).

The impact of digital transformation on organizational processes is particularly noteworthy, as it requires organizations to examine and potentially modify their existing processes to take full advantage of the digital tools and capabilities available. This includes rethinking and optimizing workflows, automating manual tasks, and leveraging data-driven insights to improve decision-making. These changes are critical for organizations seeking to increase efficiency, reduce costs, and improve customer experiences in today's digital economy.

In addition to the impact on processes, digital transformation also requires organizations to consider changes to their business models. The adoption of new technologies and digital tools can create new opportunities for revenue generation and may require a shift in how the organization operates and interacts with its customers. As noted by Zhao et al., (2022), successful digital transformation requires a comprehensive understanding of how the organization's business model may need to evolve to support new products and services, customer interactions, and competitive positioning in the digital marketplace.

Overall, the findings from this study support the growing recognition of digital transformation as a holistic process that involves changes to processes and business models, in addition to technology adoption. By embracing these changes and leveraging the potential benefits of digital transformation, organizations can position themselves for success in an increasingly digital and competitive business landscape.

Digital Transformation and Information Technology.

Digital transformation has a significant impact on the "Technology" domain and the units or departments that are strongly related to it, as digitalization is often associated with technological advancements. While many studies have claimed that digital transformation primarily concerns the introduction of cutting-edge technologies and innovations to businesses, this often leads to a domino effect on other business aspects. Furthermore, it has been noted in several studies that IT departments should act as enablers or facilitators of change, rather than simply supporters of business processes.

It is important to consider the perspectives of IT department personnel when implementing digital transformation, as this process can be highly

disruptive to the IT department and the way in which they operate. As such, it is crucial for organizations to approach digital transformation as a holistic organizational change that involves all departments, rather than just a technological change that only affects the IT department.

“Our department has changed dramatically, we became more strategic, supervising not performing processes, and became more agile”.

“The information technology department has evolved to become more business oriented and facilitator, we keep ourselves away from complicated and technical things, we focus now on how to develop the business and create value to our customers”

It is important to note that the impact of digital transformation on the IT department can be twofold: on one hand, it can result in increased efficiency and agility in IT operations, as well as the ability to provide better services to other departments within the organization. On the other hand, it can also create new challenges for IT personnel, such as increased complexity in managing and securing data and systems, and the need for continuous learning and upskilling in order to keep up with the rapidly changing technology landscape.

Digital Transformation and Organization innovation.

Digital transformation is not a one-time event or a mere adoption of new technologies, it requires a fundamental shift in the way organizations operate. This shift involves altering the existing paradigms and models to empower the organization and enhance its competitive position. The ultimate goal of digital transformation is to increase innovation within the organization. Through the implementation of digital transformation, organizations can shift their focus from daily processes and routines to more strategic goals.

Many participants have attested to the benefits of undergoing digital transformation, citing that it has allowed them to focus more on strategic goals. This shift in focus is made possible by the changes made to organizational processes and business models. The implementation of digital technologies and systems can lead to increased organizational flexibility and agility, making it easier for organizations to adapt to changes in the marketplace. In turn, this can lead to greater innovation and a competitive advantage.

“It helped us to focus on our strategic goals, and to fulfil our promises with ease. no more interruption and distraction, we can safely claim that we can improve our business without worrying about the limitation of the systems”

“The workload for our personnel is reduced compared to previous, I didn’t mean that they have fewer working hours, no but in term of tasks handling and responsibilities, Now, everyone is engaging in their strategic area which in turn will be reflected on the overall organizational strategy and vision.”

“It is clear for us that the innovation process is progressing more effectively and efficiently than before, all our employees now have their roles clear, and everyone knows exactly what is expected.”

It is important to note that the success of digital transformation is not solely dependent on the adoption of new technologies. Rather, it requires a holistic approach that involves a shift in organizational culture, processes, and mindset. By embracing digital transformation and all that it entails, organizations can enhance their competitiveness, achieve greater innovation, and position themselves for success in the digital age.

Conclusions

The purpose of this paper was to explore the potential impact of digital transformation on organizations. While many studies in the existing literature have focused on defining and applying digital transformation, few have delved into the potential impacts and categorized them. Therefore, this paper adopted a qualitative case study method, using semi-structured interviews and Grounded Theory methodology to develop a model that comprehensively explores the impact of digital transformation on organizations.

The literature suggests that many organizations have failed to achieve true digital transformation despite their attempts to digitize some of their processes. As such, it is vital for organizations to understand the meaning and potential impacts of digital transformation. This study found that successful digital transformation positively influenced changes in business processes, business models, and information technology and systems, leading to increased organizational flexibility and innovation. Thus, the results of this study support the arguments that digital transformation is about both strategies and processes, as well as the paradigm shifts necessary to bring about real change.

The findings of this study have implications for practice, providing insights for practitioners dealing with digital transformation and highlighting how its implementation is likely to impact their organization. By identifying the most impacted areas on organizations, this study can guide practitioners to better navigate the transformation process and capitalize on its potential benefits. Further research is encouraged to validate and extend these findings, taking into account organizational size, culture, industry, and the organizations' perception of digital transformation.

Bibliographic references

- Adaba, G. B., Wilson, D. W., & Sims, J. (2021). The impact of national culture on strategic IT alignment: a multiple-case study of subsidiaries of multinational corporations. *Information Systems Management*, 1-17.
- Al-Mamary, Y. H. S., Abdulrab, M., Alwaheeb, M. A., & Alshammari, N. G. M. (2020). Factors impacting entrepreneurial intentions among university students in Saudi Arabia: testing an integrated model of TPB and EO. *Education+ Training*, 62(7/8), 779-803.
- Aljlayel, N. A. M. (2020). Business process management adoption and culture: a case of Saudi Arabia, (Doctoral dissertation) RMIT University, Australia.
- Alnemer, H. A. (2022). Determinants of digital banking adoption in the Kingdom of Saudi Arabia: A technology acceptance model approach. *Digital Business*, 2(2), 100037.
- Aseeri, M., & Kang, K. (2023). Organisational culture and big data socio-technical systems on strategic decision making: Case of Saudi Arabian higher education. *Education and Information Technologies*, 1-26.
- Ashford, N. A. (1993). Understanding technological responses of industrial firms to environmental problems: Implications for government policy. Chapter.
- Bharadwaj, A., El Sawy, O. A., Pavlou, P. A., & Venkatraman, N. V. (2013). Digital business strategy: toward a next generation of insights. *MIS quarterly*, 471-482.
- Chanias, S., & Hess, T. (2016). "Understanding digital transformation strategy formation: insights from europe's automotive industry" PACIS 2016 Proceedings. 296. <https://aisel.aisnet.org/pacis2016/296>
- Charmaz, K. (2006). *Constructing grounded theory: A practical guide through qualitative analysis*. sage.
- Dibbern, J., & Hirschheim, R. (2020). Introduction: Riding the waves of outsourcing change in the era of digital transformation. *Information systems outsourcing: The era of digital transformation*, 1-20.
- Eisenhardt, K. M. (1989). Building theories from case study research. *Academy of management review*, 14(4), 532-550.
- Espig, A., Mazzini, I. T., Zimmermann, C., & de Carvalho, L. C. (2021). National culture and innovation: a multidimensional analysis. *Innovation & management review*.
- Fitzgerald, M., Kruschwitz, N., Bonnet, D., & Welch, M. (2014). Embracing digital technology: A new strategic imperative. *MIT sloan management review*, 55(2), 1.
- Hartl, E., & Hess, T. (2017). "The Role of Cultural Values for Digital Transformation: Insights from a Delphi Study" AMCIS 2017 Proceedings, 8. <https://aisel.aisnet.org/amcis2017/Global/Presentations/8>
- Hess, T., Matt, C., Benlian, A., & Wiesböck, F. (2020). Options for formulating a digital transformation strategy. In *Strategic information management* (pp. 151-173). Routledge.
- Kane, G. C., Palmer, D., Phillips, A. N., Kiron, D., & Buckley, N. (2015). Strategy, not technology, drives digital transformation. *MIT Sloan Management Review and Deloitte University Press*, 14(1-25).
- Kaur, C. (2020). The cloud computing and internet of things (IoT). *International Journal of Scientific Research in Science, Engineering and Technology*, 7(1), 19-22.
- Mahmood, F., Khan, A. Z., & Khan, M. B. (2019). Digital organizational transformation issues, challenges and impact: A systematic literature review of a decade. *Abasyn University Journal of social sciences*, 12(2).
- Matarazzo, M., Penco, L., Profumo, G., & Quaglia, R. (2021). Digital transformation and customer value creation in Made in Italy SMEs: A dynamic capabilities perspective. *Journal of Business Research*, 123, 642-656.
- Matt, C., Hess, T., & Benlian, A. (2015). Digital transformation strategies. *Business & information systems engineering*, 57(5), 339-343.
- Mergel, I., Edelman, N., & Haug, N. (2019). Defining digital transformation: Results from expert interviews. *Government Information Quarterly*, 36(4), 101385.
- Mills, J., Bonner, A., & Francis, K. (2006). The development of constructivist grounded theory. *International journal of qualitative methods*, 5(1), 25-35.
- Mitchell, B., & Alfuraih, A. (2018). The Kingdom of Saudi Arabia: Achieving the

- aspirations of the National Transformation Program 2020 and Saudi vision 2030 through education. *Journal of Education and Development*, 2(3), 36.
- Mithas, S., Tafti, A., & Mitchell, W. (2013). How a firm's competitive environment and digital strategic posture influence digital business strategy. *MIS quarterly*, 511-536.
- Myers, M. D. (2019). *Qualitative research in business and management*. Sage.
- Piccinini, E., Hanelt, A., Gregory, R., & Kolbe, L. (2015). "Transforming Industrial Business: The Impact of Digital Transformation on Automotive Organizations" *ICIS 2015 Proceedings*, 5. <https://aisel.aisnet.org/icis2015/proceedings/GeneralIS/5>
- Reis, J., Amorim, M., Melão, N., & Matos, P. (2018, 2018). Digital transformation: a literature review and guidelines for future research. *Trends and Advances in Information Systems and Technologies*, 16, 411-421.
- Rogers, D. L. (2016). *The digital transformation playbook: Rethink your business for the digital age*. Columbia University Press.
- Singh, A., & Hess, T. (2020). How chief digital officers promote the digital transformation of their companies. In *Strategic Information Management* (pp. 202-220). Routledge.
- Strauss, A., & Corbin, J. (1998). *Basics of qualitative research techniques*. Sage Publications, Inc.
- Szalavetz, A. (2019). Digitalisation, automation and upgrading in global value chains—factory economy actors versus lead companies. *Post-Communist Economies*, 31(5), 646-670.
- Vial, G. (2019). Understanding digital transformation: A review and a research agenda. *The journal of strategic information systems*, 28(2), 118-144.
- Vision2030. (2021). *The National Transformation Program*. <https://www.vision2030.gov.sa/v2030/vrps/ntp/>
- Zhao, X., Sun, X., Zhao, L., & Xing, Y. (2022), "Can the digital transformation of manufacturing enterprises promote enterprise innovation?", *Business Process Management Journal*, 28(4), pp. 960-982. <https://doi.org/10.1108/BPMJ-01-2022-0018>

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Dynamic capacities and the influence on the innovative potential of urban hotels

Capacidades dinámicas y la influencia en el potencial innovador de hoteles urbanos

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Abstract

The irruption in the theory of intangible assets, as one of the essential resources of the contemporary organization, places innovation management at the center of organizational strategies. Several approaches are used to study innovation from a business perspective; however, the Theory of Resources and Capacities gains strength to understand the organization. It specializes in knowledge management, the dynamics approach, and the capacity for innovation. That is why this article analyzes the state of development of dynamic capabilities in hotels in the city of the destination Havana and its effect on their innovative performance. For this, the emotional capacities are defined, and the indicators to be measured are established, taking into account the particularities of the accommodation activity. As a result, it is possible to determine the state of the dynamic capacities, and the influence of these on the innovative performance of the hotels studied is analyzed. As well as the viability of the Theory of Resources and Capacities to promote innovation in hotels.

Keywords: Dynamic capabilities, innovation management, innovative potential, hotel innovation.

Resumen

La irrupción en la teoría de los activos intangibles como uno de los recursos fundamentales de la organización contemporánea, pone a la gestión de la innovación en el centro de las estrategias organizacionales. Varios son los enfoques que se utilizan para el estudio de la innovación desde la perspectiva empresarial, sin embargo, la Teoría de los Recursos y Capacidades cobra fuerza para entender la organización, la misma se ha especializado en la gestión del conocimiento, en el enfoque de las capacidades dinámicas y la innovación. Es por ello que el presente artículo se presenta un análisis del estado de desarrollo de las capacidades dinámicas en los Hoteles de ciudad del destino La Habana y su efecto en el desempeño innovador de estos. Para ello se definen las capacidades dinámicas y se establece los indicadores a medir, atendiendo a las particularidades de la actividad de alojamiento. Como resultado se logra determinar el estado de las capacidades dinámicas y se analiza la influencia de estas en el desempeño innovador de los hoteles estudiados. Así como la viabilidad de la Teoría de los Recursos y las Capacidades para potenciar la innovación en los hoteles.

Palabras clave: Capacidades dinámicas, gestión de la innovación, potencial innovador, innovación en hoteles.

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Introduction

The constant changes on an international scale in terms of the behavior of economic, technological, and social variables constitute factors that companies need to develop through adaptive mechanisms that allow them to rearrange their objectives and solve the problems associated with profitability and permanence of the market and competitiveness.

Strategic thinking is the ideal mechanism for companies to accommodate themselves in a changing environment and, in turn, provide answers to social needs in a logic of expanded reproduction of their organizational resources through value creation. However, from 1980 to the end of the 20th century, various studies on organizational performance focused more on the organization's interior, as pointed out by the Theory of Resources and Capacities (TRC), and defended that the approach of Dynamic Capacities is a specialization of it.

The issue of capabilities is essential in the study, considering that several authors point out that innovation involves the development of business capabilities.

Thus, it is interesting to establish in the article the usefulness of the TRC in managing organizations as a paradigm for developing innovation. Fong Reynoso et al., (2017) show that the central CRT studies focus on capabilities and their construction and work with micro-foundations. Innovation is also positioned, thus allowing us to establish parallelism with the thesis that he defends that innovation in companies and their management is intrinsically associated with capacities, resources, and the establishment of routines.

Studies carried out by Sundbog & Gallouj (2000) and Hanaysha et al., (2022) point out that aspects such as the low productivity of the factors, the recognition of being little capital-intensive activities in the services sector, added to the criterion of Sirilli & Evangelista (1998), of the importance of the atomicity of the market of this type of company, are factors that hinder the research and development processes. Correctly in the tourist activity, Orfila-Sintes et al., (2005) point out that the association of hotels with different chains that manage their operation, as well as their category, are variables to take into account in the analysis of innovation in hotels themselves.

In this sense, accommodation entities need to emphasize the development of capacities that make it easier for the organization to solidify innovative dynamics in response to changes in demand and the degree of technological development reached by destinations.

Theoretical References

By establishing the Theory of Resources and Capacities (TRC) as a methodological reference for research, we adjust to what Sáez de Viteri (2000) proposes, which establishes as strategic assets: capacities, resources, and routines since they Yes, they support the core competencies of the organization. The author calls this triad value generator and recognizes that having resources in the company alone does not ensure success; like other authors for Sáez de Viteri, creating organizational capacities is essential to make resources generate value.

The TRC explains the company as a structure of intangible and tangible resources that allow establishing differences in productivity and value in the market, impacting competitiveness. This theory is based on the heterogeneity of resources; in the opinion of the authors, the TRC, as a methodological proposal, is aligned with the postulates of economic evolutionism by giving importance to the cumulative nature of economic processes, being the logic that should prevail in the solidification of capacities in the organization as suggested by the TRC.

On the other hand, from evolutionism, the company's behavior is analyzed using its resources to compete. The parallelism of this current with Darwin's theory supposes the companies as those in charge of transmitting the inheritance in the market through routines. In this school, the neo-Shumpeterians explain innovation as changes in business routines. Yoguel et al., (2013) point out that the postulates of the neo-Shumpeterians are consistent with the CRT and dynamic capabilities.

The reason for which it is established is that, when analyzing innovation from companies, evolutionism provides a broad conceptual framework. It establishes principles taken up in the TRC and dynamic capabilities, a business philosophy defended to develop innovative performance in organizations suffering from this practice.

From the TRC, capacity is related to the development of skills. Vivas-López (2013) associates the issue of capabilities with establishing a new approach of Dynamic Capacities, based on the studies of Teece (2018), which raises the mechanisms that a company develops to reconfigure itself constantly. Teece (2018) views the organization as a hierarchy of routines that evolves towards more dynamic capabilities (Vergara-Romero et al., 2022).

The dynamic capacity-building approach emphasizes, as pointed out by Vivas-López (2013), Garzón Castrillón (2017), and Teece (2018), the skills that organizations can develop to reconfigure themselves through creating new products and processes and adapting to the environment. Thus, creating new performances within the organization is a product of innovation.

Due to the above, it is difficult to separate the relationship between dynamic capabilities and innovation. Following the line of Vivas-López (2013), the dynamic capabilities approach can be considered as an extension of the CRT, which improves one of its limitations such as a static approach; this limitation is overcome by the continuum proposed by the approach of dynamic capabilities (Analuisa-Aroca et al., 2023), how new capabilities create routines and vice versa, so the organization is in a constant exercise of creating new hierarchies of routines.

Zapata Rotundo (2020) states that this new approach undoubtedly allows the organization to adapt to the changing environment through innovation. Hence both Garzón Castrillón (2017) and Zapata Rotundo (2020) consider the innovation capacity as a dynamic capacity nature to the extent that it is defined as the company's ability to create and improve goods and processes, depending on the nature of its activity (Macas-Acosta et al., 2023; Romero-Subia et al., 2022).

Álvarez-Melgarejo & Torres-Barreto (2022), Aguilar Zambrano & Yepes (2006), and Robert & Yoguel (2010) argue that the most significant consensus regarding what can be identified as dynamic capacity is found in recognition of four types: absorption capacity (Acosta Prado & Fischer, 2013; Crespi et al., 2016), adaptation capacity (Dávila, 2013; Yoguel et al., 2013) and learning capacity (Garzón Castrillón, 2017; Miranda Torrez, 2015). Álvarez-Aros & Bernal-Torres (2017), Teece (2018), and Zea-Fernández et al. (2020), within their

qualifications, add to the previous capacities to the capacity for innovation.

The perspective of managing under the approach of creating dynamic capacities fulfills a double purpose in organizations, adaptation and creation. In this sense, companies associated with tourism deserve to incorporate this practice into their work because, like the rest of the companies, they find themselves in the dilemma of offering new experiences, in this specific case, to a traveler who has tourism that moves away from the conventional. Thus, they need to develop what we could call a vice for innovation.

The preceding leads us to inquire about dynamic capacities in Havana's four- and five-star city hotels.

Methodology

In order to study the behavior of dynamic capacities in city accommodation entities in Havana, we decided to measure the current state using Sepúlveda's (2008) methodology, known as the Biogram. Although this methodology was originally designed to measure the degree of sustainable development across various territories, it enables us to visualize the performance level of our unit of analysis. For this study, we also considered the contributions made by Parra Cárdenas & Frías Jiménez (2021) in order to measure the competitiveness of tourist destinations.

Based on what Sepúlveda (2008) establishes, his calculation methodology is adopted, taking as the unit of analysis the Tourism sector in the destination Havana, for the investigation of the dynamic capacities represented the dimensions of the four capacities that the literature recognizes as dynamic:

- D1, absorptive capacity.
- D2, adaptability.
- D3, learning ability.
- D4, innovation capacity.

In the specific case of the investigation, its form of calculation of indices by dimensions is used to measure the state of progress of the dynamic capacities in the accommodation entities. Figure 1 shows the work algorithm.

The previous figure shows the methodological trajectory followed in the field study. The first step of the work is based on the contributions made by: Echeverría (2008), Zapata Rotundo (2020), and Zea-Fernández et al., (2020); this

allowed the elaboration of the questionnaire used to form the database. This instrument was validated and yielded a coefficient of concordance, according to Kendall (0.71). In

addition, the reliability was demonstrated with a Cronbach's Alpha of (0.98). These calculations were made with the use of SPSS.

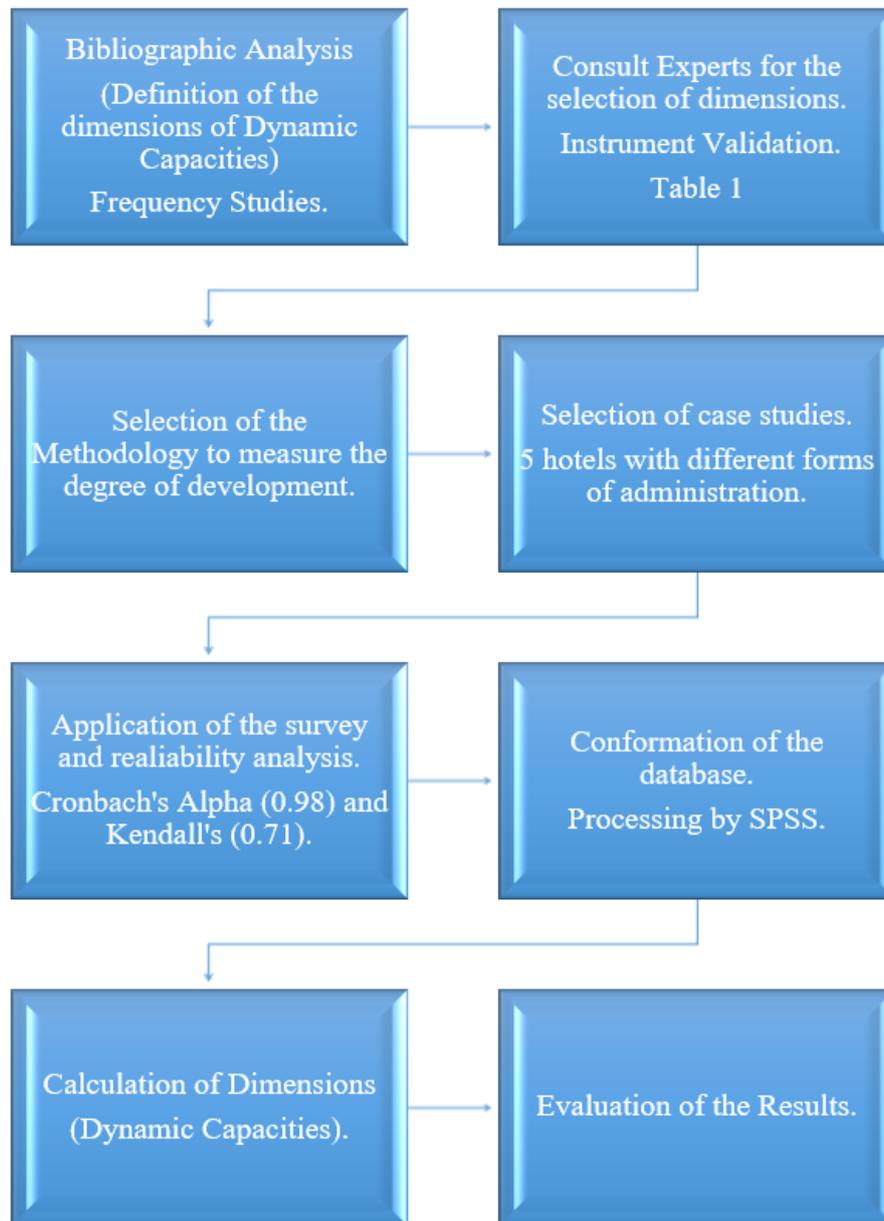


Figure 1. Methodological Trajectory

Source: Ownership.

The methodology establishes the standardization of the indicators and defines their positive or negative relationship with the innovation management process of the hosting entity. In the case of the study presented, a positive relationship is established, and they are standardized using the formula:

$$f(x) = \frac{x - m}{M - m} \quad (1)$$

The first step is to calculate the relative achievements, for which formula one is followed:

$$f = \frac{x_i - \min(x)}{\max(x) - \min(x)} \quad (2)$$

The second step is to obtain the weighted synthetic index using the following expression:

$$IS_m = \sum_{t,k=1}^n f(x)_t * Fp_k \quad (3)$$

Where Fp_k : Weighting factor $k=1, \dots, n$.

The previous formula is proposed by Parra Cárdenas & Frías Jiménez (2021) in their procedure designed to evaluate the competitiveness of tourist destinations, which, unlike the Biogram that uses an average of the indicators per dimension, proposes to work with a weighting factor, for that matter, each capacity was applied the same weighting factor on the assumption that the four contribute equally to the development of dynamic capacities.

Results

Based on the studies by Zapata Rotundo (2020) and Zea-Fernández et al., (2020), the result of the four recognized capacities was obtained: Absorptive Capacity, Adaptive Capacity, Learning Capacity, and Innovation Capacity.

In the case of research, it is a way of relating the development of dynamic capabilities to innovation, defined as follows:

- Absorptive Capacity is related to identifying, assimilating, and exploiting

external knowledge. Our study is based on that company's ability to technological surveillance, which allows it to assimilate and incorporate technologies and methods from other economic activities.

- Learning Capacity: the creation of knowledge materialized in better performance; the lodging activity is carried out without business structures for research and development. In the research, the performance of the hotels is measured by analyzing the behavior of the development of new processes and the establishment of new work methods that entails the development of internal learning processes.
- Adaptability: relates to the strategic behavior of the organization and its ability to manage change by incorporating management models that promote a prospective approach.
- Innovation Capacity: Execution of innovation activities according to the Oslo Manual (Echeverría, 2008; Márquez-Cariel et al., 2023). Said proposal is adjusted to the operation of the hotels.

Table 1 shows the dimensions and indicators measured to evaluate the development of dynamic capacities in the Hotels evaluated in the Havana destination, and this was selected from the operation of the lodging activity itself.

Table 1.
Dimensions and indicators to measure dynamic capacities

Dimensions	Indicators
Absorption Capacity	% who consider it necessary to carry out the study of technologies.
	Efficient exploitation that generates the information from the databases used.
	Frequent use of prospective technology analysis.
	Frequency of studies of applied technologies in other sectors.
	Application of benchmarking in management.
	Monitoring of government policies on R+D+i.
	Social Media Monitoring.
	Existence of innovation projects.
	Links with other entities for innovation projects.
	Results of product innovation projects.
Innovation Capacity	Results of process innovation projects.
	Results of innovation projects obtaining patents.
	Results of innovation projects production of software for marketing or administration.
	Results of innovation projects publication of scientific articles.
	Participation in science and technology events.
	Publication of scientific results.
	Participation in new product and process design activities.
	Formation of work teams for the design of new products.
	Importance of carrying out R&D.
	Importance of training.
Adaptability	Importance of organizational changes.
	Importance of design.
	Marketing importance.
	Existence of leadership.
	Motivation for creation.
	Inspiring Address.

Learning capacity	Participatory decision-making. Activities that promote learning. Organization of meetings for hotel management. Risk management culture in decision making. Management tolerance for performance errors. Participation of the hotel in work networks. Monitoring system and interface with the end customer. Hotel strategic process and its relationship with operational activities. Workshops to generate new ideas. New business concept. Infrastructure changes. New designs. Results in back-office process. Results in the front office. Results in new methods and techniques.
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Source: Ownership.

Table 1 shows the selected indicators studied, taking into account the constructs of innovation contextualized in accommodation organizations, always keeping in mind that one of the motives for the inquiry is to establish the relationship between the development of dynamic capabilities and the innovative performance of the hotels studied.

Six hotels were chosen; three are four stars, and with the same proportion of five-star hotels chosen, five work under the management

contract modality, and only one operates as its brand.

With the fulfillment of steps one and two, referred to above, it was obtained that the dimensions (capacities) evaluated yielded deteriorated values of the state of development of the dynamic capacities in the six hotels evaluated. Figure 2 shows the results of the Indices by capacity, according to the criteria of Sepúlveda (2008), classified in a collapse situation.

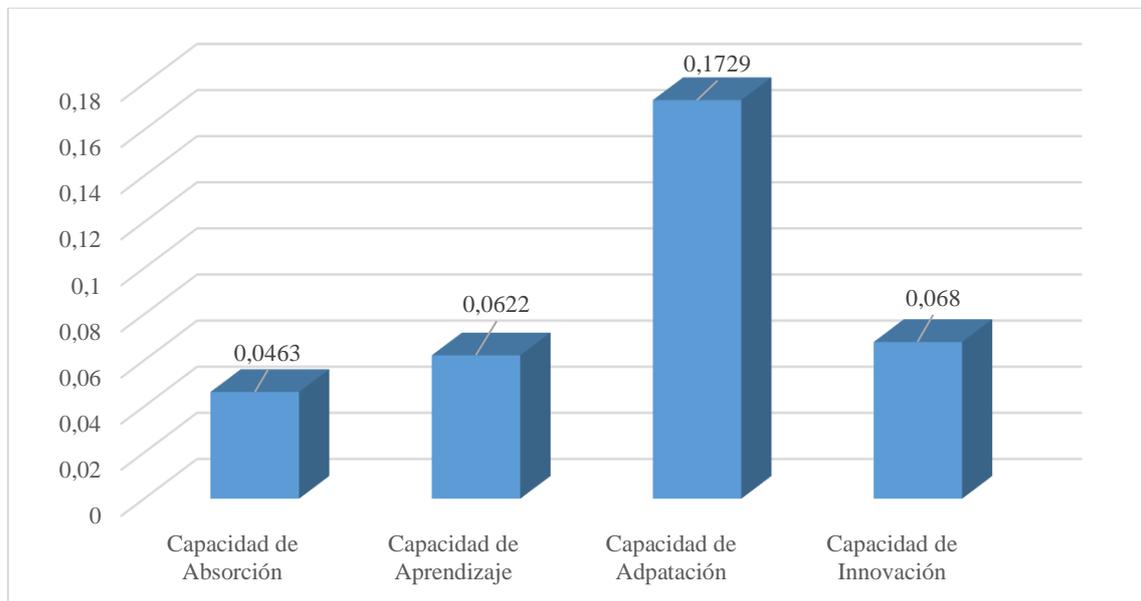


Figure 2. Index value calculated by dynamic capacity evaluated
Source: Ownership.

Researchers on the subject of innovation in hotels emphasize the star hotel categories and the imprint that the different types of administration can leave according to hotel groups. It does not constitute an essential variable in the studied case since there is no difference in the individual behavior of the cases studied.

A more in-depth study of the results shows that this behavior responds to the existence of indicators evaluated at zero because the practices were not carried out within the entities. Table 2 presents the main problems that exist within the dynamic capacities.

Table 2.
Insufficient indicators due to dynamic capacity evaluated

Ability	Deteriorated indicators
Absorption	Use of technology prospective studies.
	Study of technological progress in other sectors.
	Benchmarking employment.
Innovation	Links for innovation.
	Project development.
	Project results.
Adaptation	Lack of creativity.
	Inspiring address.
	Interfaces with the client.
Learning	Results in:
	-Back Office.
	-Front Office.
	-Methods and Techniques.

Source: Ownership.

Conclusions

The study complements other inquiries carried out by Álvarez Vázquez & García Leonard (2018), García Leonard et al., (2020), and García Leonard & Sorhegui Rodríguez (2020), who argue that the gaps in terms of innovation in tourism companies in the destination Havana, are a multifactorial result and highlight the problems of the deficient culture prone to innovation in these organizations, focusing management on the development of technical skills.

The previous results prove deficiencies in creating and developing capacities and establishing business routines that promote hotel innovation.

From the hotels studied, the absorption capacity is limited to be able to specify the management of innovation. In another order, the sector needs transfer mechanisms, absorption, and assimilation. It is demonstrated that the management does not cover such expectations since technological assimilation is a deteriorated indicator.

Relating dynamic capacity and innovation involves understanding how we create skills to meet the demands of the current innovative process. At this point, another essential construct is the emigration of innovation models towards complex ways of conceiving it (projects, spin-offs) associated with risk reduction, the use of capital, and human resources in a context where the degree of socialization of knowledge induces cooperation.

However, in the study, the skills associated with cooperation as a shared and social learning strategy are not exploited in the accommodation activity in the destination Havana.

The ability to adapt is the one that shows the best performance, but it does not translate into an inspiring direction that encourages the creation of routines, which increases the adaptive mechanisms of hotels to the environment. Generally, they tend to perform as rigid and bureaucratic organizations, counterproductive characteristics in innovation management as shown by the low development of learning capacity.

In summary, there is a logic between the results in innovation in the hotels of the Havana destination studied and the development of dynamic capacities. In general, in tourism and specifically in the accommodation activity, innovative performance is deficient, it is one of the sectors of the economy with the lowest levels in the development of new products, in the approval of patents, and there are few publications. Compared to other economic branches of the destination studied.

Context variables such as economic trends, sectoral structures, the unequal degree of capital endowment, and factor productivity can and do influence the innovative performance of hotels. However, it is not decisive. Within organizations, passive behavior is denoted to incorporate innovation as one more function.

Organizations need to make innovation activities systematic, and in this sense, the TRC and the dynamic capabilities approach constitute a

practical methodological proposal to incorporate them into organizational development strategies.

It is shown that hotels must incorporate within their operations functions associated with technological surveillance, knowledge management, and product and process development. Currently, no business is developed on conventional bases or extensive development models. Today, organizations incorporate technology for new features and the development of experiences. Without precise, innovative performance, a technological strategy is not sustainable and does not settle if capabilities are not created.

Bibliographic references

- Acosta Prado, J. C., & Fischer, A. L. (2013). Condiciones de la gestión del conocimiento, capacidad de innovación y resultados empresariales. Un modelo explicativo. *Pensamiento & Gestión*, 35, 25-63. <https://www.redalyc.org/pdf/646/6462983203.pdf>
- Aguilar Zambrano, J. J., & Yepes, E. R. (2006). Gestión de capacidades dinámicas e innovación: una aproximación conceptual. *Ciencias da Administração*, 8(15), 6. <https://dialnet.unirioja.es/servlet/articulo?codigo=4012996>
- Álvarez-Aros, E. L., & Bernal-Torres, C. A. (2017). Modelo de innovación abierta: énfasis en el potencial humano. *Información tecnológica*, 28(1), 65-76. <http://dx.doi.org/10.4067/S0718-07642017000100007>
- Álvarez-Melgarejo, M., & Torres-Barreto, M. L. (2022). Tangible Resources and Integration Capabilities a Determinants of Knowledge Creation Capabilities. *Revista Escuela De Administración De Negocios*, 92. <https://doi.org/10.21158/01208160.n92.2022.3314>
- Álvarez Vázquez, L. L., & García Leonard, Y. (2018). La gestión estratégica de la innovación en las entidades turísticas del destino la Habana. *Visionario Digital*, 2(4), 68-80. <https://doi.org/10.33262/visionariodigital.v2i4.108>
- Analuisa-Aroca, I., Jimber del Río, J.-A., Fernández-Gallardo, A., & Vergara-Romero, A. (2023). La cadena de valor del maíz amarillo duro ecuatoriano. Retos y oportunidades. *Lecturas de Economía*, 98, 231-262. <https://doi.org/10.17533/udea.le.n98a347315>
- Crespi, G., Tacsir, E., & Vargas, F. (2016). Innovation dynamics and productivity: Evidence for Latin America (pp. 37-71). Palgrave Macmillan US.
- Dávila, J. C. (2013). Capacidades organizacionales: dinámicas por naturaleza. *Cuadernos de administración*, 26(47), 11-33. http://www.scielo.org.co/scielo.php?script=sci_arttext&pid=S0120-35922013000200002
- Echeverría, J. (2008). El manual de Oslo y la innovación social. *Arbor*, 184(732), 609-618. <https://doi.org/10.3989/arbor.2008.i732.210>
- Fong Reynoso, C., Flores Valenzuela, K. E., & Cardoza Campos, L. M. (2017). Resource based-theory: A bibliometric analysis. *Nova scientia*, 9(19), 411-440. <https://doi.org/10.21640/ns.v9i19.739>
- García Leonard, Y., Llanes Pérez, R., & Domínguez Domínguez, M. (2020). La cultura organizacional en las entidades turísticas del destino la habana en la gestión de la innovación. *ConcienciaDigital*, 3(1), 36-49. <https://doi.org/10.33262/concienciadigital.v3i1.997>
- García Leonard, Y., & Sorhegui Rodríguez, R. A. (2020). La teoría de los recursos y capacidades como fundamento metodológico para el estudio de la gestión de la innovación empresarial. *Revista Científica Ecociencia*, 7, 1-15. <https://doi.org/10.21855/ecociencia.70.304>
- Garzón Castrillón, M. A. (2017). Modelo de Capacidades Dinámicas. *Dimensión Empresarial*, 13(1), 111-131. <https://doi.org/10.15665/rde.v13i1.341>
- Hanaysha, J. R., Al-Shaikh, M. E., Joghee, S., & Alzoubi, H. M. (2022). Impact of innovation capabilities on business sustainability in small and medium enterprises. *FIIB Business Review*, 11(1), 67-78. <https://doi.org/10.1177/23197145211042232>
- Macas-Acosta, G., Paredes-Ochoa, A., & Vergara-Romero, A. (2023). Economía Organizacional: Micro, Pequeñas y Medianas Empresas en Guayaquil-Ecuador. Universidad Ecotec. <https://libros.ecotec.edu.ec/index.php/editorial/catalog/book/90>
- Márquez-Carriel, G., Márquez-Sánchez, F., & Vergara-Romero, A. (2023). Relationship between the People's Republic of China and the Republic of Ecuador: A Perspective from the Dependency Theory. *Revista Universidad y Sociedad*, 15(2), 49-62.
- Miranda Torrez, J. (2015). El modelo de las capacidades dinámicas en las organizaciones. *Investigación administrativa*, 44(116). <https://www.scielo.org.mx/scielo.php?pid=S>



- 2448-76782015000200005&script=sci_arttext
- Orfila-Sintes, F., Crespi-Cladera, R., & Martínez-Ros, E. (2005). Innovation activity in the hotel industry: Evidence from Balearic Islands. *Tourism management*, 26(6), 851-865.
<https://doi.org/10.1016/j.tourman.2004.05.005>
- Parra Cárdenas, A. V., & Frías Jiménez, R. A. (2021). Procedimiento para evaluar la competitividad en destinos turísticos rurales. *Universidad Y Sociedad*, 13(6), 435-442. Recuperado a partir de <https://rus.ucf.edu.cu/index.php/rus/article/view/2412>
- Robert, V., & Yoguel, G. (2010). La dinámica compleja de la innovación y el desarrollo económico. *Desarrollo económico*, 423-453.
<https://www.jstor.org/stable/41219127>
- Romero-Subia, J. F., Jimber-del-Río, J.A., Ochoa-Rico, M. S., & Vergara-Romero, A. (2022). Analysis of Citizen Satisfaction in Municipal Services. *Economies*, 10(9), 225.
<https://doi.org/10.3390/economies10090225>
- Sáez de Viteri, D. (2000). El potencial competitivo de la empresa: Recursos, capacidades, rutinas y procesos de valor añadido. *Investigaciones Europeas de Dirección y Economía de Empresa* 6(3), 71-86
- Sepúlveda, S. (2008). Metodología para estimar el nivel de desarrollo sostenible de territorios: Biograma 2008. IICA.
- Sirilli, G., & Evangelista, R. (1998). Technological innovation in services and manufacturing: results from Italian surveys. *Research policy*, 27(9), 881-899.
[https://doi.org/10.1016/S0048-7333\(98\)00084-5](https://doi.org/10.1016/S0048-7333(98)00084-5)
- Sundbo, J., & Gallouj, F. (2000). Innovation as a loosely coupled system in services. *International Journal of Services Technology and Management*, 1(1), 15-36.
<https://doi.org/10.1504/IJSTM.2000.001565>
- Teece, D. J. (2018). Business Models and Dynamic Capabilities. *Long Range Planning*, 51(1), 40-49.
<https://doi.org/10.1016/j.lrp.2017.06.007>
- Vergara-Romero, A., Jimber-del-Río, J-A., & Márquez-Sánchez, F. (2022). Food Autonomy within Food Sovereignty: Evidence from a Structural Model. *Agronomy*, 12(5), 1141.
<https://doi.org/10.3390/agronomy12051141>
- Vivas-López, S. (2013). Implicaciones de las capacidades dinámicas para la competitividad y la innovación en el siglo XXI. *Cuadernos de administración*, 26(47), 119-140.
<https://www.redalyc.org/articulo.oa?id=20531182006>
- Yoguel, G., Barletta, F., & Pereira, M. (2013). De Schumpeter aos post-schumpeterianos: velhas e novas dimensões analíticas. *Problemas del desarrollo*, 44(174), 35-59.
<https://acortar.link/RBWgmS>
- Zapata Rotundo, G. (2020). Capacidades dinámicas e innovación en las organizaciones. Una revisión de la literatura y proposiciones básicas. *Compendium*, 23(45).
<https://www.redalyc.org/articulo.oa?id=88066290003>
- Zea-Fernández, R. D., Benjumea-Arias, M. L., & Valencia-Arias, A. (2020). Metodología para la identificación de las capacidades dinámicas para el emprendimiento en Instituciones de Educación Superior. *Ingeniare. Revista chilena de ingeniería*, 28(1), 106-119.
<https://dx.doi.org/10.4067/S0718-33052020000100106>

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How do young generations perceive gender differences?: A case study

Genç Nesiller Cinsiyet Farklılıklarını Nasıl Algılıyor?: Bir Örnek İncelemesi

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Abstract

There is a difference between sex and gender. Just as sex expresses biological differences, gender also refers to the difference created in mutual relations in social life. Different factors feed the perception of gender socially. Therefore, some stereotypes have developed between both sexes against each other. How these stereotypes emerged in the z-generation living in the internet age has been shown in this study through the sample taken. For this, the students were asked how they approached some stereotypes about their gender and the opposite gender, and the results were compared. In the questionnaire, there are multiple-choice questions and Likert scale-type questions. The differences between the students' answers were revealed statistically, and it was also examined in the SPSS program whether there were significant differences. According to the results obtained, it was concluded that although these students made significant progress on gender stereotypes, they still carry stereotypes on some issues.

Keywords: Sex and Gender, Stereotypes, Gender Differences.

Introduction

As a result of the struggles of women in the last century against the male-dominated understanding inherited from traditional society, many judgments have changed, and women have gained significant social and political rights. However, some problematic situations still arise in this regard. The stereotypes that different

Özet

Biyolojik cinsiyet ve toplumsal cinsiyet arasında fark vardır. Biyolojik cinsiyet nasıl biyolojik farklılıkları ifade ediyorsa toplumsal cinsiyet de toplumsal hayatta karşılıklı ilişkilerde yaratılan farklılığı ifade eder. Toplumsal cinsiyet algısını besleyen farklı faktörler vardır. Bu nedenle, her iki cins arasında birbirine karşı bazı kalıp yargılar gelişmiştir. İnternet çağında yaşayan Z kuşağında bu kalıp yargıların nasıl ortaya çıktığı bu çalışmada alınan örneklem üzerinden gösterilmiştir. Bunun için öğrencilere kendi cinsiyetleri ve karşı cinsle ilgili bazı kalıpyargılara nasıl yaklaştıkları sorulmuş ve sonuçlar karşılaştırılmıştır. Ankette çoktan seçmeli Likert tipi sorular yer almaktadır. Öğrencilerin cevapları arasındaki farklar istatistiksel olarak ortaya konmuş ve anlamlı fark olup olmadığı SPSS programında da incelenmiştir. Elde edilen sonuçlara göre bu öğrencilerin toplumsal cinsiyet kalıpyargıları konusunda önemli ilerlemeler kaydetmelerine rağmen bazı konularda hala kalıpyargıları taşıdıkları sonucuna varılmıştır.

Anahtar Kelimeler: Biyolojik Cinsiyet ve Toplumsal Cinsiyet, Kalıpyargılar, Cinsiyet Farklılıkları.

sexes feed against each other in mutual social relations play very active roles. There are many different factors in the formation of these stereotypes. The stereotypes that emerge in the processes and are psychologically based and nourished by social life can emerge in positive and negative ways. In the modern world, women

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have many stereotypes against men and men against women. Although these judgments have undergone great changes over time, they continue to exist.

In this study, it has tried to measure how much high school and university students, known as the Z-generation and especially children of the internet age, carry these stereotypes within the developing media tools. Thus, the point reached by the women's struggle for equality, which has been going on for nearly a century, was recorded in this sample.

Literature Review

Sex and Gender

The concept of sex is related to the physical characteristics of people and is used to show the body features that distinguish men and women (Nicholson, 1994). On the other hand, gender is about the mental structures shaped in people's mindsets in social processes, and these are formed by social roles, identities and the language used. Therefore, gender does not refer to permanent differences like sex but to changes that are in a state of restructuring within social processes (Bowleg, 2013).

People are biologically divided into two different sexes, male and female. However, the social perception that emerges from people's social relations with each other and their roles in these social relations is expressed as gender differences (Croson & Gneezy, 2009). Therefore, it is possible to say that the concept of sex shapes gender perception. However, although there is a concept of gender defined through the difference of sex, it should be noted that it is shaped in social processes. It is a basic process that feeds the gender perception that people want women and men to adopt certain roles that are unique to them in social life and divide the work accordingly. Therefore, besides accepting that these roles and responsibilities may change from society to society, it is significant to accept that they are also prone to change over time (Johnson & Repta, 2012).

It is possible to see that roles are assigned to people through biological sex in different societies. However, searching for their roots in psychological and social processes is necessary. Although biological differences play important roles in the distribution of social roles, it must be accepted that psychological and social processes shape them and are subject to change. From traditional societies to modern ones, men and

women have been given responsibilities according to their genders, and some behaviors have been expected from them (Johnson & Repta, 2012). In addition, the developmental differences that emerged from a young age strengthened these expectations. These expectations are related to the developmental structure revealed by gender differences and generate some positive feedback (Hill & Lynch, 1983). However, in cases where social roles are separated sharply, it is seen that people tend to create some stereotypes over time. In this way, regardless of people's differences, a psychological process evaluates all women or men in the same category and attributes the same characteristics to them. As a result of this process, some features seen as unique to different genders are activated, sometimes resulting in negative behaviors such as contempt (Strand, 1999).

As a collective peculiarity that reflects a society's religion, way of life, and way of thinking, culture is the total of the material and spiritual characteristics that society produces in its historical process and transfers to subsequent generations (Celik & Yildiz, 2019). Stereotypes formed over gender differences become permanent over time and appear as cultural forms by being transferred from generation to generation. As such, in some cases, the features attributed to gender can be seen as unique features, and this situation can be accepted as natural (Schmitt et al., 2017). In this case, while the different genders are indicated by some characteristic features that are considered unique, some occupations are suitable only for them. In this case, the idea that men should perform masculine professions, such as politicians, emerges. In addition, this understanding is supported by people who think men will take on more rational and active roles. On the other hand, the understanding that sees women as more emotional and passive thinks that some professions are specific to women (Davey, 2008).

The reflections of gender differences do not appear only in the choice of profession. While some specific behaviors are expected from different genders, a dress code specific to them is also determined (Donner, 2016). However, this approach also has positive consequences. For example, it should be noted that it triggers some initiatives to protect women (Peterman et al., 2014).

This perception of gender differences also strengthens some claims of superiority. The

superiority revealed through gender differences, especially in traditional societies, seems to be active in distributing social roles and feeding many other perceptions.

Gender Formation Theories

Gender formation is a psychological process. Biological, cognitive, and social processes help the formation of this perception in the minds. Since the perception of gender differences is a process called gender formation (Eckes & Trautner, 2012). In fact, positive discrimination campaigns are carried out in the modern world in order to eliminate the negative perceptions created towards women over time, and efforts are made to change the gender perception formed in people's minds positively (Agnes, 2008).

Different theories have been put forward about how these perceptions are formed in humans. Accordingly, the psychoanalytic approach explains this process through sexual energy, which he calls "libido". According to Sigmund Freud, who developed this understanding, gender roles emerge due to children's identification with their parents in the first 6 years of their lives. According to Freud, there are 3 different periods in which children acquire gender roles. In the 1st period, children cannot distinguish between genders. In the next period, he begins to understand the differences, and finally he enters the oedipal period. In this period, children also accept their own roles in accordance with the gender of their parents and adopt the behavior of their parents as role models in this process (Diem-Wille, 2018).

According to Cognitive theory developed by Jean Piaget, it is effective for children to be aware of their gender and the other gender in learning behavior appropriate for themselves. In the next process, they adopt the behaviors that are suitable for them in society and stay away from those that are not suitable for them. It goes through some processes. The first of these processes, labeling, starts around age 3, and they realize their gender. Around the age of 7, they realize they are biologically different from the other sex. This process is called the constancy of gender. In the third stage, consistency of gender, they think their gender is fixed and need to develop behaviors accordingly (Martin et al., 2002).

Albert Bandura developed the social learning approach, stating that children develop gender-appropriate behaviors due to social relationships. Thus, the theory states that social processes rather than cognitive processes shape gender

identity. Within the framework of this understanding, children observe and imitate the models around them. As a result, they learn the roles of their gender. At this point, positive and negative reinforcements and observing children's environment have very effective roles in understanding gender roles. When children adopt and perform roles suitable for their gender, these behaviors are rewarded by the society, while contrary behaviors are punished. Thus, gender roles are acquired in learning (Bussey & Bandura, 1984).

According to biological approaches, gender roles emerge over time due to biological differences between men and women. In other words, the most basic factor in the difference of gender roles is the biological differences between men and women. While this approach draws attention to the biological differences of men and women, it especially draws attention to genes, hormones and brain structures (Shashaani, 1993).

On the other hand, sociological theories state that gender roles are shaped within the social order, in contrast to the biological approach. In social processes, gender differences are understood by stereotyping. In the process, gender differences become more evident as people assign different tasks to different genders in their perceptions. Sociological theories focus more on similarities than differences between men and women. Accordingly, there are more similarities than physical, mental and cognitive differences, which are understood as an important factor in determining gender roles (Bussey & Bandura, 1999).

Factors Affecting Gender Roles

Social roles indicate a person's position in the social structure. Accordingly, this person's responsibilities, privileges separated from others, and the way s/he relates to other people emerge within the framework of these roles (Shotter, 2019). In addition, a person can have many roles in social life. Among these roles, the roles that the society determines separately for women and men are called gender roles. On the one hand, these are assigned as a requirement of the division of labor for the continuity of the social order (Matthaei, 1995), on the other hand, they can potentially affect the mutual relations positively and negatively (Denissen et al., 2009). It should be stated that a broader understanding has developed in adopting gender roles than the approaches mentioned above, because only one factor does not play a role in determining gender

roles. At this point, many different factors emerge in social life.

The most important difference that separates men and women from each other is seen in their body structures. Therefore, we can say that gender awareness arises from this difference. There are also remarkable emotional differences (Levant, 2011).

One of the important factors in determining gender roles is the family. The family is a fundamental institution with varying symbolic meanings across all cultures. As the child grows older, the family's role in the child's emotional and social development becomes increasingly crucial. People learn these roles in the family where they start their life (Celik et al., 2022). The fact that the roles of men and women in the family have been determined, especially from traditional societies, has the same effect on children and causes them to be transferred from generation to generation. Families commonly pressure children to adopt gender roles (Scott, 2006). In addition, the division of labor within the family effectively adopts gender roles (Frank & Hou, 2015). Moreover, the discourse adopted by family members effectively forms gender roles. It is also very influential for children to be rewarded for their gender-appropriate behaviors, to be warned or punished for inappropriate behaviors in adopting these roles (Khan et al., 2014).

Peer groups also have a great influence on the formation of gender roles. Conversations and games suitable for same-gender interests play important roles within these groups. In addition, character differences are clearly seen in these games. For example, men become more competitive and struggle with the ambition to win. On the other hand, cooperation is more prominent in girls' plays (Golshirazian et al., 2015).

Both environmental and psychological variables influence the development of a learning routine in an individual's life (Yildiz, 2020). Mass media and education also have important effects on adopting gender roles. Until recently, educational materials contained content that encouraged discrimination. This content has been changed with recent studies. However, it should be noted that educational materials played an important role in previous periods (Papadakis, 2018).

Stereotyping

This word, which has passed from ancient Greek to modern languages, consists of "stereo" and "typos". "Stereo" means "solid", and "typos" means "impression". These two words together mean solid impression one has about others and is not prone to change. In modern times the word was used by Holcombe (1922). For him, the stereotype was just a misconception. The formation of this perception takes place within the process of illogical reasoning. Afterward, this thought remains constant in people and does not change. Stereotypes do not correspond to beliefs and thoughts that people imply in any way. These are traits that people explicitly attribute to others. Stereotypes can be expressed negatively as well as with positive connotations. These perceptions, which are quite vague and inconsistent in themselves, emerge as a typical description of the targeted people. Stereotypes are situations that look at people's psychological aspects rather than logic. They are general definitions that people develop for people who do not have enough information but desire to know to some extent. The important feature here is that all Os of the target group are defined similarly. People who develop stereotypes often do not know other people or groups closely and do not have any social relations with them. Therefore, stereotypes reduce or eliminate uncertainty about them and increase self-confidence (Spencer et al., 2016).

Stereotyping is the evaluation of the entire target audience within the same standard. There is no objectively researched knowledge here, and the person creating the stereotype makes general judgments about the other party. Thus, they feel more comfortable by creating a situation in their mind about situations and people they do not know. At this point, two concepts come to the fore. The first of these, directionality, is evaluated as the person's emotional approach and shows the person's positive and negative reactions towards the target group. The second of these concepts, uniformity, is defined as idiosyncratic behavior and the person who develops the stereotype engages in strange behaviors towards the target person or group (Edwards, 1940).

Stereotypes are beliefs formed by one group of people about another group. These beliefs are emotionalized, simplified, and often caricatured, little or hardly changed by experience. For this reason, the blind spots where people cannot see the truth appear in the form of unbalanced reasoning, giving the other a position where they

can relax psychologically and even justify their position (Tarhan, 2022).

In fact, stereotypes emerge as a defensive mechanism that people create to protect their personalities. This understanding is not objective and includes some prejudices. An important reason for this is the effort not to fall into a lower position from the other side (Snyder & Miene, 1994).

Stereotyping is more about the developer than the target audience because the main purpose of stereotyping is to reduce anxiety. Thus, people develop a defense mechanism. With the emergence of this emotional state, people feel more comfortable (Donizzetti, 2019). Common stereotypes are formed by the spread of this understanding in the social field and its acceptance by the majority. Therefore, producing stereotypes has a personal aspect and productions are supported within social processes.

The individual's environment, friends, and even teachers all have an equal impact on his or her development as the education he or she receives at home (Yildiz, 2022). The fact that the target audience sets the agenda in social processes and increases its recognition forces people to have information about them. Although these people or groups are on the agenda, it is uncomfortable that they are not closely known. To overcome this problem, people attempt a series of typological definitions. Thus, an attitude that is consistent within itself and guided by the dominant ideology is developed about the target audience (Plous, 2003).

Stereotypes can be defined as pictures formed in people's minds which are difficult to change. In this aspect, stereotypes can contain positive or negative qualities. Also, stereotypes are pervasive, especially within the oral culture, because they clearly reflect the values and beliefs of that society. One of the most important elements that feed stereotypes is people's prejudices. Prejudices are psychological patterns that are not based on clear reality. Stereotypes are very difficult to change and highly resistant to change. In addition, there are different classifications and categorizations in stereotypes. Placing target groups in these categories is much easier than researching them. Thus, they are used for the person to protect themselves and reduce anxiety. Stereotypes do not have complex content and contain very simple information. Thus, people are comfortable getting to know the target group better psychologically (Stroebe & Insko, 1989).

Methodology

Design of the Study

Stereotyping is a psychological and social process, and it shows its effect especially on young individuals. This study conducted a survey to see which stereotypes high school and university students developed and how they viewed the opposite sex based on gender. In this questionnaire, there are multiple choice questions as well as questions suitable for the Likert scale. This research, which aims to identify the stereotypes students have developed for the opposite sex, investigated the positive and negative adjectives and occupations attributed to the opposite sex. In addition, the questions in the questionnaire were designed to reveal positive and negative thoughts about both the opposite sex and their own sex.

Sample Selection

High school and university students were selected because this study aimed to identify stereotypes against the opposite sex in young individuals. Students at Rise International High School and Tishk International University in Erbil city of Iraqi Kurdistan region were used for this. In total, 95 students participated in this questionnaire, and 58 of them (61%) were girls; 37 (39%) were boys.

Procedure and Data Collection

In this study, qualitative and quantitative methods were used together. The results of the questionnaire applied to the students were evaluated and the statistics of the answers of the girls and boys were taken separately. Comments were made according to these statistics. In the questionnaire used in this study, there are multiple-choice and Likert-scale questions.

Findings

Stereotypes can manifest in many ways. These can occur as positive adjectives for the target group being attributed to them and the attribution of negative adjectives to the whole group. In addition, these stereotypes may appear in the form of occupations deemed appropriate to the opposite party. It is quite common for a nation to develop stereotypes against another nation. In addition, the perceptions created by gender differences in society feed many stereotypical behaviors. In this study, the stereotypes developed by young individuals towards the opposite sex were investigated. They also include

ascribed adjectives, occupations, and common ideas about each other.

Positive and Negative Attributes

Stereotyping is mostly a psychological process and positive and negative adjectives can be

attributed to the target audience. That's why we asked the students about the positive adjectives attributed to women to get their opinions. The answers received separately from girls and boys are as follows.

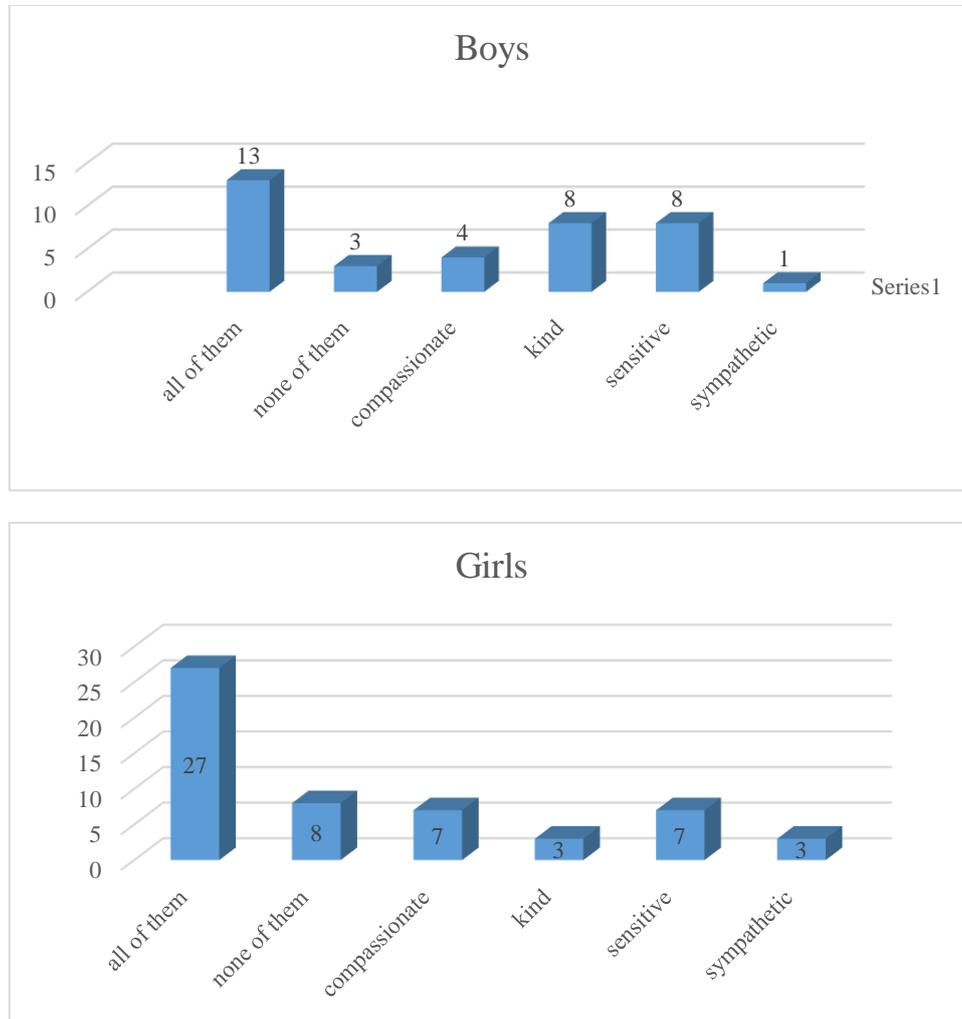


Figure 1. Which adjective describes women the best?

The statistics show that both groups attributed these positive adjectives to women. However, as an example of stereotyping, it is necessary to look at what percentage of students answered "all of them". While 35% of the boys answered in this way, 47% of the girls considered all of these adjectives appropriate for women. In addition, the fact that men also accept positive adjectives

for women shows that discrimination against women is very low at this point.

On the other hand, the following statistics have emerged when we look at how girls and boys evaluate the positive adjectives attributed to men.

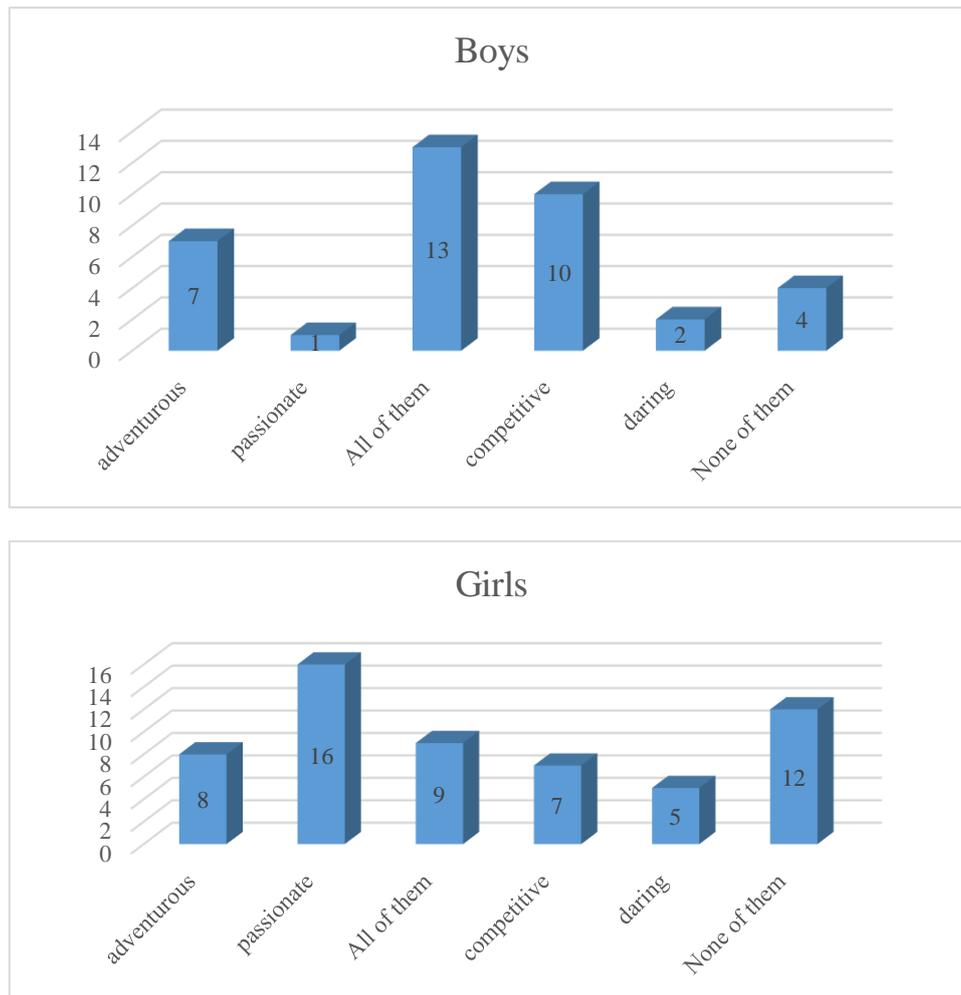


Figure 2. Which adjective describes men the best?

While 13 of the boys (35%) considered all these adjectives suitable for boys, only 9 of the girls (16%) considered these adjectives suitable for boys. Therefore, we see that the positive perception of girls towards boys is quite low. An important reason for this may be that women have struggled against discrimination in male-dominated societies for long periods, and these struggles are reflected in today's world. They may have developed a negative attitude towards boys in order to increase the awareness of girls'

own gender more. 12 of the girls (21%) claim that none of these positive adjectives are found in boys. In addition, girls do not see the courage men attribute to themselves very much in the same way.

Then, negative adjectives attributed to men and women as an example of Stereotyping were asked of the students. The statistics below show how the girls and boys answered separately.

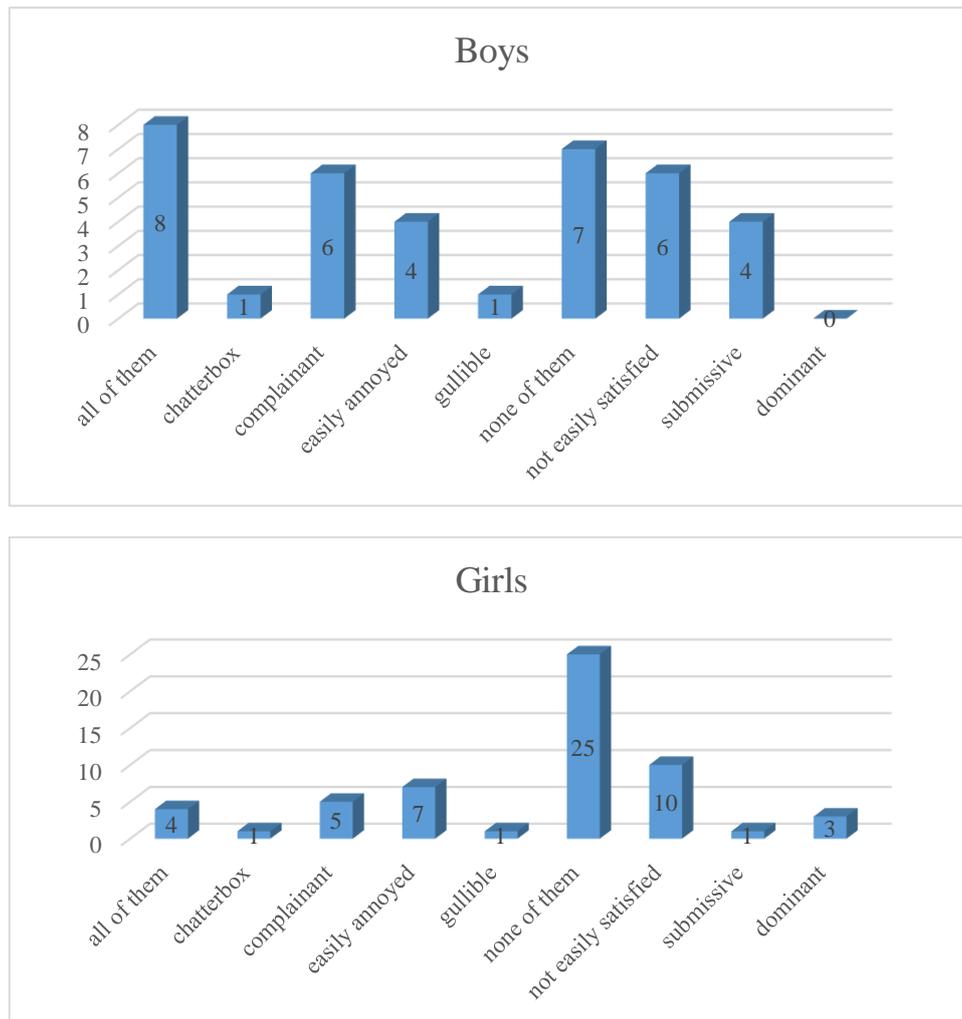


Figure 3. Which adjective describes women the best?

In addition, 8 (22%) of the students considered all of these negative adjectives appropriate for women. On the other hand, considering the answers given by the girls, 25 (43%) of the girls did not find any of these negative adjectives appropriate for women. In addition, only 4 (7%) of the girls considered all of these adjectives appropriate for girls. In addition, 10 of the girls (17%) said they were "not easily satisfied" with women. These statistics show a significant difference between girls and boys in attributing negative adjectives to women. Although the

negative perception towards women is relatively low among men, it is possible to see the existence of some processes that feed this in these statistics. In addition, it is seen that the awareness of their gender is quite high in girls, and they do not find negative adjectives appropriate for them.

On the other hand, girls and boys were asked separately to what extent some negative adjectives describe boys. The answers obtained are as follows.

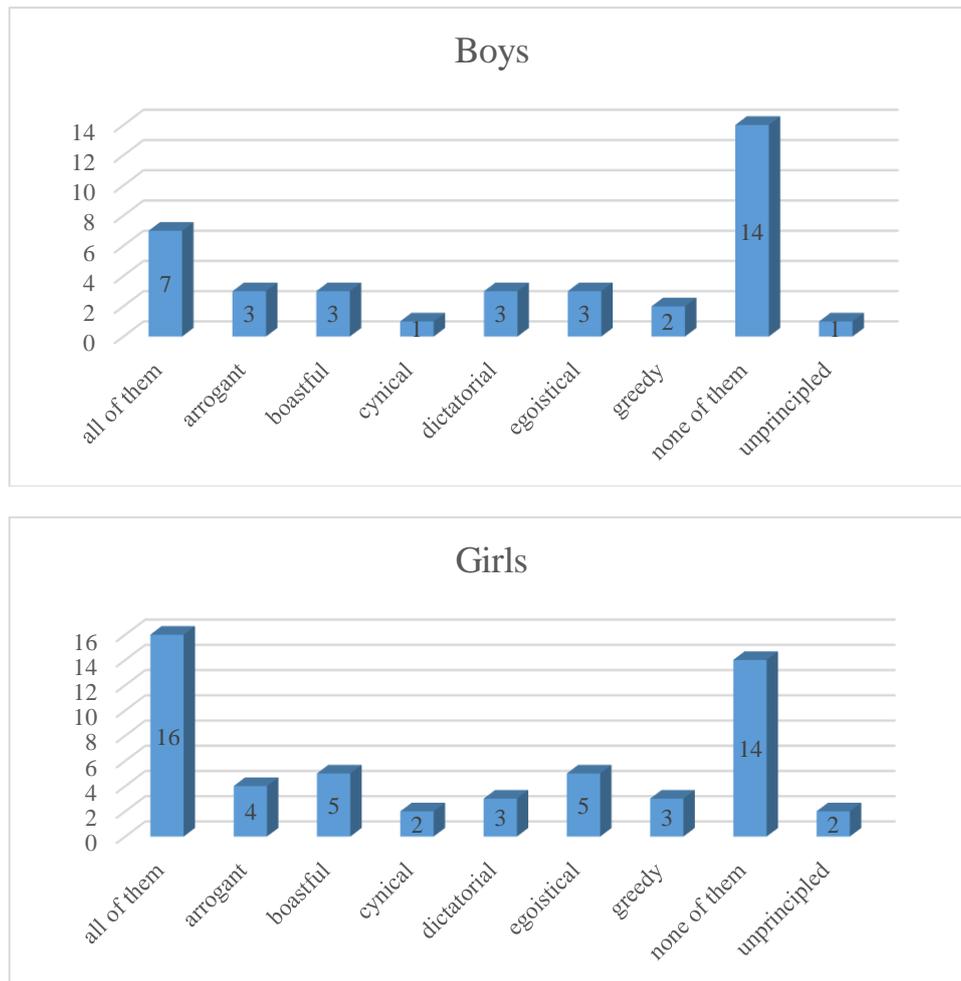


Figure 4. Which adjective describes men the best?

According to these statistics, 14 (38%) of men do not consider any of these adjectives appropriate for them because these adjectives are negative adjectives attributed to men. On the other hand, 16 of the girls (28%) consider these adjectives suitable for boys. In addition, 14 of the girls (24%) state that none of these adjectives describe boys. As reflected in these statistics, the proportion of girls who develop positive and negative stereotypes towards boys is very close to each other. A remarkable proportion of men do not find these adjectives appropriate for them.

As can be seen from these statistics, while girls and boys are more prone to positive stereotypes towards themselves, negative attitudes towards the opposite sex are more common.

Occupations

One of the areas where stereotyping is most common is the professions. Due to the difficulty of some professions, it is quite common to be attributed only to men. Likewise, it is common for jobs requiring meticulous work to be attributed to women. In addition, there may be people who see some professions that seem prestigious in society as more suitable for them than the opposite sex. In parallel with this, attributing low-prestige professions to the opposite sex is a common example of stereotyping. In this context, we asked questions about the subject to see what stereotypes the students developed about the professions. In this context, in order to see how the professions that are mostly attributed to women and men are perceived by the students, first, the suitability of the professions for men and then their suitability for women were asked. The statistics obtained are as follows.

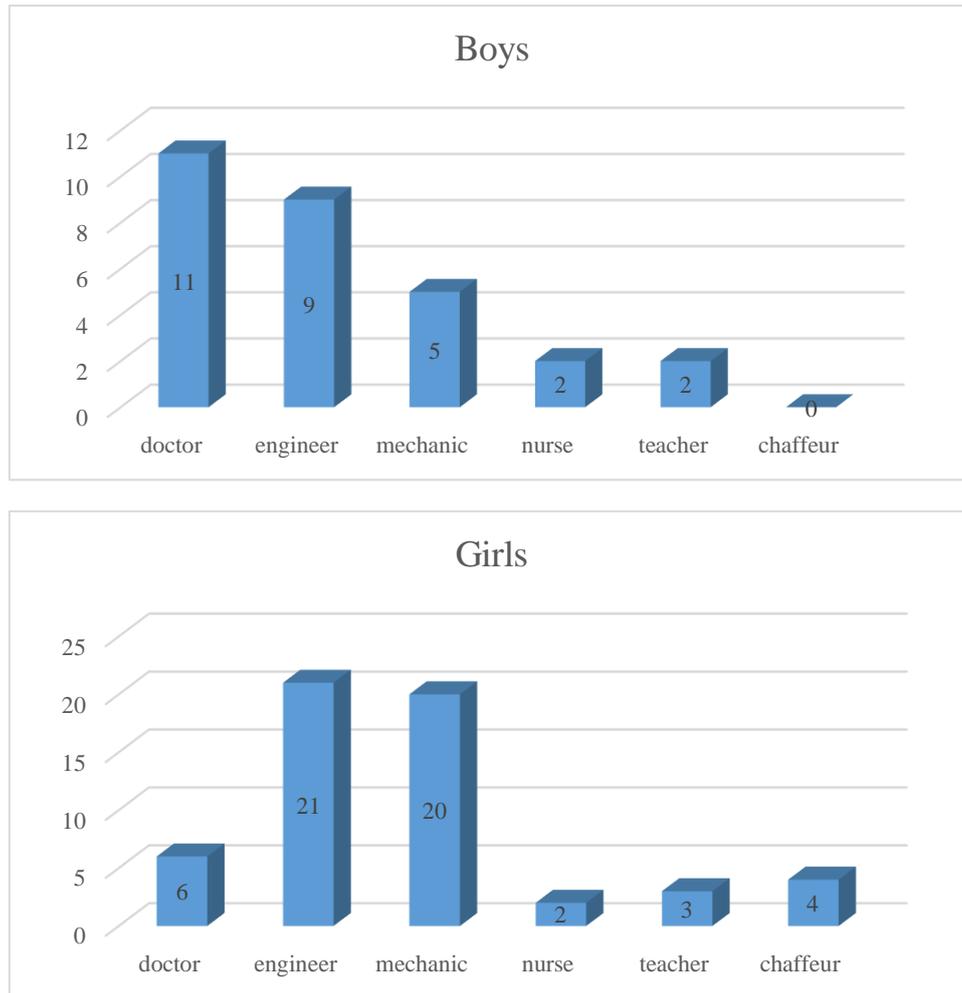


Figure 5. Which of the following occupations are more suitable for men?

20 of the boys (54%) considered highly prestigious professions such as doctors and engineers suitable for them. For girls, however, the situation turned out to be quite different. According to this, only 6 of the girls (10%) considered a prestigious profession such as doctor suitable for boys. In comparison, 41 girls (71%) found professions such as engineering and

mechanics suitable for boys. Therefore, there is a stereotyping of occupations in both groups.

In the same way, examples of stereotyping have emerged where some professions that are generally attributed to women and professions that are seen as prestigious are asked about their suitability for women. The statistics below show this.



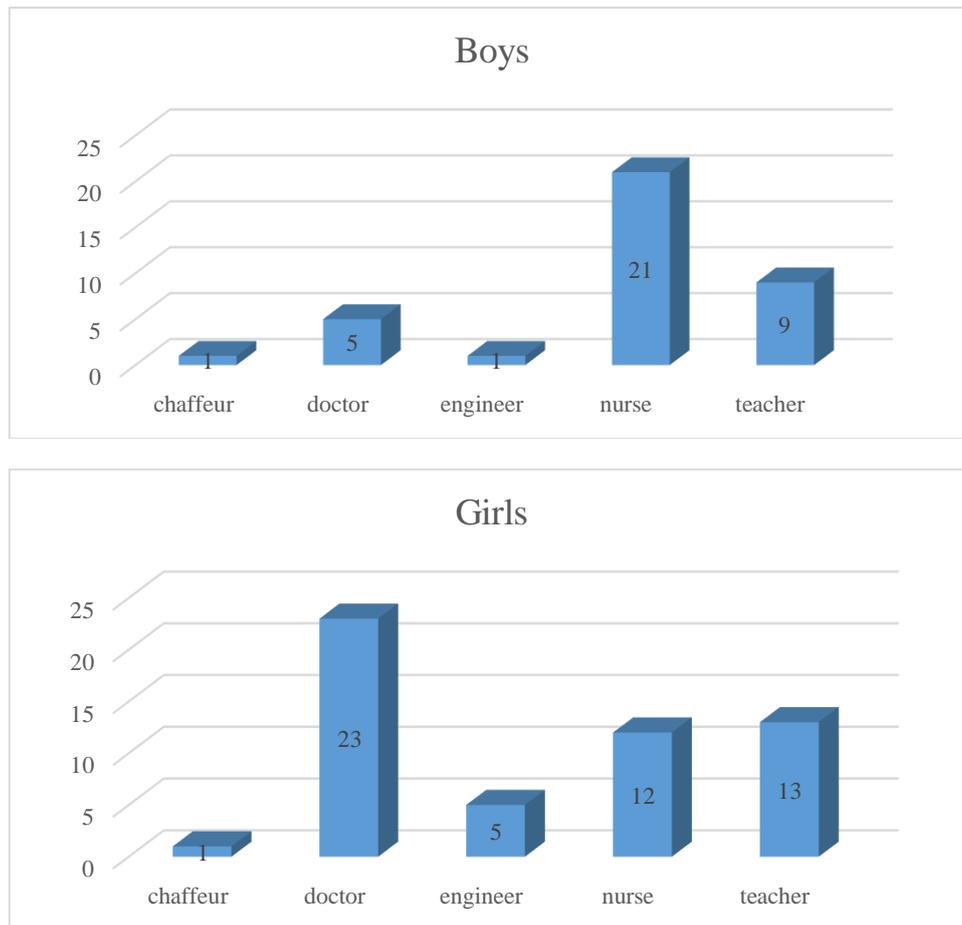


Figure 6. Which of the following occupations are more suitable for women?

The statistics show that 21 (57%) of men think that nursing is a suitable profession for women. However, only 5 (14%) men think that medicine, a prestigious profession in society, suits women. In addition, the number of men think that teaching is suitable for women is 9 (24%). Here, it has been observed that many men adopt stereotyping about occupations. Similarly, when we look at the girls, 23 (40%) of the girls considered medicine as a suitable profession for them. Here, there is a remarkable difference between boys and girls. Therefore, there is positive or negative stereotyping on both sides.

General Stereotypes about Genders

Apart from the findings above, people have other stereotypes about the opposite sex or their sex.

Here, the questions asked to the students were prepared according to the Likert scale and numbered as follows:

- 1= strongly agree
- 2= agree
- 3= neutral
- 4= disagree
- 5= strongly disagree

The average of the questions asked to the students here was taken and comments were made accordingly. Averages were taken according to the answers the girls and boys gave over some selected stereotypes, and it was tested whether there were significant differences in the SPSS program.

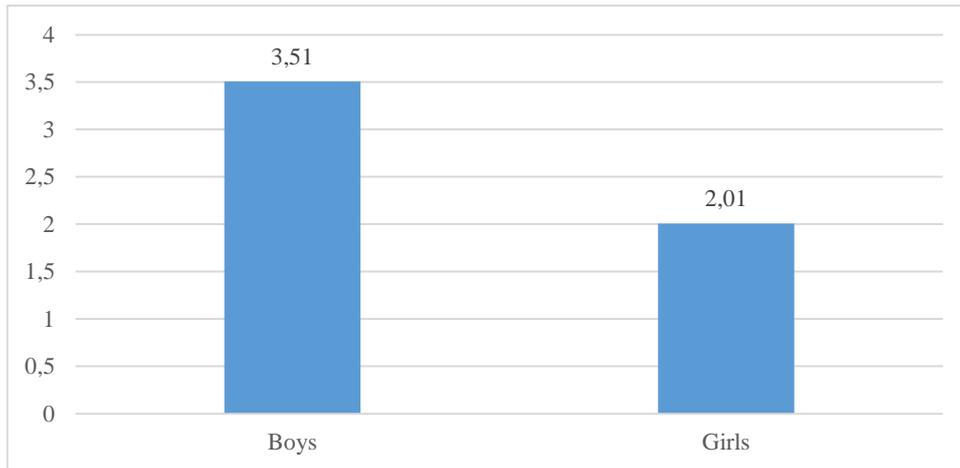


Figure 7. Women are stronger in a difficult situation.

It emerges as a stereotypical approach that women are stronger than men in difficult situations. The approaches here can be positive as well as negative. Looking at this statistic, there is a significant difference between boys and girls. Since the p-value is less than 0.05, there is a significant difference between the two. Accordingly, while girls mostly approach this statement positively, boys generally disagreed.

Therefore, it is seen that girls mostly find this expression correct for the reason that we can think of stemming from the pride of femininity, while boys mostly find it wrong.

Another stereotyping is about women being easily offended. Based on this stereotype, the next question was asked to the students.

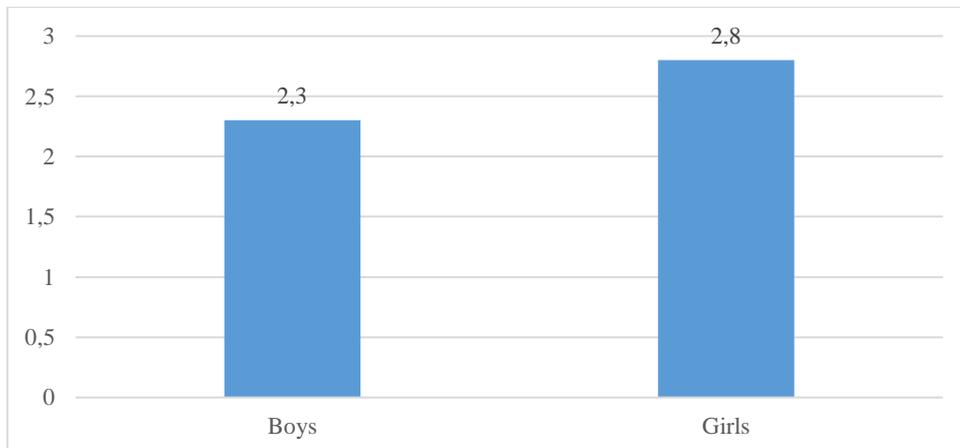


Figure 8. Women are easily offended.

In this question, while boys tend to agree more, girls tend to disagree more. Therefore, this negative attribute is less accepted by women. However, since $p = 0.36$, it is seen that there is no significant difference between the two.

Another example of stereotype is that women are more sensitive than men. When we asked this question to the students, we got the following result.



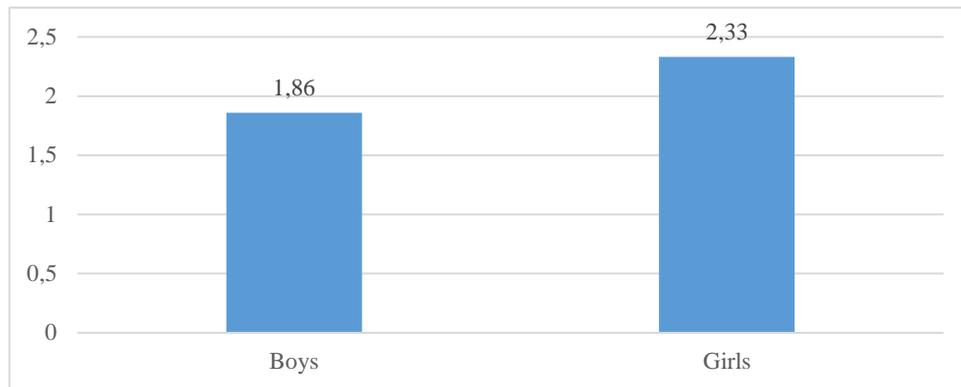


Figure 8. Women are more sensitive than men.

In this question, it is seen that men are more inclined to agreement. However, since $p=0.33$, it is seen that there is no significant difference.

Another example of stereotyping is the idea that women try to establish authority over men. The following statistics emerged from the answers given to this question.

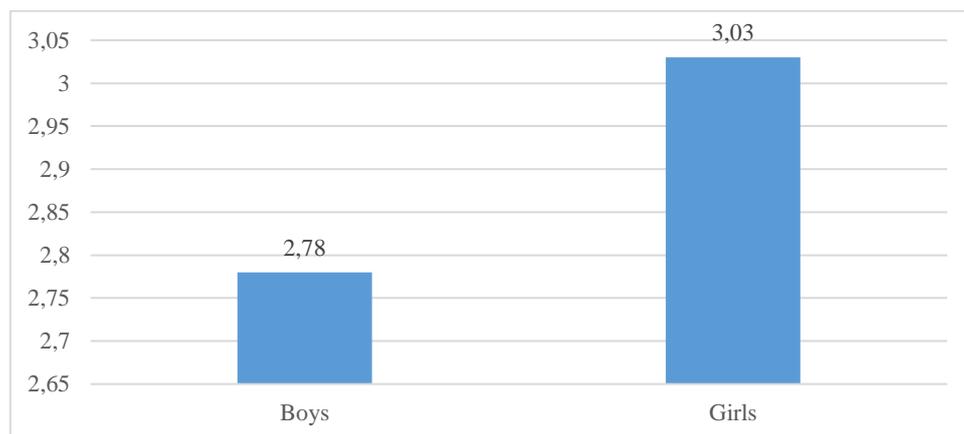


Figure 9. Women want to establish authority over men.

Again, while the girls' answers are inclined towards disagreement, the boys' answers are inclined towards agreement. However, since $p=0.237$, there is no significant difference between the two.

negative stereotypes about women can cause problems in working with them or accepting their superiority as a position in work life. As an indication of this situation, the following result emerged in the next question asking the students whether they would accept a woman to be their manager or not:

Some attitudes emerge from all these positive and negative stereotypes. For example, men's

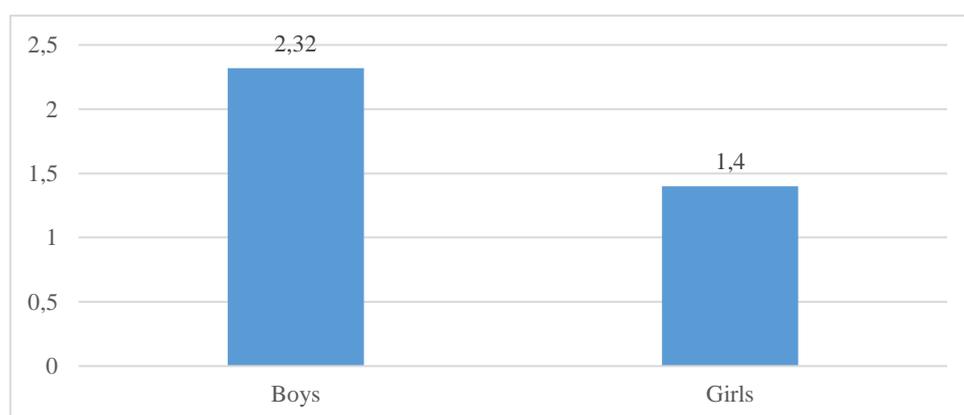


Figure 10. A woman can be my director; it is not a problem at all.

It is seen that the girls here strongly agree. While the number of boys who accept this situation is remarkable, it is seen that the answers of boys tend to disagree. However, since the p-value is

less than 0.05, it is seen that there is a significant difference between them. Thus, it is seen that the stereotype on this subject is inclined towards a negative outcome among boys.

Table 1.
Students' answers to this question

	strongly agree	agree	neutral	disagree	strongly disagree
Boys	10	16	3	5	3
Girls	41	16	0	1	0

In fact, 70% of the boys agreed that a woman can be their director, but as for the girls, their strong agreement is so high that (98%) the SPSS results gave a significant difference between them. This again shows the girls' woman pride.

the most important of these is that women generally think they are unequal in society. One of the points where this inequality is clearly seen is that men earn more while doing the same work. The next question revealed what these students thought about this subject.

Some social factors feed the negative feelings towards each other in men and women. One of

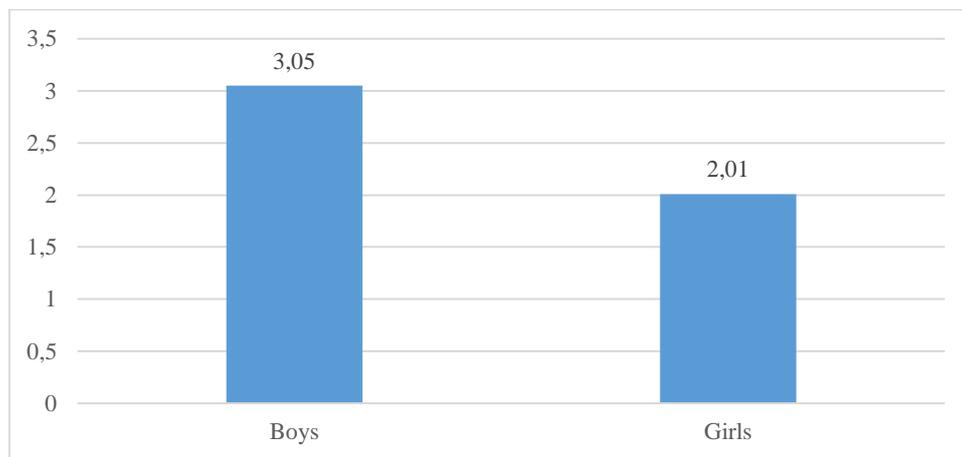


Figure 11. Men are paid better than women for the same job in this country.

Looking at the answers given, it is seen that the girls approached this statement positively. Thus, while girls are more inclined towards agreement, boys are more inclined towards disagreement. In addition, since the p value is less than 0.05 in this question, there is a significant difference between the two. This situation shows that there is a compelling reason for women to develop some

stereotypes because women believe that there is inequality in society.

An important reason that gives rise to all these stereotypes is the belief that there is no social equality. In this context, when we asked the students whether there was gender equality in the society, the following result emerged.

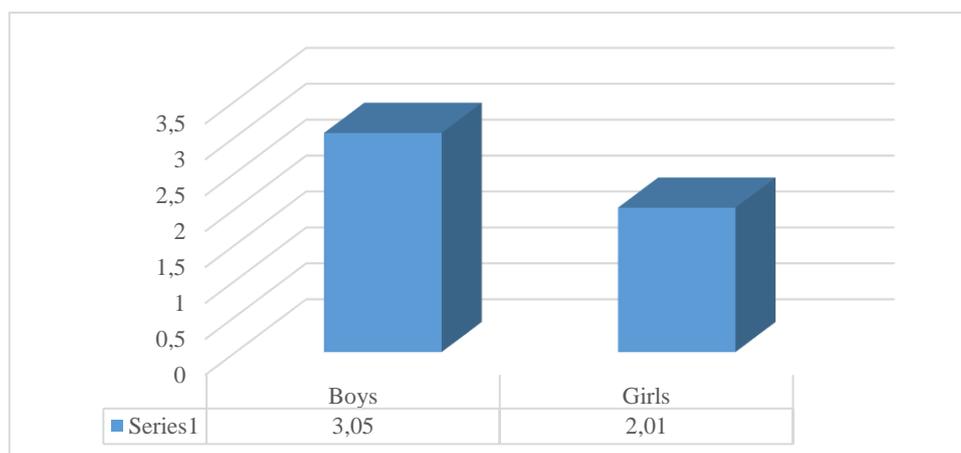


Figure 12. There is no gender equality in society.

As can be seen, while boys tend to think that there is more equality, girls think that there is more inequality. In fact, since $p=0.01$, it is seen that there is a significant difference between the thoughts of girls and boys.

Discussion

Stereotypes mostly emerge due to psychological processes and become stronger with social influence. They can be understood as the judgments people make when they are not informed about the subjects that are somehow of interest. There are important reasons for the development of these judgments. First, the desire to have knowledge or the inability to place the other person or community in their mind creates such a need. Stereotypes can arise in many different subjects.

This study was conducted to determine the stereotypes high school and university students developed towards the opposite sex. Looking at the results, it was seen that people did not develop stereotypes only for the purpose of reducing anxiety, as seen in the literature review.

In the modern world where gender equality is a very important problem, many factors feed this problem. In the perception of different genders towards each other, some problems from traditional societies are effective, as well as media tools, internet and social life in the modern world.

The struggle of women to have the same rights as men before the law has become quite evident in the last century. Different reflections of this struggle are apparent both in social life and with media tools. The struggles of women against the male-dominated society also aimed to destroy the superiority of men at this point. However, the

woman pride that developed in the face of this was also clearly seen at some points in this study. For example, while positive adjectives describing boys, girls often develop negative stereotypes. Likewise, it was observed that girls mostly developed positive stereotypes against the positive adjectives describing girls. Conversely, this is also true for boys. Therefore, gender-based stereotyping is quite common among these students.

Likewise, negative stereotypes that describe women are mostly rejected by girls, but mostly accepted by boys. However, it was also seen in this study that boys developed some positive stereotypes against girls. An important reason for this may be that women's struggle for equality is highly visible in modern society.

The stereotypes of different sexes towards each other appear in other ways as well. For example, the idea that women are stronger in difficult situations reflects such a stereotype. When we look at the answers given by the students here, it is seen that the girls mostly think positively, and the boys mostly think negatively. Thus, it is seen that both sexes have opposite stereotypes on this issue.

In addition, there were no significant differences between the thoughts of girls and boys in some stereotypes attributed to women. This shows that the perception of equality in modern society is spreading rapidly, especially with the media tools. In this respect, we see that stereotypes tend to disappear gradually in the process.

The idea that women can be managers of men was mostly unsuitable for the boys who responded in this study. Therefore, it is seen that there is a strong stereotype in this regard. On the

other hand, the girls strongly agreed to a very high rate.

One of the important factors that feed the stereotypes of women and make them think negatively about some issues is the idea of social inequality. This study shows that most girls believe there is no gender equality in society. We can think that this belief feeds many stereotypes.

Conclusion

The advancements of modern media tools and the internet are expected to contribute to the reduction of stereotypes, particularly those concerning women. This study provides evidence of significant progress in this regard, with noticeable changes observed in men's stereotypes towards women. However, it is important to acknowledge that certain stereotypes still persist. Furthermore, the ongoing struggle of women to overcome the inequalities entrenched by male-dominated societies has, in some instances, fueled a sense of pride among women, counterbalancing the notion of male pride. Consequently, this can perpetuate the existence of stereotypes. While there are processes working towards dismantling stereotypes, there are also other factors that continue to perpetuate them. Despite these complexities, there have been significant advances in challenging the prejudices and stereotypes held by men against women.

Bibliographic references

- Agnes, F. (2008). Women's rights and legislative reforms: an overview. *International Journal of Legal Information*, 36(2), 265-270.
- Bowleg, L. (2013). "Once you've blended the cake, you can't take the parts back to the main ingredients": Black gay and bisexual men's descriptions and experiences of intersectionality. *Sex roles*, 68(11-12), 754-767.
- Bussey, K., & Bandura, A. (1984). Influence of gender constancy and social power on sex-linked modeling. *Journal of personality and social psychology*, 47(6), 1292.
- Bussey, K., & Bandura, A. (1999). Social cognitive theory of gender development and differentiation. *Psychological review*, 106(4), p. 683
- Celik, B., & Yildiz, Y. (2019). The role of foreign language culture on teaching the language and learner motivation. *International Journal of Social Sciences & Educational Studies*, 5(4), 150-161.
- Celik, B., Yildiz, Y., & Bilgin, R. (2022). Perceptions and Recommendations of Foreign Language Teachers to Prevent Children Violence and Abuse: A Case Study in Tishk International University Students in Erbil, Iraq. *Problems of Education in the 21st Century*, 80(1), 82-118.
- Croson, R., & Gneezy, U. (2009). Gender differences in preferences. *Journal of Economic literature*, 47(2), 448-474.
- Davey, K. M. (2008). Women's accounts of organizational politics as a gendering process. *Gender, Work & Organization*, 15(6), 650-671.
- Denissen, J. J., Van Aken, M. A., & Dubas, J. S. (2009). It takes two to tango: How parents' and adolescents' personalities link to the quality of their mutual relationship. *Developmental psychology*, 45(4), 928.
- Diem-Wille, G. (2018). *The early years of life: Psychoanalytical development theory according to Freud, Klein, and Bion*. Routledge.
- Donizzetti, A. R. (2019). Ageism in an aging society: The role of knowledge, anxiety about aging, and stereotypes in young people and adults. *International journal of environmental research and public health*, 16(8), 1329.
- Donner, H. (2016). 'Working in the Metropolis': Reflections on Gender and Fieldwork in the City. In *Critical Journeys* (pp. 165-189). Routledge.
- Eckes, T., & Trautner, H. M. (2012). Developmental social psychology of gender: An integrative framework. In *The developmental social psychology of gender* (pp. 17-46). Psychology Press.
- Edwards, A. L. (1940). Studies of stereotypes: I. The directionality and uniformity of responses to stereotypes. *The Journal of Social Psychology*, 12(2), 357-366.
- Frank, K., & Hou, F. (2015). Source-country gender roles and the division of labor within immigrant families. *Journal of Marriage and Family*, 77(2), 557-574.
- Golshirazian, S., Dhillon, M., Maltz, S., Payne, K. E., & Rabow, J. (2015). The effect of peer groups on gender identity and expression. *International Journal of Research in Humanities and Social Studies*, 2(10), 9-17.
- Hill, J. P., & Lynch, M. E. (1983). The intensification of gender-related role expectations during early adolescence. Girls at puberty: Biological and psychosocial perspectives, 201-228.
- Holcombe, A. (1922). *Public Opinion*. By Walter Lippmann. (New York: Harcourt, Brace and

- Company. 1922. Pp. x, 427.). *American Political Science Review*, 16(3), 500-501. doi:10.2307/1943740
- Johnson, J. L., & Repta, R. (2012). Sex and gender. *Designing and conducting gender, sex, and health research*, 1737.
- Khan, Q., Sultana, N., Bughio, Q., & Naz, A. (2014). Role of language in gender identity formation in Pakistani school textbooks. *Indian Journal of Gender Studies*, 21(1), 55-84.
- Levant, R. F. (2011). Research in the psychology of men and masculinity using the gender role strain paradigm as a framework. *American psychologist*, 66(8), 765.
- Martin, C. L., Ruble, D. N., & Szkrybalo, J. (2002). Cognitive theories of early gender development. *Psychological bulletin*, 128(6), 903.
- Matthaei, J. (1995). The sexual division of labor, sexuality, and lesbian/gay liberation: Toward a Marxist-feminist analysis of sexuality in US capitalism. *Review of Radical Political Economics*, 27(2), 1-37.
- Nicholson, L. (1994). Interpreting gender. *Signs: Journal of Women in Culture and Society*, 20(1), 79-105.
- Papadakis, S. (2018). Gender stereotypes in Greek computer science school textbooks. *International Journal of Teaching and Case Studies*, 9(1), 48-71.
- Peterman, A., Behrman, J. A., & Quisumbing, A. R. (2014). A review of empirical evidence on gender differences in nonland agricultural inputs, technology, and services in developing countries (pp. 145-186). Springer Netherlands.
- Plous, S. E. (2003). *Understanding prejudice and discrimination*. McGraw-Hill.
- Schmitt, D. P., Long, A. E., McPhearson, A., O'Brien, K., Remmert, B., & Shah, S. H. (2017). Personality and gender differences in global perspective. *International Journal of Psychology*, 52, 45-56.
- Scott, J. (2006). Family and gender roles: how attitudes are changing. *Arxius de Ciències Socials*, 15, 143-154.
- Shashaani, L. (1993). Gender-based differences in attitudes toward computers. *Computers & Education*, 20(2), 169-181.
- Shotter, J. (2019). Social Accountability and the Social Construction of 'You'. *Thirty Years On. Murmurations: Journal of Transformative Systemic Practice*, 2(1), 67-96.
- Snyder, M., & Miene, P. (1994). On the functions of stereotypes and prejudice. Zanna M., Olson J. *The psychology of prejudice*, 7, 33-42.
- Spencer, S. J., Logel, C., & Davies, P. G. (2016). Stereotype threat. *Annual review of psychology*, 67, 415-437.
- Strand, E. A. (1999). Uncovering the role of gender stereotypes in speech perception. *Journal of language and social psychology*, 18(1), 86-100.
- Stroebe, W., & Insko, C. A. (1989). Stereotype, prejudice, and discrimination: Changing conceptions in theory and research. In *Stereotyping and prejudice* (pp. 3-34). New York, NY: Springer.
- Tarhan, Ö. (2022). Children's understanding of the concept of social stereotypes. *Child Indicators Research*, 1-35.
- Yildiz, Y. (2020). Reading habit and its role on students' academic success at language preparatory school: A research on Tishk International University preparatory school students. *Amazonia Investiga*, 9(27), 189-194. <https://doi.org/10.34069/AI/2020.27.03.20>
- Yildiz, Y. (2022). Ethics in education and the ethical dimensions of the teaching profession. *ScienceRise*, 4, 38-45.

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The role of education in the innovative society

Роль освіти в інноваційному суспільстві

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Abstract

Innovative processes in the education system were studied from the point of view of the need to continue its modernization. For the transition of society to an innovative educational regime, the primary task is the specialist's readiness for innovations, where theoretical knowledge (modern psychological and pedagogical conceptual approaches), methodological knowledge (general principles of studying educational phenomena, regularities of the process of socialization of the individual, training, education) and technological knowledge (traditional, innovative educational technologies). The meaning of the concept of "innovation" is revealed. The peculiarities of innovative activity in the field of education are emphasized. It is described by parameters that are important for the innovative potential of a person. The article shows the main components on which the education system and the socio-economic sphere are based. The strategic goal of higher

Анотація

Досліджено інноваційні процеси у системі освіти з погляду необхідності продовження її модернізації. Для переходу суспільства в інноваційний освітній режим першочерговим завданням поставлено готовність фахівця до інновацій де значимими стають теоретичні знання (сучасні психолого-педагогічні концептуальні підходи), методологічні знання (загальні принципи вивчення освітніх явищ, закономірності процесу соціалізації особистості, навчання, виховання) і технологічні знання (традиційні, інноваційні освітні технології). Розкрито значення поняття «інновація». Підкреслено особливості інноваційної діяльності в сфері освіти. Описано параметрами що мають значення на інноваційний потенціал людини. Показано основні складники на яких базується система освіти, суспільно-економічна сфера. Потрактовано стратегічну ціль вищої освіти: випускники закладів вищої освіти мають бути

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education is interpreted: graduates of higher education institutions should be competitive specialists in the modern labor market. The main tasks of higher education are highlighted. Innovative pedagogical technologies are defined as technologies of use, creation, distribution, and introduction of new technologies. The types of innovative technologies are singled out.

Keywords: education, innovative society, innovative processes, modernization, innovative activity.

Introduction

Modern progress and an innovative approach to education imperatively require the creation of an innovative person with the ability to proactively develop the scientific and educational spheres. World trends cannot allow lagging in the field of education, which will negatively affect the level of human potential, the development of society in general (Kremen et al., 2020).

The development of the educational sector is determined by global social processes that are not possible without the development of the information society. Post-industrialism is impossible without the development in all spheres of the social life of a global system of interrelationships: social, economic, spiritual, and political. The result of such an approach in various spheres of social organization was integration processes, the creation of social relations in the conditions of a holistic context, where educational processes and phenomena acquire a global character thanks to the functioning of the application of a system of unified social interaction. Management of innovative processes is of primary importance in the qualitative development of the educational system. With this thinking, we consider the research of innovative processes in the education system to be the main thing, from the point of view of the need for its modernization (Motuz & Shvydun, 2021).

The purpose of the article. To investigate innovative processes in the education system from the point of view of the need to continue its modernization.

Literature Review

Innovative activity, as a result of which innovations are created and materialized, requires optimization of innovative activity, its transfer to a high-tech level. Modern innovative technologies are the most important element and result of human labor. Aimed at increasing the

конкурентоспроможними фахівцями на сучасному ринку праці. Виокремлено основні завдання вищої освіти. Інноваційні педагогічні технології визначено як технології використання, створення, розповсюдження, запровадження нових технологій.

Ключові слова: освіта, інноваційне суспільство, інноваційні процеси, модернізація, інноваційна діяльність.

efficiency and quality of professional activity, the rational use of economic and social resources, they are an effective tool in the hands of a qualified manager that stimulates the continuous development of the team, its teaching staff as a whole and each employee in particular.

Scientific problems of innovative development of the economy, management of innovative potential, formation of effective innovation mechanisms, innovative and investment development of states and regions have become the subject of fundamental research by various scientists.

D. Homenyuk (2013) developed methodical recommendations, which highlighted the peculiarities of educational innovations in the content of education, educational and educational technologies, forms and methods of improving the educational process; the most promising views of scientists on the current state of education and the directions of development of the educational field are shown.

G. Klimova, S. Ivanov, & L. Shevchenko (2015) carried out a consistent analysis of the developed innovative educational society and proposed conditions for its development in the world. A system of legislative support for the innovative development of society has been built. The content of social innovations and its impact on these innovations, which are represented by socio-cultural conditions and affect the process of formation and development of an innovative society, are shown.

The works of the following scientists played an important role in the research of the chosen topic.

O. Prygara (2018) proposed a model of innovative development of the educational sector, which includes in its functioning driving forces, motivations, sources, tools, methods, organizational, managerial and financial

mechanisms for generating innovations in the educational sector.

L. Berezhna (2018) considered the approaches to the constant self-improvement of a specialist, the possibilities of improving professional activity, and proposed new effective methods of work. Attention is paid to the relevance and necessity of the problem of improving the qualifications of a young specialist, his professional growth, creating a style of professional activity and a new type of specialist.

V. Kremen, V. Lugovyi, & P. Saukh (2020) substantiated the entire strategy of the educational sector, showed the directions of education development, its importance for the economy of any country, and developed tasks for the long-term perspective on the formation of human potential.

T. Motuz, & V. Shvydun (2021) analyzed the types of pedagogical technologies, showed the main stages of implementation of the educational process, and analyzed their advantages - the adaptation stage, the mobile-research stage, and the scientific-research stage.

Despite the significant number of scientific works, the need for a comprehensive study of the importance of forming a single educational space, expanding the range of professional and research tasks, and qualitatively new requirements for the educational process due to the use of information and communication technologies in the educational environment is growing.

Methodology

To achieve the stated goal of the research at its various stages, the following methods were used: theoretical: a comprehensive retrospective and prospective analysis of philosophical, sociological, psychological-pedagogical and scientific-methodological literature on the researched problem with the aim of identifying the current state, comparing different views on the researched problem, defining the theoretical - methodological principles of research, conceptual provisions, categories; terminological analysis of concepts to determine the thesaurus of scientific research, specification of definitions and essence of concepts; systematization of retrospective data and prospects for the development of an innovative approach in education and the introduction of innovative technologies for the development of professional competence of future specialists into national

professional education; analysis of concepts, theories and methods, study of directive, regulatory and program-methodical documents in the field of higher education; structural and systemic analysis to determine the tasks, functions and structure of education.

The research is based on the anthropology of the philosophical and pedagogical personality as the main provisions of the human essence, its synthesis of the natural-social-cultural sphere, ensuring individualistic formation as a value-humanistic and multifactorial process focused on personal qualities. This research approach allows:

- to show the personal regularities of the formation of a person on the object of his social interaction with society, as a social orientation; achieve the unity of tactical goals and strategic goals and, thus, achieve a focus on the complex components of professional competence, in particular, on the application of innovative processes in education in the education system from the point of view of the need to continue its modernization;
- enables the implementation in the educational process of a qualitative approach to the educational innovation model of education formation and training of competitive future specialists, to substantiate the conditions necessary for the implementation of innovative processes in the education system from the point of view of the need to continue its modernization and the development of significant personality qualities during the implementation of innovations;
- provides an opportunity to enrich the content of the educational process with innovative processes in the education system, to provide an opportunity for the formation of social values of the individual from the point of view of the need to continue its modernization, satisfaction of needs, development of motives for professional activity, which contribute to the formation of professional competence of future specialists, ready and able to solve professional tasks in the conditions of social interaction. The identified landmarks made it possible to create the conceptual foundations of the research, which make it possible to justify the methodology, theory, and technology at the level of scientific research.

The methodology of scientific research contributes to the implementation of innovative processes in the education system, the formation of professional competence of future specialists in professional training from the point of view of the need to continue modernization, it carries out the relationship and interaction of scientific fundamental approaches to the study of the problem: the competence approach in the education system from the point of view of the need to continue its modernization regarding the acquisition of professionally oriented knowledge, abilities and skills, forms the ability and motivational readiness of a specialist for the professional application of abilities, knowledge, skills in practical situations of professional activity, provides a person with high social concrete productivity, empathic interaction; a synergistic approach, in the process of professional training, contributes to the assimilation of a synergistic picture of the world and allows future specialists to model external influences with the relative instability of the educational system; systematicity as a methodology for the scientific search for high-quality professional training of future specialists determines system-forming elements, allows for the establishment of a hierarchical structure and suggests the sequence of implementation of all elements, predicts levels of practical, cognitive actions; integrative approach, provides for the formation of professional competence based on the mutual influence of innovative processes in the education system from the point of view of the need to continue its modernization, makes it possible to realize the interconnection, interpenetration of the content of professional educational disciplines for the formation of students of education dialectically interdependent, complex, holistic, from a scientific point of view, systems of scientific ideas about any phenomena of social life as an integrated interaction of a person and an educational society; the activity approach provides a methodological basis for the professional training of future specialists, makes it possible to qualitatively organize the educational process with the help of innovations in the education system from the point of view of the need to continue its modernization, in which all types of activities of future specialists (educational, scientific-research, educational-professional, extracurricular) are directed on the formation of a person's readiness for innovative professional activity; a personal approach, a methodological basis that represents a set of ideas, the purpose of which is to ensure a complete, deep understanding of the personality of the methods of applying innovative processes

in the education system from the point of view of the need to continue its modernization and to highlight the regularities of the personal development of a specialist, during which a unique, unique person is formed; the axiological approach is directed to the preservation and moral renewal of the axiological component of the system of innovative renewal of education from the point of view of the need to continue its modernization, the formation of professional competence of future specialists, through the study of facts and phenomena from the standpoint of their value for professional renewal; the sociocultural approach reflects the qualitative state of society regarding the provision of innovative processes in the education system from the point of view of the need to continue its modernization, which is manifested as a person's mastery of norms, rules, values, culture, which are included in the system of social relations for the assimilation of social experience, their independent reproduction; the acmeological approach provides professional motivation of future specialists, leads to the stimulation of human creative potential, provides an opportunity to identify and effectively use personal resources for self-development and self-realization.

Theoretical conceptuality defines the essence of research concepts; carries out a theoretical substantiation of the structural-functional model of the application of innovative processes in the education system from the point of view of the need to continue its modernization, forms competencies and conditions for determining the effectiveness of personality education in higher education. The structural and functional model of the application of innovative processes in the education system from the point of view of the need to continue its modernization is based on pedagogical principles (stimulation of student socio-pedagogical initiatives, a humanistic orientation, and problematic nature of the educational field; subject-subject interaction in the pedagogical process; modeling of professional activity in the educational process).

The methodically oriented educational sector contributes to the development of the system of application of innovative technologies in the education system from the point of view of the need to continue its modernization, the formation of phase competence of future specialists in the process of professional training, which provides high-quality technologies and conditions, with the help of which the positive dynamics of the specified process are achieved; diagnostics of the results of the quality of education, provides an

opportunity to introduce innovative technologies into the education system from the point of view of the need to continue its modernization, is connected with the transformation of applied skills, acquired methodical knowledge into professional activity (its implementation in the process of forming social competence is significant), is based on the mastery of algorithms subject-subject interaction in professional activity.

The methodological basis of the study is based on the provisions of the theory of scientific knowledge regarding the mutual influence and interdependence of the phenomena of objective reality, the unity of the general and the special, the theory and practice of applying innovative processes in the education system from the point of view of the need to continue its modernization; theories of systems; humanistic philosophy; dialectical theory about the general connection, interdependence and integrity of the phenomena of objective reality; position of the philosophy of human-centeredness in education; interdisciplinary combination of modern knowledge about education, regarding the application of innovative processes in the education system from the point of view of the need to continue its modernization; use of a complex of methodological approaches in professional training of future specialists; conceptual provisions regarding the systematic formation of their professional competence when applying innovative technologies from the point of view of the need for continued modernization. Within the scope of elucidating the essence of the development methodology of the innovative processes studied by the authors, the article shows that innovative education builds the educational process as a movement from social and general cultural knowledge and skills of one's profession (from profession to culture) to technological ones, which gives it an understanding of ways and methods of solving professional tasks, and from them to methodological ones, which allows you to monitor the dynamics of changes in the quality of your professional activity (from technology to innovative thinking).

Determination of the general methodological principles of innovative education, since the methodology in the process of scientific research makes it possible to systematize the entire amount of scientific knowledge and create conditions for further effective directions of research.

Results and Discussion

Higher education is important for the modernization of the entire universe and is connected with the need to improve the quality of professional training of specialists, and from this follows the need to change the status and role of the teacher in the information society. Innovative ways and methods of acquiring a profession depend on the development of the educational sector, and therefore society has determined the necessary significant substantive and structural transformations of the educational sector system. The primary result is the formation of a renewed innovative image of a modern specialist - who includes mobility, professional versatility, readiness to implement quality training, independently acquire knowledge, improve methods of action, offer innovative subject areas, effectively mobilize all forces for mobility and interaction with various participants of the educational process.

The education sector nowadays requires an active position from the teacher, constant improvement, and involvement of innovative approaches to the education sector.

Consider the role of a teacher working in the traditional system. The main directions of such educational activity are methodical and special knowledge. With such an approach, it is enough to possess pedagogical skills, to use pedagogical techniques, this will allow the teacher to implement the educational process at a professional level and provide it with high efficiency (Shunkov et al., 2022).

Let's consider the role of a teacher who is moving into an innovative mode of work. With this approach, readiness for innovation is decisive in his work. Here, priority is given to knowledge:

- theoretical (knowledge of innovative psychological and pedagogical concepts);
- methodological (knowledge of the basic principles of studying the patterns of socialization of the educational space, and pedagogical phenomena);
- technological (knowledge of traditional and innovative educational technologies).

Let's reveal the main meanings in which the term "innovation" is used:

- the form in which the organization of innovative activity takes place;
- the application of a set of new professional actions of a mobile teacher, aimed at solving

modern important problems of education from the standpoint of a personally oriented orientation;

- innovative changes in the practice of education;
- a complex process aimed at the application of expansion, use, and creation of new for practical application of means of innovation in the field of engineering, pedagogy, technology, and scientific research; the final result of the innovation process (Kotiash et al., 2022).

According to I. Dychkivska (2012), the phenomenon of innovative activity is the main, multifaceted, complex content, which includes: "the process of interaction of individuals, aimed at the development, transformation of the object, its transfer to a qualitatively new state; systematic activity regarding the creation, mastery, and application of new tools; a special type of creative activity that combines various operations and actions aimed at acquiring new knowledge, technologies, systems". This creates a characteristic feature of innovative activity in the field of education.

"Innovation", in the educational interpretation, should be referred to as a special form of thinking, pedagogical activity, which is oriented not only on innovation, but also on the organization in the educational space, or as a process of innovative development, creation, dissemination, the introduction of new methods in education.

We consider the innovative educational process as a relationship of purposeful new actions, consistent teaching methods that lead to the renewal of the educational system, improve the goal, update the content, organizational forms and methods of the educational field, lead the adaptation of the educational process, give impetus to new socio-historical conditions (Plakhotnik et al., 2022).

Innovative processes in the education system from the point of view of the need to continue its modernization and personal potential are associated with the following main parameters:

- the ability to creatively produce and generate new knowledge, ideas, ideas and skillfully model and project them in practical forms;
- the openness of the individual when applying innovative technological processes in the education system from the point of view of the need to continue its modernization in a new way, different from

one's capabilities and ideas, which is based on flexibility, panoramic thinking, human tolerance;

- cultural and aesthetic education of a person and its development;
- readiness of the specialist to improve his activity; the presence of methods, and internal means of a person that ensure such readiness;
- developed innovative consciousness of the individual when implementing innovative processes in the education system from the point of view of the need to continue its modernization (motivation of innovative behavior, the value of innovative activity compared to traditional, innovative needs) (Sherudylo, 2019).

As for the formation of an innovative person, innovative processes in the education system from the point of view of the need to continue its modernization, innovative human potential and capital, in all countries this happens due to: improving the quality of the educational process, improving scientific research in education, improving the level of qualifications of specialists. Thus, under the auspices of UNESCO, a study was conducted that showed the great influence of education on the level of a person's income and quality of life (60%).

Like every socio-economic sphere, the education system is based on the following components:

- 1) first of all, this regulatory and legal support is an institutional component that plans innovative processes in the education system from the point of view of the need to continue its modernization;
- 2) management bodies in the field of education, a network of educational institutions, and other participants in educational activities that ensure the functioning of the system by introducing innovative processes into the education system from the point of view of the need to continue its modernization;
- 3) tools and mechanisms for regulating relations between all interested parties in the implementation of innovative processes in the education system from the point of view of the need to continue its modernization (Kravchenko et al., 2022).

Modern global science and education in the context of innovative processes in the education system, from the point of view of the need to continue its modernization, constant human development, must respond to the following key challenges:

- improving the quality of human capital during innovative processes in the education system from the point of view of the need to continue its modernization, increasing the competence and professional potential in the conditions of ultra-fast technological changes;
- creation of an educational and scientific basis for the introduction of innovative processes in the education system from the point of view of the need to continue its modernization, for large-scale technological modernization of education, digital transformation in the world, and increase of labor productivity throughout the planet.
- ensuring the social sustainability of innovative processes in the education system from the point of view of the need to continue its modernization in the conditions of accelerated changes in the economy and social life and high uncertainty of the future (Kuzminskyi et al., 2018).

The strategic goal of higher education when applying innovative processes in the education system from the point of view of the need to continue its modernization: graduates of higher education institutions should be competitive specialists in the modern labor market.

The main tasks of higher education:

- provision of innovation mechanisms in the education system from the point of view of the need to continue its modernization, ways of increasing the competitiveness of higher education institutions;
- creation of consolidated regional universities for the possibility of qualitative implementation of innovative processes in the education system from the point of view of the need to continue its modernization, and optimization of the network of higher education institutions;
- conducting annual monitoring of the possibilities of implementing innovative processes in the education system from the point of view of the need to continue its modernization, clarifying the needs for specialists who work in areas that require higher education;
- ensuring a scientifically based difference in decent pay for people with higher education and people without higher education;
- providing motivation and opportunities for the professional personal development of teachers;
- introduction of an innovative model of state funding of higher education institutions into

the educational process as a necessary component of their economic activity (Kremen et al., 2020).

Since the traditional focus on classical classes does not fully meet modern educational requirements, the introduction of innovations into the education system from the point of view of the need to continue its modernization, in our opinion, is impossible without the use of new methods, forms of organization of the educational process. The tendency to ignore the application of an individual approach in the educational process, the predominance of the informative and instructive nature of the use of innovative technologies in the education system from the point of view of the need to continue its modernization, led to the emergence of contradictions in educational activity between the practice and theory of extensive development of education, and the demands of society for the education system, which, in our opinion, proves the need for the introduction and constant use of educational and pedagogical innovations (Biletska et al., 2021).

Another problem in the implementation of innovations in the education system from the point of view of the need to continue its modernization is the presence of contradictions that arise among teachers during their practical activities. These are such contradictions as the inconsistency of traditional forms, techniques, and methods of the educational process of education seekers with advanced technologies, state requirements for a competitive graduate, for example, the presence of a system of formed professional competencies; reducing the duration of the educational process, the pace of updating information, the application of innovative processes in the education system from the point of view of the need to continue its modernization, which leads to the problem of choosing the optimal level of knowledge that is important and sufficient for a modern person; unpreparedness of the teacher for the introduction of innovations in the education system from the point of view of the need to continue its modernization at the appropriate level; the contradiction between the need to update the educational process and the inability of conservative colleagues, etc. (Shvydun, 2020).

Scientists consider innovative technologies in the education system from the point of view of the need to continue its modernization mainly as technologies of distribution, creation, use, and introduction of new technologies. In particular, the following types are distinguished:

- radical (in which the educational process or most of it is completely restructured);
- combined (the elements of a certain technology are separated and combined into a new innovative technology);
- modifying (a technological modernization that does not lead to any significant change) (Hrynyova, 2016).

We believe that the management of innovative processes in education should be carried out according to the following positions:

- determination of primary skills, knowledge, and values with the help of a teacher to spread innovative processes in the education system;
- formation of teacher competence in the field of information technologies, which manifests itself both as a tool during the learning process and as a component of teaching in the educational process;
- modernization of educational institutions by introducing innovative processes into the education system from the point of view of the need to continue its modernization, providing opportunities for professional autonomy of teachers when making decisions regarding the content of innovative technologies and teaching methods, organization of innovative educational programs, etc.;
- elimination of the problem of using outdated technologies in the education system from the point of view of the need for its modernization, establishment of innovative types of relations between teachers and their partners in education;
- improvement of material and moral stimulation of teachers (Shchyrbul et al., 2022).

Let's consider the peculiarities of foreign experience in the introduction of innovative processes into the education system from the point of view of the need to continue its modernization, the organization of the professional activity of teachers, which carries out the innovative activity of the teacher, in particular, and the innovative development of the education system, in general.

We will single out the main innovative tasks formulated for teachers and the main innovative processes in the education system from the point of view of the need to continue its modernization in the countries of Western Europe:

- ensuring the continuous development of the individual, including the innovativeness of acquiring knowledge and skills;
- awareness of a valuable individual and identification of worldview positions that will lead to the creation of a healthy human society;
- building an active position of applying innovative processes in the education system from the point of view of the need to continue its modernization, its growth to participate in the affairs of not only the local community but also the entire society;
- ensuring effective innovative management of the innovative environment and its resources;
- the ability to connect the educational programs of the educational institution with the needs of society;
- the ability to give advice and train students in the field of educational innovation from the point of view of the need for its modernization and to manage groups of students, choosing and using different pedagogical methods;
- understand innovative scientific and research educational methods (Pukhovska, 2017).

We emphasize the importance and necessity of granting autonomy to educational institutions (management, financial, pedagogical), which is the main trend aimed at the development of innovative processes in the education system (Motuz & Shvydun, 2021).

Nowadays, the theory of "open" innovations is relevant. Its content is necessary to stimulate innovative activity in the educational sector. Organizations with this approach should focus on the external environment. In this sense, the issues of application of innovative processes in the education system, inclusion of education and science in the system of "open" innovations, and modernization of education in terms of professional training of specialists (entrepreneurship, business) from the point of view of the need to continue modernization of the open innovation search system are relevant (Kuchai et al., 2021).

Open innovations in the field of education provide an opportunity for the formation of a mechanism for the organization and implementation of scientific cooperation between educational institutions and scientific institutions, provide opportunities for the implementation of joint research projects and scientific programs, and support state support for

innovative projects, consulting scientists on the implementation of innovations, creating online platforms support of innovative projects and create working conditions for scientists in the international space to implement joint projects (Kuchai et al., 2022).

Innovative methods are used in the training system of qualified specialists:

- interactive forms of learning (business games, discussions, role-playing games, case methods, problem situations);
- situational and problem-oriented approaches to the field of education;
- scientific research projects according to needs, according to the order of the employer, and active forms of cooperation with employers;
- creative work, stimulation of independent and individual work;
- effective dialogue in "student-teacher" interaction;
- mobility of personnel training and retraining depending on the development of the working environment and the educational services market;
- information and communication technologies (webinars, web conferences, Internet forums, virtual teams);
- a system of the educational process that forms the ability to analyze information;
- self-organization, self-learning, self-training;
- academic mobility.

The implementation of such measures will bring the educational and scientific system closer to market principles, and overcome the shortcomings that exist between education, science, practical activities, and entrepreneurship (Prygara, 2018).

In the field of higher education, we will present the hierarchy of the structure of the innovation process:

- *activity structure (sequence of components: motives, purpose, tasks, content, forms, methods, results of innovative activities of the higher education institution);*
- *subject structure (coordinated work of innovation development subjects: the administration of a higher education institution, scientists, a team of teachers and students, employees of educational authorities, etc.);*

- *level structure (innovative educational activity of subjects at the level of higher education institutions, regional level, city level, district level, international level);*
- *content structure (genesis, assimilation, development of innovations in the educational process);*
- *the structure of the life cycle of a pedagogical innovation (stages of emergence, maturity, growth, diffusion, mastering, routinization, saturation, modernization, crises);*
- *management structure (organization, planning, control, management).*
- *organizational structure (prognostic, diagnostic, organizational, generalizing, practical, implementing components.*

The mentioned structures are interrelated, therefore we claim that in the field of higher education, the innovation process is a complete system.

During the transition of a higher education institution to the mode of innovative development, the realization of certain intermediate goals is foreseen:

- 1) *the need to implement a single space of a higher education institution (scientific, cultural, educational);*
- 2) *in the preparation for bachelor's and master's degrees, it is mandatory to create an innovative competence-contextual model;*
- 3) *involving the staff of the higher education institution in the innovation process;*
- 4) *modernization of educational activities;*
- 5) *application of business relations with educational institutions, state authorities, scientists, public organizations, and employers;*
- 6) *implementation of coordination programs for innovative development with partners of higher education institutions;*
- 7) *expansion of educational programs within the framework of international cooperation.*

The innovative development of higher education is based on a theoretical and methodological basis, while the components are:

- *competence approach;*
- *culture-centric paradigm;*
- *contextual learning (psychological-pedagogical theory).*

Therefore, innovative development of higher education institutions, and innovative processes

in the education system from the point of view of the need for modernization do not occur spontaneously. Favorable factors are necessary for their implementation (for example the formation of an innovative climate in higher education institutions) (Klimova et al., 2015).

In the modern world, the system and content of innovative education are developing in the context of innovative processes in the education system from the point of view of the need to continue its modernization, among which the most notable are:

- continuity and mass education;
- the importance of the educational environment for society and the individual;
- orientation to methods of cognitive activity of the individual;
- adaptation to the needs of the individual, and his requests;
- focus on the democratization of education, innovation, personality, self-disclosure, and self-development.

Therefore, human development is the main function of education, particularly its culture. Education provides ample opportunities for obtaining innovative conditions for human development and preparing him for an active life:

- knowledge about society, nature, man, and innovative processes in the education system from the point of view of the need to continue its modernization;
- formation of a scientific picture of the world as an orientation in the choice of future professional activity;
- mental, emotional, communicative, physical, labor activities for the formation of basic labor, intellectual, organizational abilities, and skills necessary in social production;
- experience in creative activity for the development of individual abilities of a person.

Methods of innovative activity - special procedures and operations of empirical knowledge of the results of pedagogical practice (method of scientific understanding, methods of research, method of formalization, method of modeling, method of approval, method of analysis, method of diagnosis, method of forecasting, etc.) (Homenyuk, 2013).

In the 21st century, the professional activity of a teacher requires a special approach to innovative pedagogical activity, the application of

innovative processes in the education system from the point of view of the need for its modernization. This activity is aimed at creating values necessary for the formation of a personality. A modern specialist must be ready for the opportunity to go beyond ordinary situations, for changes, and to improve pedagogical skills. These positions contribute to the development of professional growth of the individual, direct innovative processes in the education system from the point of view of the need to continue its modernization (Berezhna, 2018).

Conclusions

Innovative processes in the education system were studied from the point of view of the need to continue its modernization.

The meaning of the concept of "innovation" is revealed. A characteristic feature of innovative activity in the pedagogical sphere is singled out. The main parameters affecting the innovative potential of the individual are highlighted. The main components on which the education system is based, as well as every socio-economic sphere, are shown.

The strategic goal of higher education is interpreted. The positions to which the management of innovative processes in education should be directed in the future have been declared. The main tasks formulated for teachers of Western European countries are prescribed. The key characteristics of learning technologies are listed. Interactive learning technology and the theory of open innovation are considered.

We see the prospects for further research in the identification of the components of innovative development of higher education, which is based on a theoretical and methodological foundation.

Bibliographic references

Berezhna, L.V. (2018). The development of the professional growth of the teacher under the conditions of the innovative educational field. The role of innovations in the transformation of the image of modern science: Materials of the II International Scientific and Practical Conference (Kyiv, December 28–29, 2018). NGO "Institute of Innovative Education"; Scientific and educational center of applied informatics of the National Academy of Sciences of

- Ukraine. Kyiv: NGO "Institute of Innovative Education", 264.
- Biletska, O., Kuchai, T., Kravtsova, T., Bidyuk, N., Tretko, V., & Kuchai, O. (2021). The Use of the Activity Approach in Teaching Foreign Languages in Higher Education Institutions. *The Romanian Journal for Multidimensional Education*, 13(2), 243-267. DOI: <https://doi.org/10.18662/rrem/13.2/420>
- Dychkivska, I. M. (2012). *Innovative pedagogical technologies: a textbook*. Kyiv: Academvidav.
- Homenyuk, D.V. (2013). Basics of innovative activity in the system of general cultural development of the teacher's personality: Methodical recommendations. K.: IPOOD.
- Hrynyova, V. (2016). Modernization of national education on the basis of the competence approach: conceptual and terminological apparatus and the essence of the problem. *Native school*, 4, 20-24. <https://acortar.link/J5dMab>
- Klimova, G. P., Ivanov, S., & Shevchenko, L. (2015). Conceptual foundations of the formation of an innovative society in Ukraine: monograph. H.: Right. (In Ukrainian)
- Kotiash, I., Shevchuk, I., Borysonok, M., Matviienko, I., Popov, M., Terekhov, V., & Kuchai, O. (2022). Possibilities of Using Multimedia Technologies in Education. *International Journal of Computer Science and Network Security*, 22(6), 727-732. <https://doi.org/10.22937/IJCSNS.2022.22.6.91>
- Kravchenko, T., Varga, L., Lychanko-Kovachyk, O., Chinchoy, A., Yevtushenko, N., Syladii, I., & Kuchai, O. (2022). Improving the Professional Competence of a Specialist in Poland by Implementing Multimedia Technologies. *International Journal of Computer Science and Network Security*, 22(9), 51-58. DOI: <https://doi.org/10.22937/IJCSNS.2022.22.9.8>
- Kremen, V., Lugovyii, V., & Saukh, P. (2020). Youth education and science are the basis of innovative human development. Scientific and analytical reports and materials. *Bulletin of the National Academy of Sciences of Ukraine*, 2(2), 1-5. <https://doi.org/10.37472/2707-305X-2020-2-2-14-3>
- Kuchai, O., Skyba, K., Demchenko, A., Savchenko, N., Necheporuk, Y., & Rezvan, O. (2022). The Importance of Multimedia Education in the Informatization of Society. *International Journal of Computer Science and Network Security*, 22(4), 797-803. <https://doi.org/10.22937/IJCSNS.2022.22.4.95>
- Kuchai, O., Yakovenko, S., Zorochkina, T., Okolnycha, T., Demchenko, I., & Kuchai, T. (2021). Problems of Distance Learning in Specialists Training in Modern Terms of the Informative Society During COVID-19. *International Journal of Computer Science and Network Security*, 21(12), 143-148. <https://doi.org/10.22937/IJCSNS.2021.21.12.21>
- Kuzminskyi, A. I., Kuchai O. V., & Bida, O. A. (2018). Use of polish experience in training computer science specialists in the pedagogical education system of Ukraine. *Information Technologies and Learning Tools*, 68(6), 206-217. <https://doi.org/10.33407/itlt.v68i6.2636>
- Motuz, T., & Shvydun, V. (2021). Innovative processes in the education system of Ukraine: problems and prospects. *Humanities studies. Series "Pedagogy"*, 45, 58-63. (In Ukrainian)
- Plakhotnik, O., Strazhnikova, I., Yehorova, I., Semchuk, S., Tymchenko, A., Logvinova, Ya., & Kuchai, O. (2022). The Importance of Multimedia for Professional Training of Future Specialists. *International Journal of Computer Science and Network Security*, 22(9), 43-50. <https://doi.org/10.22937/IJCSNS.2022.22.9.7>
- Prygara O.Yu. (2018). Innovations in science and education: modern challenges. Innovations in science and education: modern challenges. A collection of scientific essays by trainees for educators. Warsaw, 14-17. <https://acortar.link/V9UGNg>
- Pukhovska, L.P. (2017). Professional education and innovation: experience of the European Union countries. *Scientific Bulletin. Institute of Vocational and Technical Education of the National Academy of Sciences of Ukraine. Professional pedagogy*, 14, 124-130. (In Ukrainian)
- Shchyrbul, O., Babalich, V., Mishyn, S., Novikova, V., Zinchenko, L., Haidamashko, I., & Kuchai, O. (2022). Conceptual Approaches to Training Specialists Using Multimedia Technologies. *International Journal of Computer Science and Network Security*, 22(9), 123-130. <https://doi.org/10.22937/IJCSNS.2022.22.9.19>
- Sherudylo, A. V. (2019). The essence, content, structure and functions of the teacher's innovative activity in the conditions of the modernization of pedagogical education.

- Professional training of future primary school teachers: competency-based and integrated approaches: monograph. Sumy: Vinnychenko M. D.
- Shunkov, V., Shevtsova, O., Koval, V., Grygorenko, T., Yefymenko, L., Smolianko, Y., & Kuchai, O. (2022). Prospective Directions of Using Multimedia Technologies in the Training of Future Specialists. *International Journal of Computer Science and Network Security*, 22(6), 739-746. <https://doi.org/10.22937/IJCSNS.2022.22.6.93>
- Shvydun, V.M. (2020). Preparing future teachers for the use of pedagogical technologies in the context of the new Ukrainian school. *Pedagogy of creative personality formation in higher and secondary schools*, 70(4), 50–53. http://pedagogy-journal.kpu.zp.ua/archive/2020/70/part_4/11.pdf

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Theoretical and legal basis for the implementation of state policy on national security of Ukraine

Теоретико-правові основи реалізації державної політики із забезпечення національної безпеки України

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Abstract

The purpose of the article is to determine and substantiate the conceptual foundations of the implementation of the state policy for ensuring national security. The methodological basis of the study consists of a set of general scientific and specialized methods of scientific cognition, such as dialectical-phenomenological, systemic analysis and synthesis, structural-functional, deduction and induction, among others. As a result of the study, the essential features of the implementation of the state policy for ensuring national security, its subjects and objects, have been determined, the mandatory components, principles, main forms, methods, and means of implementation of the state policy have been characterized. A classification of the legislative activity of state authorities in the implementation of state policy has been proposed based on the nature of the activities of state bodies and the level of the legislative body. Attention is focused on the need to adhere to constitutional principles in the implementation of the state policy for ensuring national security. Suggestions are made for ways to improve its scientific and methodological support.

Keywords: law-making, legal forms, legal instruments, national security, state policy.

Анотація

Метою статті є визначення та обґрунтування концептуальних засад реалізації державної політики із забезпечення національної безпеки. Методологічну основу дослідження склали сукупність загальнонаукових та спеціальних методів наукового пізнання: діалектико-феноменологічного, системного аналізу та синтезу, структурно-функціонального, дедукції та індукції тощо. За результатами дослідження визначено істотні ознаки реалізації державної політики із забезпечення національної безпеки, її суб'єкти і об'єкти, охарактеризовано обов'язкові компоненти, принципи, основні форми, методи та засоби реалізації державної політики. Запропоновано класифікацію правотворчості органів державної влади з реалізації державної політики за характером діяльності державних органів та за рівнем правотворчого органу. Акцентовано увагу на необхідності дотримання конституційних основ при реалізації державної політики із забезпечення національної безпеки. Висловлюються пропозиції щодо шляхів удосконалення її науково-методичного забезпечення.

Ключові слова: державна політика, національна безпека, правові засоби, правові форми, правотворчість.

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Introduction

The state of ensuring the safe existence and sustainable development of Ukraine as a sovereign state depends on the development and implementation of an appropriate mechanism for the implementation of national security policy. The need for scientific research on the issues of defining and justifying the theoretical and legal foundations of Ukraine's state policy in the field of ensuring national security is due to the dynamic socio-political changes taking place in the world. It has acquired particular significance in the current period after the large-scale armed aggression of the Russian Federation against Ukraine. This scientific article will describe the essential features, principles, main forms, methods, and means of implementing state policy in the field of ensuring national security. A classification of the legislative activity of state authorities in the implementation of state policy will be proposed. Attention will be focused on the importance of adhering to constitutional principles in implementing state policy for ensuring national security. The ways of improving its scientific and methodological support will be outlined.

Methodology

For scientific research purposes, a combination of interrelated and complementary research methods is utilized.

The methodological basis of the research is a set of general scientific and special methods of scientific cognition: dialectical and phenomenological, systemic analysis and synthesis, structural-functional, deduction and induction. Thus, the use of dialectical and phenomenological methods, as well as systemic analysis and synthesis, allowed to identify essential features of the implementation of the state policy on ensuring national security and determine its essence. Thanks to the structural-functional approach, its component elements, forms, methods, and means were determined and characterized, and the legislation of the state authorities in this context was classified.

The article contains links to a number of scientific sources, including articles indexed on the scient metric basis of the Web of Science.

Theoretical Framework or Literature Review

Numerous approaches to analyzing the processes of public policy have been developed by scholars. Analyzing the works of foreign policy

scholars Michael Govlet and Mahadevan Ramesh, it is noted that many theorists aim to identify causal variables in the development of public policy, or in other words, political determinants, in order to answer the question of what determines public policy: macro-level socioeconomic factors or micro-level behavioral elements. Such research is largely empirical and often quantitative in orientation. Some analysts, in an attempt to understand the development of public policy, limit themselves to the organization of the state itself.

According to Michael Govlet and Mahadevan Ramesh, in general, one can agree with Peter de Leon's assertion that policy research has a long history but a short past. That is, the politics of power has been the focus of many studies over the past millennium, but its systematic study has only been around for a few decades. This can be explained by the existence of different approaches to this problem that come from different academic schools (Govlet, & Magadevan, 2004, p. 15-16).

The implementation of state policy in general has been the subject of research by various national scholars. The implementation of state policy in general is the subject of research by Ukrainian scientists. In particular, they have: defined the essence of legal principles for the implementation of the state's economic security; identified the subjects and forms of implementing state policy in the field of internal affairs (Avakian, 2015); studied mechanisms for implementing state policy in the mass media; examined the principles of implementing state policy by law enforcement agencies; formulated the concept and identified the main types of mechanisms for implementing state policy in the development of civil society; studied the theoretical, legal and methodological foundations for implementing state policy in the field of European integration; analyzed the components of the process of implementing state policy in managing social risks; studied legislative activity as a form of implementing state policy; studied the constitutional principles of implementing state policy (Dzevelyuk, 2016); proposed conceptual principles on which the mechanism for implementing modern state policy should be formed (Tertychka, 2002.).

Certain scientific interest in the context of our research is also represented by the works of the aforementioned and other foreign authors devoted to issues of state policy, theoretical and

legal foundations for ensuring national security. Some aspects of the outlined problem were discussed by the authors in previous scientific articles. (Vlasenko et al., 2020; Onyshchuk et al., 2020; Chernysh et al., 2020; Chernysh et al., 2022; Kostenko et al., 2021; Shilin et al., 2022).

Based on the analysis of available sources, it can be argued that little attention has been paid to the theoretical and legal foundations of implementing state policy on ensuring national security in Ukraine. Therefore, in today's conditions, there is an urgent need to justify and define the conceptual principles of implementing state policy on ensuring national security, including its essential features and constituent elements, legal forms and means.

Results and discussion

In order to carry out its functions, which are divided into internal and external, the state uses specific means (resources of state power) and relies on a complex of special bodies that together make up the relevant executive mechanism of the state. Ukraine implements its function of ensuring national security through the corresponding policy. From our perspective, state policy is a system of ideas, actions, and relationships of subjects of state policy regarding the formation, formulation, and implementation of state interests. State interests are the conscious state needs of subjects of state policy for the realization of national values (Shilin et al., 2022).

In our opinion, the essential features of state policy are as follows:

- it constitutes a purposeful action - activity / inactivity (in some cases it may be manifested in the form of abstention from actions, such as not participating in certain political blocs, international agreements, contracts, etc.) aimed at solving socially important problems in a certain sphere of the state's vital activity;
- its goal is to ensure sustainable development of society and the state as a whole or of individual spheres of their vital activity;
- it is formed and implemented by the state in the interests of the state and society;
- it has a mandatory nature;
- it is of a complex, systemic character;
- it is a legal category based on the provisions of the current legislation, primarily in accordance with constitutional principles;
- it is established through the adoption of corresponding program documents in the

form of separate normative legal acts (doctrines, strategies, concepts, laws);

- it involves influencing social relations through appropriate forces and means, forms and methods;
- it is based on the results of analysis of a specific situation in a certain sphere of the country's vital activity;
- it has a legitimate and legal character;
- its executive subjects are both state bodies and non-governmental organizations, public associations;
- it is implemented through certain forces and means, forms and methods based on constitutional principles.

Based on the above, we consider it possible to define *state policy as* a purposeful, systematic, legislatively regulated action aimed at solving socially important problems identified through analysis, by influencing other relevant entities through certain forces and means, forms and methods grounded on constitutional principles and social relations, with the aim of ensuring sustainable development of society and the state as a whole, or of individual areas of their life activities.

The essence of state policy in ensuring national security lies in the formation and implementation of a corresponding system of influence on certain areas of the state's life activities, aimed at guaranteeing its safe functioning and sustainable development (Shilin et al., 2022).

Various forms of state policy implementation are used to achieve the defined goal of the state policy. There is no unanimous opinion on them in the theory of security studies. In particular, in our opinion, the position of Avakian T. looks contradictory in this regard. Thus, in one case, he argues that "the state policy is implemented in two forms: state (since the relevant bodies are public authorities) and public (which consists in the participation of citizens in the implementation of local government)". At the same time, he believes that, depending on the legal status and legislative basis, the state policy can be implemented "in various forms, such as legislative, law enforcement, administration of justice and determination of the limits of legal responsibility for a committed offense, referendum, rallies, elections, etc.". Otherwise, according to him, it is advisable to distinguish legal (lawmaking, rulemaking, law enforcement) and democratic (participation of non-state actors, public control, the dominance of the interests of the people, etc.) forms of security policy implementation (Avakian, 2015). In addition, he

includes financial, logistical, educational, preventive, organizational and other non-legal forms. The so-called democratic forms of security policy implementation may include the participation of non-state actors, public (civil) control, the dominance of the people's interests, etc.

From our point of view, there are two main forms of implementing state policy: legal and organizational. Legal forms of implementing state policy are those forms that result in the issuance of a legal act - normative or individual. Organizational forms are those forms that are based on laws, primarily the Constitution, but do not result in the issuance of legal acts. Legal forms consist of two types: legal-forming and legal-implementing forms. There are such types of legal-forming forms of implementing state functions as international law-making and national law-making.

From our point of view, there are two main forms of implementing state policy: legal and organizational. Legal forms of implementing state policy are those forms that result in the adoption of a lawful act - normative or individual. Legal forms consist of two types: lawmaking form and law enforcement form. Such types of law-making forms of realization of state functions are international and national law-making. International lawmaking can take the following forms: lawmaking by global international organizations (e.g., the UN); lawmaking by regional international organizations (e.g., the European Parliament). National lawmaking, in our opinion, consists of lawmaking by the people and lawmaking by state bodies. The people's lawmaking may take the form of a national or local referendum.

Lawmaking by public authorities can be classified as follows:

1. By the nature of the activities of the state bodies: lawmaking by the Head of state; lawmaking by legislative bodies; lawmaking by judicial bodies; lawmaking by executive bodies; lawmaking by control and supervisory bodies.
2. By the level of lawmaking body: lawmaking by supreme bodies of the state; lawmaking by central bodies of the state; lawmaking by local authorities.

In addition to lawmaking forms of implementing state policy, there are also law enforcement forms, which are divided into the simple (direct)

implementation of the law and complex or application of the law.

There are the following forms of direct implementation of law in the exercise of state functions: use of the law, enforcement of the law, and observance of the law.

The application of law as a form of state policy implementation consists of constituent, regulatory, and protective activities, subdivided into other forms.

Establishment law enforcement is a form of state policy implementation aimed at creating organizational structures that implement state policy and at forming the composition of such structures, i.e., appointing officials and other persons of these structures.

Regulatory law enforcement activity is a form of state policy implementation, which consists of regulating the lawful behavior of legal entities based on regulatory legal norms. It, in turn, consists of the following forms of state activity: law-making, law-altering, and law-terminating.

Security law enforcement activity is a form of state policy implementation, which consists in influencing the unlawful behavior of legal entities in the field of national security based on security legal norms. It includes the following forms of activity: judicial, pre-trial investigation, operational and investigative, intelligence, counterintelligence, control and supervision, and administrative.

Summarizing the above, it can be stated that the state policy regarding ensuring the national security of Ukraine is closely linked to the law.

Organizational forms of state policy implementation are based on law, but due to their implementation, legal acts are not issued.

Organizational forms of implementation of state policy are divided into the following types: organizational and structural forms are forms of internal and external organization of structures that implement state policy; organizational and informational forms are forms of information support for the implementation of state policy; organizational and ideological forms are forms of ideological influence on social actors in the process of exercising their respective functions; organizational and material forms are forms of using material phenomena in the process of implementing state policy.

In addition to forms, there are methods of implementation of state policy - these are ways, techniques, and means by which state policy is implemented. They are the means of the purposeful organizational influence of the subjects implementing state functions on the objects under their jurisdiction.

Thus, the methods express the actual content of the activities to implement state policy. At the same time, they are inextricably linked to the forms of their implementation. If methods characterize the internal side of the activity of implementing the state policy, then forms characterize the external side. Methods are the activity's content; forms are this activity's external expression. Methods are a kind of content of the forms of state policy implementation. In this regard, the types of methods are closely related to the kinds of forms of implementation of public policy (Shmotkin, 2016).

Avakian T. believes that among the methods that are more or less inherent in all the above forms of security policy implementation, one can distinguish the methods of legality commitment, coercion, recommendation, encouragement, supervision, control, explanation and information (Avakian, 2015).

In our opinion, we can distinguish between general, unique and specific methods of implementing state policy. The general methods are persuasion and coercion.

Persuasion is a method of influencing the subjects of state policy implementation on other individuals, resulting in these individuals voluntarily performing actions to realize certain functions.

Coercion is a method of influencing state policymakers on other individuals. As a result, these individuals are forced to perform actions to realize certain functions. Coercion can be classified as a method of implementing state policy depending on: the subjects of coercion; the relationship with law; the branch of law that mediates coercion; the objects of coercion; the nature of legal situations; the nature of restrictions; the areas in which coercion is applied; and the means of influence.

Persuasion and coercion, as general methods of implementing state policy, are realized through unique methods. Because they are inextricably linked to the forms of their implementation, special methods of state policy implementation

can be classified according to the latter, i.e., into legal and organizational. Legal methods, in turn, are divided into lawmaking and law enforcement methods, and the last into direct implementation and law enforcement methods. Methods of law application have varieties: methods of constituent activity, methods of regulatory activity, and methods of security activity, which are divided into more specific methods according to the specialization of these three types of activity, for example, methods of counterintelligence activity, methods of judicial investigation, etc. (Shmotkin, 2016).

Tertychka V. argues that "the mechanism of implementation of modern state policy is based on the following conceptual principles: the formation of a legitimate subject and institutional hierarchy of state policy; development of a strategic course and adoption of state decisions; administrative and other means of implementing management decisions; a block of state control and arbitration, ensuring self-correction of the political regime and feedback from the objects of state leadership" (Tertychka, 2002).

Substantiating the appropriateness of understanding the phenomenon of public policy as a relatively stable, organized and purposeful activity/inactivity of state institutions, carried out by them directly or indirectly about a particular problem or set of issues that affect the life of society, Tertychka V. notes that the above definition of public policy implicitly implies that it is based on the law and must be legitimate (Tertychka, 2002). A universal way of fixing these rules and regulations is the method of constitutional definition. By making these rules and principles imperative, the state guarantees that all participants in socio-political relations will adhere to them. At the same time, as a mechanism of institutionalized coercion, it will act according to specific standards. Therefore, it is natural that in all democratic countries, without exception, state policy programs are constantly developed and implemented by the constitution (Gladunyak, 2007).

We support the position of scholars who believe that "the implementation of state policy by public authorities depends, first of all, on the model of the organization of the state power itself, its relations with society, which is constitutionally recognized in the country and implemented in the practice of state and public life. Therefore, the state policy of a legal, social state that recognizes civil society and fully promotes its development is always characterized by several mandatory properties. It is carried out based on certain

principles, such as observance and guarantee of human and civil rights and freedoms. After all, the highest value of the state policy of a legal, social state is human rights, and its central and primary goal is to ensure these rights, maintain an atmosphere of respect for them, and guarantee the principles of the rule of law and legality (Dzevelyuk, 2016).

Legal measures implement the state policy on ensuring national security within the framework of regulatory and legal program documents. At the same time, normative legal acts establishing permits, prohibitions and restrictions must comply with certain principles which are the fundamental basis on which rulemaking is based, namely:

1. Democracy consists of providing guarantees in the norms establishing prohibitions and restrictions to prevent violation of the rights and freedoms of citizens and the realization of the interests of the people and all social groups of the country.
2. Legality implies compliance with the established prohibitions and restrictions with the normative legal acts of higher force, their application only by authorized structures, within the limits of their powers defined by law.
3. Humanism implies compliance with the prohibitions and restrictions outlined in the adopted normative legal acts with public humanistic values and the absence of the possibility of violating universally recognized human rights for the sake of group interests and ensuring the realization of these rights.
4. Systematic approach means that legal acts that deal with permits, prohibitions and restrictions should be created on the principle of "from general to specific," should not contradict each other and should be adopted simultaneously with procedural ones.
5. Scientific basis is the scientific justification for establishing specific permits, prohibitions and restrictions.
6. Expediency means that a regulatory legal act, which prescribes permits, prohibitions and restrictions, is adopted only in cases due to public needs. These prescriptions are the most optimal means of ensuring sustainable and secure development of the state.
7. Objectivity, which means that social regularities should be reflected in legal acts in reality. In contrast, the frequencies of national society should be imperative

(primary), and those of world society should be dispositive (secondary).

8. Reasonableness means that normative legal acts that define permissions, prohibitions and restrictions are adopted only when social relations objectively determine them based on objective information. These legal provisions can best regulate those relations that need to be held.
9. Systematic nature, which implies the existence of an official strategy and tactics of lawmaking, the adoption of regulatory legal acts appropriate economic and other social conditions.
10. Transparency means that plans for legislative work on establishing permits, prohibitions and restrictions should be known to the people, and the process of preparing relevant normative legal acts should be clear.

In our *view, the subjects of implementing state policy on ensuring national security* are the executive authorities, intelligence, counterintelligence, law enforcement agencies, the Armed Forces and other military formations, institutions of civil society, and Ukrainian citizens.

The objects of implementing state policy on ensuring national security are the provisions of program-target and organizational-administrative documents adopted at the legislative level (laws, doctrines, strategies, concepts, and other legal acts approved by the Verkhovna Rada, decrees of the President of Ukraine, resolutions of the Verkhovna Rada and the Cabinet of Ministers of Ukraine), aimed at solving actual social problems of national security, ensuring safe functioning and sustainable development of the country or its individual spheres of life.

Based on the above, the essence of implementing state policy to ensure national security lies in the implementation of legislative decisions aimed at solving current social problems related to national security. This is done to ensure safe functioning and sustainable development of the country, through the application of relevant legal tools such as permits, obligations, prohibitions, and restrictions by designated entities for the proper regulation of social relations in specific areas of the country's activities.

In a sovereign, independent, democratic, social and legal state (as the Ukrainian state is proclaimed in the Basic Law) (Law 254к/96-BP, 1996), the basis for regulatory influence is the

system of means and methods of democracy, and the functional (regulatory) properties of law as a universal regulator of social relations. European countries' political and legal practice proves that democratic and lawful means and methods ensure the delimitation of powers of security subjects and determine the procedure for using unique means of regulating public relations (Shmotkin, 2016, p. 121-124).

The adoption and application of methods and means of influence (permits, obligations, prohibitions, and restrictions) on social relations with the aim of their proper regulation in the sphere of ensuring national security without corresponding legislative regulation should be recognized as illegitimate.

Attempts to implement the state policy deviating from the constitutional principles and values cause respective negative consequences, primarily threatening national security since the inability to adhere to its organizational principles does not allow the relevant entities to properly fulfill the constitutional tasks of guaranteeing state sovereignty, ensuring the rule of law and legality, human and civil rights and freedoms.

Conclusions

The implementation of the state policy on ensuring national security of Ukraine must be based on constitutional principles. The main forms of implementation are legal and organizational. Legal forms consist of two types: legislative forms and law enforcement forms, which in turn are divided into other varieties. Organizational forms are divided into: organizational structure forms; forms of information support; forms of ideological influence on social entities; forms of use of material phenomena.

The determination of forms, methods, and means of implementing the state policy on ensuring national security of Ukraine directly depends on existing and potentially possible dangers, threats, risks, and challenges to national interests, as well as the specifics of specific spheres of the country's life and peculiarities of social relations in them, which require urgent regulation due to the presence of existing problems that negatively affect the safe functioning and sustainable development of the state.

The essential features of the implementation of state policy to ensure national security as a legal category are:

- implementation by security sector entities of mandatory legislative decisions aimed at guaranteeing the safe and sustainable development of the state;
- the presence of a defined system of relevant executive subjects and a complex of tools capable of solving existing social problems in the field of national security, as stipulated by the legislation;
- legitimate influence by executive subjects of state policy on specific areas of the country's life and social relations, which is capable of countering existing and potentially possible dangers, threats, risks, and challenges to them and guaranteeing national security;
- application of appropriate legal means such as permits, prohibitions, obligations, and restrictions for legitimate influence on social relations, and the use of forms and methods that comply with constitutional principles;
- participation of civil society institutions and individual citizens in the implementation by security sector entities of mandatory legislative decisions aimed at guaranteeing the safe and sustainable development of the state (providing practical assistance in carrying out certain measures to implement state policy by security sector entities, exercising public control over the activities of state bodies and officials in this field).

The prerequisite for the implementation of state policy is the development and implementation of the necessary regulatory and legal framework required for this purpose, which is of particular importance in ensuring the principle of legality.

The implementation of state policy to ensure national security is carried out through lawful measures within the framework of regulatory and legal program documents. In this regard, regulatory and legal acts establishing permits, prohibitions, obligations, and restrictions must comply with certain principles that constitute fundamental foundations on which legislative activity is based.

In order to improve the implementation of Ukraine's state policy on national security, it is deemed appropriate to:

- conduct additional analysis of the current operational situation to determine the real state of implementation of existing legislative decisions aimed at addressing current national security issues, and develop measures to address any identified shortcomings;

- plan and conduct a series of studies to determine the most effective mechanism for influencing social relations that can solve the task of proper implementation of Ukraine's state policy on national security;
- identify and recommend the most acceptable complex - optimal set of methods and means for implementation by the subjects of the security sector of the state policy on national security as a whole, as well as in specific areas of the country's life;
- determine all possible forms and ways of participation of civil society institutions and citizens in the implementation of the state policy on national security in the current period;
- develop a reliable and effective mechanism for interaction and coordination of the subjects of the security sector among themselves and with civil society institutions for their proper implementation of the state policy on national security.

Bibliographic references

- Avakian, T. (2015). Subjects and forms of implementation of state policy in the field of internal affairs. *Scientific Bulletin of the National Academy of Internal Affairs*, 1, pp. 37-43. Url: <https://acortar.link/hgiVzN> (In Ukrainian).
- Chernysh, R., Pogrebnaya, V.L., Montrin, I.I., Koval, T.V., & Paramonova, O.S. (2020). Development of Internet communication and social networking in modern conditions: institutional and legal aspects. *Revista San Gregorio (special issues Nov)*. Url: <http://revista.sangregorio.edu.ec/index.php/REVISTASANGREGORIO/article/view/1572>
- Chernysh, R., Prozorov, A., Tytarenko, Y., Masiuk, V., & Lebedev, O. (2022). Legal and organizational aspects of destructive information impact counteracting: the experience of Ukraine and the European Union. *Amazonia Investiga*, 11(54), 169-177. <https://doi.org/10.34069/AI/2022.54.06.16>
- Dzevelyuk, M. (2016). State policy and functions of the modern state: to the problem of interconnection. *National legal journal: Theory and practice*, pp. 21-25. Url: <http://www.jurnaluljuridic.in.ua/archive/2016/4/5.pdf> (In Ukrainian).
- Gladunyak, I. (2007). The Constitution as a basis for the formation and implementation of state policy. *Viche*, 22. URL: <http://veche.kiev.ua/journal/733/> (In Ukrainian).
- Govlet, M., & Magadevan, R., (2004). Public Policy Research: Policy Cycles and Subsystems, 264, p. Kalvaria. Url: <https://acortar.link/UGGtE2> (In Ukrainian).
- Kostenko, S., Strilchu, V., Chernysh, R., & Buchynska, A. (2021). The threats to national security of Ukraine and Poland in assisting to the development of the crypto-asset market: LEGAL ASPECT. *Management Theory and Studies for Rural Business and Infrastructure Development*, 43(2), 225–236. Retrieved from <https://ejournals.vdu.lt/index.php/mtsrbid/article/view/1436>
- Law 254к/96-BP. «Constitution of Ukraine» Bulletin of the Verkhovna Rada of Ukraine, dated June 28, 1996, No. 30, Art. 141. Url: <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text> (In Ukrainian).
- Onyshchuk, S.V., Onyshchuk, I.I., Petroye, O., & Chernysh, R. (2020). Financial Stability and its Impact on National Security State: Organizational and Legal Aspects. *International Journal of Economics and Business Administration*, VIII(1), 2020, pp. 353-365. DOI: <https://doi.org/10.35808/ijeba/429>
- Shilin, M., Shmotkin, O., Chernysh, R., Konyk, T., & Botvinkin, O. (2022). Formation and formulation of state policy to ensure national security: theoretical and legal aspects. *Amazonia Investiga*, 11(57), 152-161. <https://doi.org/10.34069/AI/2022.57.09.16>
- Shmotkin, O. (2016). Theory of state and law. Kiev: National. SBU Academy, 432 p. Url: <http://catalog.odnb.odessa.ua/opac/index.php?url=/notices/index/IdNotice:349422/> (In Ukrainian).
- Tertychka, V. (2002). State policy: analysis and implementation in Ukraine. *Foundations*, 750 p. Url: <https://acortar.link/GVRLtM> (In Ukrainian).
- Vlasenko, T.O., Chernysh, R.F., Dergach, A.V., Lobunets, T.V., & Kurylo, O.B. (2020). Investment Security Management in Transition Economies: Legal and Organizational Aspects. *International Journal of Economics and Business Administration*, VIII(2), 2020, pp. 200-209. DOI: <https://doi.org/10.35808/ijeba/452>



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Protection of the environment under the draft Criminal Code of Ukraine and the European criminal law: a comparative study

Кримінально-правова охорона довкілля за проектом Кримінального кодексу України та європейським кримінальним законодавством: компаративістське дослідження

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Abstract

The purpose of the article is to study approaches used in the Criminal Codes of certain European countries regarding: 1) location in their systems of special parts of norms on liability for encroachment on the environment; 2) comparison of these approaches with the version embodied in the project of the new Criminal Code of Ukraine (hereinafter – the Project); 3) development of scientifically founded recommendations on this basis, which can be used both for the improvement of the relevant provisions of the Project and for the relevant prescriptions of the criminal laws of European states.

Анотація

Метою статті є дослідження підходів, які використовуються в кримінальних кодексах окремих європейських країн щодо: 1) розміщення в їх системах особливих частин норм про відповідальність за посягання на довкілля; 2) порівняння цих підходів із редакцією, закладеною в проект нового Кримінального кодексу України (далі – Проект); 3) розробка на цій основі науково обґрунтованих рекомендацій, які можуть бути використані як для вдосконалення відповідних положень Проекту, так і для відповідних

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When analyzing legislation of specific European countries, as well as substantiating research results, a wide range of scientific methods has been used: comparative legal, dialectical, methods of system analysis and modeling.

Based on the research, it is summarized that, contrary to the Ukrainian Project, the majority of European states consolidated all criminal offenses against the environment within a single structural element of the Special part of national Criminal Codes.

Borrowing experience of countries where criminal law recognizes some offenses against the use of natural resources as types of offenses against property or economy was recognized as impractical.

Keywords: comparative studies, criminal offense, criminal liability, environment, natural resources, economy, environmental security, illegal possession, health, public safety, society, traffic safety, national security.

Introduction

The conceptual novelty of the Project (EUAM Ukraine, 2023) lies in its additional structuring, which is uncharacteristic of the Special Part of the current criminal legislation. In particular, taking into account the rather heterogeneous range of social relations which are violated as a result of the commission of criminal offenses against the environment (Movchan, 2020), developers of the Project have actually implemented the so-called two-level interpretation of the generic object of environmental criminal offenses proposed by many domestic researchers (Kornyakova, 2011; Samokysh, 2011; Turlova, 2018). This was manifested in the proposed division of all sections provided for in the Project. VIII of the Special Part of the current Criminal Code of Ukraine (hereinafter – the CC) criminal offenses into two separate groups of offenses – “*criminal offenses against the safety of the environment*” and “*criminal offenses against the order of use of natural resources*”.

From both a theoretical and a practical point of view, the most interesting thing is that the authors of the Project not only divided all the criminal offenses provided for in Chapter VIII into two groups, but also placed the corresponding chapters in different books of the Special Part. If

приписів кримінального законодавства європейських держав.

Під час аналізу законодавства окремих європейських країн, а також при обґрунтуванні результатів дослідження використовувався широкий спектр наукових методів: порівняльно-правовий, діалектичний, методи системного аналізу та моделювання.

На основі дослідження підсумовано, що, на відміну від українського Проекту, більшість європейських держав об’єднали всі кримінальні злочини проти довкілля в єдиний структурний елемент Особливої частини національних кримінальних кодексів.

Визнано недоцільним запозичення досвіду країн, де кримінальне законодавство визнає деякі правопорушення проти використання природних ресурсів видами злочинів проти власності чи економіки.

Ключові слова: компаративістика, кримінальне правопорушення, кримінальна відповідальність, довкілля, природні ресурси, економіка, екологічна безпека, незаконне заволодіння, здоров’я, громадська безпека, суспільство, безпека руху, національна безпека.

criminal offenses against the environmental safety (Chapter 5.3) are included in the book 5 “Criminal offenses against public health”, then criminal offenses against the order of use of natural resources (section 6.5) – in book 6 “Criminal offenses against the economy.”

Based on the results of this scientific investigation, we will try to find out how correct this approach is, and if it is unjustified, then what version of the regulation of liability for criminal offenses against the environment could be embodied in the Project.

In order to achieve the highest efficiency of criminal law norms (in particular, regarding liability for encroachment on the environment), their improvement should be carried out on the basis of taking modern achievements of European and world criminal law opinion into account and also be based on the advanced practices of foreign legislation (Khavronyuk, 2013). In Ukrainian realities, it is primarily about the legislation of European countries, which experience in the field of criminal law environmental protection will be studied in the course of writing this article with the possibility of its further use.

The significance of conducting comparative research is amplified when considering the Association Agreement between Ukraine and the EU, which was signed in 2014, as well as the significant EU decision in 2022 to designate Ukraine as a candidate for EU membership. These documents explicitly emphasize that the future political association and economic integration between Ukraine and the EU are contingent upon Ukraine's advancements in aligning with the EU in political, economic, and notably, legal domains.

Criminal law assumes a crucial role in this context as it addresses the necessity of harmonizing Ukraine's criminal legislation with pan-European standards for combating environmental crimes. Additionally, it takes into consideration the existing legislative measures implemented by the EU member states.

Literature Review

The works of such Ukrainian researchers as T. Korniyakova, I. Mitrofanov, V. Samokysh, Yu. Turlova, A. Savchenko, A. Shulga, O. Yara have made a notable contribution to the development of issues of criminal law protection of the environment with regard to improving its legislative support.

A number of publications of comparative nature regarding the European experience of criminal law counteraction to environmental encroachments on certain types of natural resources (land (Movchan, 2016; Lisova & Sharapova, 2020; Meiyappan *et al.*, 2014), subsoil (Movchan *et al.*, 2021a; Movchan *et al.*, 2022)), have also been published by the authors of this article.

At the same time, given the fact that Ukraine is currently at the stage of developing a new criminal law (comprehensive reform of criminal legislation is being carried out), designed to significantly improve the mechanism of criminal law regulation taking into account Ukraine's aspirations to become the EU member, research, the subject of which is a comprehensive analysis of the provisions of the Project, becomes of particular importance. Conducting such research will make it possible to properly evaluate its novels, identify potential risks in law enforcement, respond to weaknesses in a timely manner, etc. It is natural to study relevant issues through the prism of criminal legislation of European countries. It is necessary to state the absence of similar academic works in the field of criminal law protection of the environment,

which necessitated the preparation of this article. It should be taken into account that available publications relate to the study of either international legal aspects of the subject under consideration, or the legislation of only certain countries, or are focused purely on the ecological components of combating crimes against the environment.

It is worth adding that previous researchers of the topic at hand have concentrated either on international (Lammers, 2001; Eshmurodov, 2020; Hollins & Percy, 1998) or merely internal (Goyes *et al.*, 2017; Ladychenko *et al.*, 2019; Savchenko *et al.*, 2017) aspects of the problem.

Methodology

This study is based on the use of the comparative law method (Minchenko *et al.*, 2021), which was applied to find out existing approaches in European countries to the regulation of liability for criminal offenses against the environment. The philosophical (dialectical) method made it possible to understand problems of the research, its methodological foundations, to structure the research, to comprehend the research object in a step-by-step mode. By employing the modeling method, the provisions of the legislation of European countries are determined, which can be used during the improvement of domestic criminal legislation.

Legislation of twenty-five European countries, whose criminal legislation provides for liability for criminal offenses against the environment, was selected for consideration. Among those are Austria, Albania, Bulgaria, Denmark, Estonia, Iceland, Spain, Latvia, Lithuania, Macedonia, the Netherlands, Norway, Poland, Portugal, San Marino, Serbia, Slovakia, Slovenia, Turkey, Hungary, Finland, Germany, Croatia, Montenegro, Czech Republic. Selection of such a wide range of countries is explained by the scientifically proven fact that studying foreign experience of as many countries as possible contributes to the transposition of the relevant provisions of the criminal legislation of various foreign countries, their adaptation, convergence, harmonization, unification, etc. (Movchan *et al.*, 2021b).

Results and discussion

Despite the conceptual change in the approach to the construction of the Special Part of the Criminal Code, the main principle of placing norms in specific structural links of the Project remained unchanged: from now on, these articles

should be grouped into sections based on the characteristics of the specific, not generic object of criminal law protection; while the chapters should be grouped into books based on the characteristics of the generic object. In other words, the main direct object of the criminal offense provided for by a specific article must be part of the specific object of the corresponding group of criminal offenses (it is reflected in the title of the section); the specific – of the generic one (it can be judged from the title of the corresponding book).

In turn, this means the need for a correlation between the main direct object of criminal offenses, which is provided for by the article placed in a certain section, and the generic object of criminal offenses to which a relevant book is devoted. Of course, these objects can be and most often are “distant” from each other in a certain way, which is explained by the placement “between them” of a link in the form of a specific object closer to both. However, they must have a fairly close connection, i.e., when causing damage to the main immediate object, there must be a “visible” violation of relations (values, etc.), which are covered by the corresponding generic object.

At the same time, we consider it erroneous to attribute criminal offenses against the order of use and protection of natural resources (section 6.5) in general, as well as, for example, their varieties, such as the destruction or damage of plant or animal natural resources, to encroachments on the economy (book 6 of the Project) (Mitrofanov, 2022). We consider as an example mutilation of a wild animal, which is as “remote” from the economy as, say, the infliction of bodily harm on a person, the damage from which can also be partially expressed with the help of a property equivalent and which (according to a similar logic) can be considered an encroachment on the economy. Is it justified to recognize as economic criminal offense the behavior of the owner of a land parcel, who removes the soil cover of the land located on it without the permission established by law, i.e. commits actions which qualify under Art. 254 of the current Criminal Code of Ukraine, and if the Project is adopted as a law, will it be considered either as “illegal possession” (Article 6.5.4) or as “depletion” of a natural resource (Article 6.5.7)?

In our opinion, the answer to these (and similar) questions should be negative. The conclusion cannot be affected by the fact that criminal liability for the above-mentioned acts is associated with their causing certain (significant

or insignificant) property damage. After all, the latter is (should be) only a formalized and most objective indicator of damage that has been done to *ecological* legal relations, which are fundamentally different from economic ones, and some of which are the main direct objects of the mentioned violations.

If not to the economic one, then to which block of the encroachments provided by the Special Part of the Project (that is, book) should criminal offenses against the order of use and protection of natural resources be assigned? The same issue is brought up to date in the same way in relation to the placement of norms on criminal offenses against environmental safety.

And precisely in order to obtain a properly substantiated answer to the question of the optimal location of the prohibitions under consideration in the Project, it is necessary to refer to the relevant experience of European countries, in which liability for environmental torts is regulated (in various forms) by criminal codes. As a result of the conducted comparative analysis, it was found that foreign parliamentarians primarily use six main approaches to the location of norms on encroachments, which are considered by the current Criminal Code of Ukraine as criminal offenses against the environment, and in the Project – as criminal offenses against environmental security (Chapter 5.3) and against the order of use and protection of natural resources (Chapter 6.5).

In most of the codes we have analyzed, all articles on criminal offenses against the environment are concentrated within one structural subdivision of the Special Part. Therefore, there are no examples of recognition of the considered torts as encroachments on various protected relations (group object), that is, the placement of such units within the boundaries of distinct links of a higher order. Despite the unity on this issue, the parliamentarians of the countries whose legislation is being studied come from four different positions regarding the location of the appropriate universal structural unit. Such approaches largely depend on the complexity of the architecture of the Special Part.

In particular, legislators of the countries whose criminal codes implemented the so-called “simple” (one-level) architecture of the Special Part took two options for solving the specified issue as a basis.

Based on **the first approach** (as well as in the current Criminal Code of Ukraine built on this model), a separate section (chapter) is allocated in the criminal codes of some states, fully devoted to the regulation of responsibility for criminal offenses (crimes) against the environment (natural environment) (Chapter 11 of the Criminal Code of Latvia, Chapter 22 of the Criminal Code of Macedonia, Chapter 24 of the Criminal Code of Serbia, Chapter 30 of the Criminal Code of Slovenia, Chapter XXIII of the Criminal Code of Hungary, Chapter 29 of the Criminal Code of Germany, Chapter XX of the Criminal Code of Croatia, Chapter 25 of the Criminal Code of Montenegro);

The second approach assumes that criminal offenses against the environment are consolidated into a single structural unit, within which, along with environmental torts, the following are placed: a) generally dangerous offenses (Chapter VII of the Criminal Code of the Netherlands); b) criminal offenses that cause harm to society (public interests) (Chapter 21 of the Criminal Code of Denmark, Chapter XIX of the Criminal Code of Iceland); c) criminal offenses against health care (Chapter XXXVIII of the Criminal Code of Lithuania, Chapter 23 of the Criminal Code of Norway).

In these countries, the relevant structural units are most often placed between criminal offenses against public safety, public transport (road safety), the state, less often – “next to” criminal offenses in the field of illegal drug trafficking or against human health.

However, when determining the structure of the Special Part of the Project, its developers took as a model the example of another group of countries, where a “complicated” (multilevel) model of the construction of the Special Part was used, which involves the division of units of a higher level (generic object) into parts of a lower order (special object). At the same time, in countries with this structure of the criminal law, the rule-makers also use two different methods of solving the issue at hand.

The parliamentarians of the conditionally first group of countries believe (in general, **the third approach**) that the specifics of criminal offenses against the environment is such that they do not allow to attribute (or combine) these torts to any other of the separate groups of offenses. With this in mind, in the Special parts of the criminal codes of these states, criminal offenses against the environment are dedicated to separate structural

units of a higher order, within which lower elements are often not distinguished at all (Chapter IV of the Criminal Code of Albania, Chapter 20 of the Criminal Code of Estonia, Chapter VIII of the Criminal Code of the Czech Republic).

It is also characteristic that, similar to the previous version, the corresponding structural links are again most often placed between criminal offenses against public safety, public order and morality, traffic safety, against the state.

Instead, legislators of other states (**the fourth approach**) see grounds: 1) for recognizing criminal offenses against the environment as a type of a group of offenses that is broader in content – criminal offenses against *security (public safety and public order)* or *society (community)*, to which they are included (Part 2, Chapter 3 of the Criminal Code of Turkey). Under such condition, together with criminal offenses against the environment in the relevant structural unit, liability for encroachment on public safety, as well as public peace, public health, traffic safety and operation of transport, etc. is assumed once again; 2) to combine criminal offenses against the environment and safety in one structural unit: a) at the higher level, within which separate elements of a lower order are distinguished, dedicated to the regulation of liability for, on the one hand, criminal offenses against the environment, and on the other – against public security (parts one and two of Ch. 6 of the Criminal Code of Slovakia); b) of a lower level – subject to the implementation of this option, the relevant norms are included in the group of criminal offenses against society (Part III, Chapter IV of the Criminal Code of Portugal, Part I, Chapter 3 of the Criminal Code of San Marino).

Much less often, foreign parliamentarians use the approach approved in the Project, when, in view of some difference in the objects of various criminal offenses against the environment, liability for their commission is assumed according to the norms that are placed in various structural units of the Special Part of the Criminal Code. At the same time, and within such an option, at least two varieties can be distinguished, which are fundamentally different from each other.

Legislators who tentatively profess the first of them (in general, this is **the fifth approach**) proceed from understanding of the organic unity of all criminal offenses against the environment

(generic object), which, at the same time, does not prevent them from realizing that certain groups of such offenses encroach on rather heterogeneous social relations (specific object). This approach is implemented by selecting two sequentially placed structural parts (in a Criminal Code with a simple architecture, they are completely independent, and in the case of a complex one, they are included in a single link of a higher order). These parts, despite their different names, actually (meaningfully) refer to the same criminal offenses against the environment, some of which are considered in the Project as criminal offenses against environmental safety (environmental pollution, illegal waste management, etc.), while others as criminal offenses against the order of use and protection of natural resources (illegal hunting/fishing, felling of trees (forest crime), etc.). Taking into account this structuring criterion, in the Criminal Code of Spain all offenses against the environment are divided into crimes against natural resources and the natural environment (Chapter III), as well as crimes in the field of protection of flora, fauna and domestic animals (Chapter IV), and according to the Criminal Code of Finland – on environmental crimes (Ch. 48) and crimes in the field of natural resources (Ch. 48-a).

Legislators in the second group of countries include only those actions that the authors of the Project recognize as encroachments on environmental safety as criminal offenses against the environment (**sixth approach**). At the same time, certain criminal offenses against the order of use and protection of natural resources can be recognized as encroachments on: a) *property* (in the Criminal Code of Poland, this is Ch. XXII “Crimes against the environment” and Chapter XXXV “Crimes against property”, which, in particular, provides for liability for felling trees in the forest for the purpose of appropriation (Article 290); according to the Criminal Code of Austria – Chapter 7 “Generally dangerous acts and criminal acts against the environment” and Chapter 6 “Criminal acts against other people’s property”, which found a place for such traditional (from the standpoint of the current Criminal Code of Ukraine) environmental offenses, as provided for in paragraphs 137–140 – illegal fishing and hunting); b) *economy* – a relevant example can be observed in Bulgaria, which Criminal Code includes such actions as illegal mining, illegal felling of forests, destruction of trees, etc. Part II “Crimes in certain branches of the economy” includes Ch. 6 “Crimes against business” (at the same time, in Chapter III “Crimes against public health and the

natural environment”, Chapter 11 “Generally dangerous crimes”, the Bulgarian parliamentarians provided for liability not only for environmental pollution, violation of veterinary regulations, illegal handling of waste, but also for illegal drug trafficking, production of food items dangerous to human health, animal feed, etc. – that is, for actions similar to those for which liability is consolidated within the scope of Book 5 of the Project “Criminal Offenses Against Public Health”).

Based on the results of the comparative legal analysis, there are grounds to draw two main conclusions which influenced the final position on the issue under consideration, in particular, regarding the assessment of the approach to the placement of criminal offenses against the environment in the system of the Special Part of the Project.

First, it was possible to find only two countries whose Special parts of the Criminal Codes provide for the allocation of two structural units dedicated to the regulation of liability for certain types of criminal offenses against the environment – these are Spain and Finland. However, even “separated” environmental torts in the mentioned states are recognized as homogeneous, as evidenced by their placement within the boundaries of parts located one after the other, which are either independent or included in a single link of a higher order (in the Criminal Code with a simple and complex architecture, respectively). At the same time, not a single example of the approach embodied in the Project was found, according to which two relevant structural units (Section 5.3 and Section 6.5) are placed in different links of a higher order (Book 5 and Book 6, respectively).

Secondly, taking into account the above, the clarified fact that the parliamentarians of countries in which all criminal offenses against the environment are consolidated within a single structural element, most often: 1) recognize their organic kinship not with encroachments on the economy or security, becomes even more significant health, as provided for in the Project, and with criminal offenses against public safety or society: a) to which they are included (in various forms); b) or with which they are combined in single parts; 2) recognize the impossibility of including/combining environmental torts (taking into account their specifics) into/from any other groups of criminal offenses, singling out completely independent subdivisions devoted exclusively to criminal offenses against the environment. Moreover, this

is characteristic of both countries with complex and simple “architecture” of the Special Part of the Criminal Code. Against this background, it is characteristic that with such approach, the relevant structural links are most often placed next to articles on criminal offenses against public safety, public order and morality, traffic safety. Even indirectly, this fact can be considered an additional evidence of recognition of the closeness of the legal relations (values) protected by the relevant sections (chapters).

Conclusion

By synthesizing all previous developments, as well as taking into account the structure of the Project, we came to the general conclusion that the issue of regulation of liability for criminal offenses against the environment should be resolved in it (the Project) in one of two alternative ways.

The *option I* provides for inclusion of the two chapters, currently placed in different books, into a single structural link of a higher order, which deals not only with environmental, but also with other offenses. Having analyzed the structure of the Project, it can be stated that in the case of implementation of this approach, articles on the considered encroachments should be placed in the book 7 “Criminal offenses against society.” This approach is supported not only by the foreign experience highlighted above, but also by the placement in the book 7 of the Draft of norms on the group of criminal offenses against *security*.

Possibly the only disadvantages of this option are that, if it is implemented, firstly, there will be a certain imbalance between the book 5, in which only two chapters will remain, and book 7, which will concentrate eleven sections at once, and secondly, the peculiarity of the object of specific criminal offenses against the environment will not be fully taken into account.

That is why *option II* is considered optimal (with some reservations) – its essence is to allocate an independent book on criminal offenses against the environment, to which sections devoted to criminal offenses against environmental safety and against the order of use and protection of natural resources, which are not currently placed in “their” books, should be transferred, respectively. The advantages of this approach include the fact that it makes it possible to maximally ensure/take into account the following:

- 1) specifics of criminal offenses against the environment, which is quite sufficient (which is confirmed by the dominant foreign experience) to allocate a separate book, fully devoted to the relevant offenses;
- 2) absolute correlation between generic (relevant book), specific (two mentioned sections) and the main direct objects of specific criminal offenses;
- 3) continuity of criminal legislation of Ukraine. Given the presence of an unprecedentedly large number of other radical updates proposed in the Project, its authors should try to preserve the mentioned continuity at least in those few aspects, where it is possible and where it does not violate the conceptual principles of building a new CC. Such step will help both lawmakers (when updating criminal legislation) and law-enforcement bodies (criminal law responses, organization of reporting, keeping criminal-law statistics, etc.), which are “accustomed” to the presence of a separate independent structural unit that unites articles about all criminal offenses against the environment;
- 4) the best and at the same time the most common foreign practices, in particular the experience of those European countries which recognize, on the one hand, the organic unity of criminal offenses against the environment and their fundamental difference from all other criminally illegal acts (placement in a single chain of higher order), and on the other hand – the difference in the nature of their anti-social orientation (division into two parts of a lower order).

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Bibliographic references

- Eshmurodov, E. (2020). Issues Of Criminal Liability For Violation Of The Requirements Of The Law On Ecology And The Environment. *The American Journal of Political Science Law and Criminology*, 2(11), p. 93-98.
- EUAM Ukraine (2023). Draft text of the new Criminal Code of Ukraine. Control text as of January 30, 2023. Retrieved from: <https://newcriminalcode.org.ua/criminal-code> [in Ukrainian].

- Goyes, D., Mol, H., Brisman, A., & South, N. (eds) (2017) *Environmental Crime in Latin America: The Theft of Nature and the Poisoning of the Land*. *International Journal for Crime Justice and Social Democracy*, 8(3), 112-115. DOI:10.5204/ijcjsd.v8i3.1248.
- Hollins, M., & Percy, S. (1998). *Environmental Liability for Contaminated Land: Towards a European Consensus*. *Land Use Policy*, 15(2), 119-133.
- Khavronyuk, M. I. (2013). Scientific understanding of foreign legal doctrine and criminal legislation of foreign countries. *Bulletin of the Criminal Law Association of Ukraine*, 1, 98-347 [in Ukrainian].
- Korniyakova, T. V. (2011). *Criminological principles of prevention of crimes against by the prosecutor's office environment: a monograph*. Kyiv: In shaking [in Ukrainian].
- Ladychenko, V., Yara, O., Uliutina, O., & Golovko, L. (2019). *Environmental Liability in Ukraine and the EU*. *European Journal of Sustainable Development*, 8(2), 261-267.
- Lammers, J. G. (2001). *International Responsibility and Liability for Damage Caused by Environmental Interferences*. *Environmental Policy and Law*, 31(1), 42-50.
- Lisova, T., & Sharapova, S. (2020). *Legal issues of protection of agricultural land in Ukraine at the present stage*. *Amazonia Investiga*, 9(27), 209-216. DOI: <https://doi.org/10.34069/AI/2020.27.03.22>
- Meiyappan, P., Dalton, M., O'Neill, B., & Jain, A. (2014). *Spatial modeling of agricultural land use change at global scale*. *Ecological Modelling*, 291, 152-174. Retrieved from: <https://www.sciencedirect.com/science/article/pii/S0304380014003640>
- Minchenko, R., Lutsyuk, P., Kamensky, D., Kolodin, A., & Shamota, O. (2021). *Civil and criminal liability in the field of transport relations: the impact of the Covid-19 pandemic*. *Amazonia Investiga*, 10(40), 212-221. DOI: <https://doi.org/10.34069/AI/2021.40.04.21>
- Mitrofanov, I. I. (2022). *Criminal offenses against the environment according to the project of the Criminal Code of Ukraine*. *Legal Scientific Electronic Journal*, 12, 375-379.
- Movchan, R. O. (2020). *Criminal liability for crimes in the field of land relations: legislation, doctrine, practice: monograph; foreword by Dr. Jurid. Sciences, prof., honored worker of science and technology of Ukraine O. O. Dudorova*. Vynnytsia: Tavori LLC [in Ukrainian].
- Movchan, R. O. (2016). *Criminal law protection of land resources according to the legislation of the post-socialist countries of Central and Eastern Europe*. *Visegrad Journal on Human Rights*, 3, 130-135.
- Movchan, R. O., Dudorov, O. O., Kamensky, D. V., Vozniuk, A. A., & Babanina, V. V. (2022). *Criminal liability for illegal mining: analysis of legislative novelties*. *Scientific Bulletin of National Hirnichoho University*, 5, 116-121. DOI: <https://doi.org/10.33271/nvngu/2022-5/116>
- Movchan, R., Dudorov, O., Vozniuk, A., Areshonkov, V., Lutsenko, Y. (2021b). *Combating commodity smuggling in Ukraine: in search of the optimal legislative model*. *Amazonia Investiga*, 10(47), 142-151. DOI: <https://doi.org/10.34069/AI/2021.47.11.14>
- Movchan, R., Vozniuk, A., Burak, M., Areshonkov, V., & Kamensky, D. (2021a). *Criminal law counteraction to land pollution in the EU countries: searching for the optimal model*. *Amazonia Investiga*, 10(42), 15-23. DOI: <https://doi.org/10.34069/AI/2021.42.06.2>
- Rodríguez Goyes, D., Mol, H., Brisman, A., & South, N. (2019) *Environmental Crime in Latin America: The Theft of Nature and the Poisoning of the Land*. *International Journal for Crime Justice and Social Democracy*, 8(3), 112-115. DOI:10.5204/ijcjsd.v8i3.1248.
- Samokysh, V. P. (2011). *Crimes against the environment: problems definition of a generic object*. *Bulletin of the Academy of Advocacy of Ukraine*, 1, 84-88 [in Ukrainian].
- Savchenko, A., Babikov, O., & Oliinyk, O. (2017). *Comparative and Legal Analysis of Criminal and Legal Protection of Individual Components of Natural Environment: European Experience*. *Journal of Advanced Research in Law and Economics*, 8(7), 2209-2216.
- Turlova, Yu. A. (2018). *Combating environmental crime in Ukraine: criminological and criminal law principles: Thesis for the doctor of law degree*. Institute of the State and Law Named after V. M. Koretsky, National Academy of Sciences of Ukraine, Kyiv [in Ukrainian].

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Challenges and strategies for intercultural communication: A case study on national and gender stereotypes in postmodern women literature

Виклики та стратегії міжкультурної комунікації: дослідження про національні
й гендерні стереотипи у жіночій літературі постмодерну

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Abstract

The paper was aimed to investigate the problem of national and gender stereotypes' influence on the choice of strategies for intercultural communication between ethnically or culturally diverse people. The case study took place in the course of trainings, for students, who left for abroad in the wake of the state of emergency, but continued their studies in the university online. The authors applied comparative literature analysis and sociocultural interpretation of the texts of the novels "Fear and Trembling" by Amelie Nothomb and "Good News from the Aral Sea" by Irena Karpa to explore what national and gender stereotypes had been reflected in postmodern women literature, as one of the

Анотація

Метою роботи було дослідити проблему впливу національних і гендерних стереотипів на вибір стратегій міжкультурної комунікації між етнічно чи культурно різними людьми. Дослідження проводилося під час тренінгів, що були спрямовані на розвиток міжкультурної комунікації студенток, які виїхали за кордон у зв'язку з надзвичайним станом, але продовжили навчання в університеті онлайн. Автори застосували порівняльний літературний аналіз і соціокультурну інтерпретацію текстів романів Амелі Нотомб «Страх і тремтіння» та Ірени Карпи «Добрі новини з Аральського моря», щоб дослідити, які національні та гендерні стереотипи

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forms of mass consciousness and sociocultural discourse embodiment. It was revealed that various societies possessed prejudices against foreigners no matter their educational or economic level, while the stereotypes concerning women were completely different in discovered environments; conflicts and failures in intercultural communication caused by stereotypical perception cannot be solved when people apply assimilation, opposition or subversion as communication strategies. Nevertheless, empathy, integration and transformation of stereotypical patterns of one culture to the foreign one could result in fruitful interaction and enable people's adaptation to life in a foreign society.

Keywords: gender stereotype; intercultural communication; national stereotype; sociocultural discourse; postmodern women literature.

Introduction

In the beginning of 2022 the state of emergency forced millions of citizens' fleeing from homeland to save their lives. Many students, mostly female, left for abroad, but continued their studies in the university online. Academics of the university arranged a special course of trainings, which was designed to facilitate intercultural communication of students in a foreign country, since young women's entering a new social environment demanded maintaining contacts and relations with the natives of a new country.

Intercultural communication is a communication of people in which the methods of communication or the functions of speech events are not identical. There are differences in their implementation and interpretation in certain situations. Intercultural communication involves, beside the command of a language, the knowledge of psychology, material and spiritual culture of another nation, because the ignorance of national and cultural specifics of behavior leads to communicative failures and negative assessments of the situation (Fomenko et al., 2020). Discrepancies in the worldviews of culturally diverse people, embodied in their stereotypes, are accompanied by conflicts between conservative moods and modern tendencies of certain segments of the population, between generations, between people of different countries and nationalities, between men and

знайшли відображення у жіночій літературі постмодерну – як однієї із форм втілення масової свідомості та соціокультурного дискурсу. Було виявлено, що у різних суспільствах існують упередження щодо іноземців незалежно від їхнього освітнього чи економічного рівня, тоді як стереотипи щодо жінок є абсолютно різними у досліджених середовищах. З'ясовано, що конфлікти та невдачі в міжкультурній комунікації, спричинені стереотипним сприйняттям, не можуть бути ефективно вирішені, коли люди застосовують асиміляцію, заперечення чи субверсію як комунікаційні стратегії. Однак, емпатія, інтеграція та трансформація стереотипних моделей однієї культури в іншу могли б призвести до плідної міжкультурної взаємодії та сприяти адаптації людей до життя в чужому суспільстві.

Ключові слова: гендерний стереотип; міжкультурна комунікація; національний стереотип; соціокультурний дискурс; жіноча література постмодерну.

women. Most scientists are inclined to think that conflict is one of the elements of interpersonal (intergroup) interaction, however, in the aspect of inter-national conflicts, the concepts of nation and gender become dominant. In the process of communication people perceive each other through the prism of their own culture and standards. At this level, there is a position of the naturalness and correctness of someone's own culture and the unnaturalness and non-acceptance of the interlocutor's diverse communicative culture, considering the customs of their own group as universal; their own norms and values absolutely true (Jenifer & Raman, 2015; Gut et al., 2017). These challenges precondition the need for new acceptable strategies of efficient communication between culturally and ethnically diverse people.

The paper is targeted to investigate challenges and strategies for intercultural communication, which were revealed in the course of trainings by its participants through the study of novels "Fear and Trembling" by Amelie Nothomb and "Good News from the Aral Sea" by Irena Karpa. The objective of the article is to explore national and gender stereotypes and the ways they impact intercultural communication by comparing, analyzing and interpreting the texts of the novels.

Literature Review

The notion of “stereotype” can be distinguished as a fixed, overgeneralized belief about a particular group or class of people; an opinion about their personal qualities, which can be overly generalized and inaccurate (McLeod, 2015). Stereotypes allow an individual to perceive, “classify” other people according to their belonging to one or another group, socio-economic class, or according to their physical characteristics (gender, age, skin color, etc.) (Koenig, 2018).

The term itself was introduced to define the prevailing prejudice against the event or its evaluation, which united certain strata according to the same perception of reality (Lavlinskiy, 2016). Stereotypes provoke an overly conventional view of people, form expectations and attitudes towards others, contribute to a simplified perception of people and reality (Hentschel et al., 2019). Stereotypes are realized and acquired by an individual in the course of socialization in the group to which he/she belongs (by parents, friends, teachers, mass media, etc.). Moreover, even the individual’s own ideas about himself/herself can be closely related to stereotypes. A stereotype as a concept is a tool that enables identifying and understanding an object or a situation without the necessity for a person to make his/her own decisions, responsibility and opinion. Actually, it is “...an intertextual reference to archaic, mostly atavistic stamps, ... the hidden attitude of the psyche to believe and accept before knowing and testing it from one’s own experience...” (Suprun et al., 2022, p. 373).

National or ethnic stereotypes are defined as generalizations about representatives of ethnically diverse groups, that are featured by increased emotional stability, but do not always adequately reflect the real features of the stereotyped group. The reason for the formation of stereotypes is the striving to protect values that fix concepts, knowledge, skills, and norms of behavior, that is typical for members of a particular ethnic group (Fomenko et al., 2020). A gender stereotype is a simplified, stable, emotionally colored type of behavior and character traits adherent to men or women. Gender stereotypes act as an agreements in the society about the interaction of “masculine” and “feminine” dimensions. On the one hand, they support interpersonal and intergroup understanding and cooperation, as they ensure the stability of ideas in the society. On the other hand, gender stereotypes can negatively affect

self-realization of men and women, act as a barrier in the development of individuality (Haines et al., 2016).

As a form and means of seeing the world, stereotypes embody a complex worldview, which consists of certain cognitive and evaluation modes, specific forms of perception and behavior that are imposed on their carrier by the mass consciousness (Zagorodnova, 2018). Being predominately cultivated in mass consciousness and represented in its multifaceted forms, such as mass media, namely literature, television, cinema, social networks, etc., various stereotypes should be traced and examined to evaluate their impact on dominating narratives in postmodern society. In this point literature is of a special interest, as it is a “comprehensive content linking art, in particular the art of words,” that reflects the tendencies of the modern world. It enables a person to express his/her own position, ideas, aspirations, expectations and dreams. Literature indisputably influences the life of society and contributes into the recognition of the sociocultural discourse of all those changes that the postmodern society cannot avoid (Zubenko & Sytnykova, 2020, p.197).

Amelie Nothomb’s novel *Fear and Trembling* is an autobiographical work. She wrote the book in 1999, devoting it to one year of life in Japan and work for Yumimoto Corporation (Rámila Díaz, 2012). Irena Karpa’s novel *Good News from the Aral Sea* was published in 2019. It is also mostly autobiographical and contains true stories of real women (Tkhoruk, 2019). Both novels were written by women authors and present women as the protagonists, so they are reviewed as the pieces of women’s literature. The peculiarities of women’s literature are distinguished by two approaches to determining its specificity. The first one is based on the assumption that the peculiarity of women’s prose is defined by the specific women’s experience, which is expressed by the author at the level of issues, themes and ideological direction of the work (Kryvoruchko et al., 2021). Proponents of the second approach tend to see the specifics of women’s prose in the remarkable sound of a female voice in the text, i.e., at the level of writing (Michalska-Bracha, 2018); a number of different parameters, in particular, the concept of female personality, “feminine” style of writing, stipulation of female experience, the predominance of a feminine type of imagery (Holmes, 2016). With the beginning of the postmodern era, women writers began to revise cultural stereotypes. Postmodern women literature is considered to be a direct reaction to the stereotypes of mass consciousness as its inner

essence is denying the narrative of realist discourse, cause-and-effect dependence of plot lines, and psychological conditioning. So, it is by no means satisfied with everything stereotypical, constant, which generates a standard, prematurely expected reaction. Self-worth of the author's voice, autobiography, polyphonic monologism, sincere intonation of confession, psychologism (even psychoanalysis) of heroes, the need for dialogue with the national modernist feminist literary heritage – all these are signs of postmodernist artistic practice (Saunier, 2015; Alsanafi & Mohd Noor, 2019).

Methodology

The participants of the course of intercultural trainings were students, who left for abroad in the wake of the state of emergency, but continued their studies in the university. 78 females, aged 19-24, representatives of various faculties, voluntarily joined the work in trainings, read the novels, shared their insights and experiences, created a mapping for efficient communication strategies, trained their skills of intercultural communication and interaction. The case study was vectored to answer the following questions:

1. What national and gender stereotypes were described in the novels "Fear and Trembling" by Amelie Nothomb and "Good News from the Aral Sea" by Irena Karpa?
2. Do the stereotypes influence the choice of communication strategies in the intercultural environment?

The comparative analysis of literary texts was aimed to find out contradictions and typological coincidences (analogies) within the literary sources, belonging to different time-frames, languages and cultural traditions. The study of stereotypes, forms of explicit and implicit content, cultural influences, interliterary perception, mediation functions of literary tools involved the application of general scientific methods, such as deduction and induction, and more specific methods of dialectical reflection and systematic analysis.

The method of text interpretation enabled the study of the stereotypes as cultural concepts, that have not only linguistic expression, but also ethno-cultural specificity. It is essential, as despite their nature, stereotypes reflect the society to which the author belongs, not only in the images of a particular culture, but also a particular language. Thus, works of art created by representatives of a particular culture become sources of information about national concepts

and the specifics of verbalization of universal concepts, taking into account the "exit" to the geopolitical, ethno-psychological, historical and gender aspects that are outside the literary work (Valuyskaya, 2017).

Results

Most participants of trainings admitted that both novels presented a predictable situation, where a foreigner, who was unable to complaint with social and cultural standards being very different from her/his own, played the major part.

The plot of the novel *Fear and Trembling* by Amelie Nothomb was based on the relationship between two main characters, – Belgian Amelie and Japanese Fubuki Mori. The female characters were in opposition of Western and Eastern cultures (European and Japanese), that was reflected in the contrast of customs, social laws and features of individual self-consciousness.

Initially the Belgian Amelie was sincerely fascinated by the the Japanese culture, traditions and way of life. However, having come to work for the company, the young girl faced a strict system and rules extremely different from the European ones. She found it very hard to get used to the situation. The main character made many mistakes because she wanted to assimilate, to become a "real Japanese". When she wanted to pretend being a traditional Japanese woman during a tea ceremony, it got the boss back up, as the "white woman" did not have to speak Japanese. It was difficult for Amelie to understand why her command of the language, being an admission condition, caused the conflict: "Perhaps the Japanese brain is capable of forcing itself to forget a language. The Western brain doesn't have that facility" (Nothomb, 2001, p. 2).

The participants noted that the inability to acknowledge the two cultural worlds was an indirect reason for the conflict between Amelie and her boss Fubuki Mori. This revealed the author's concept of national stereotype – Fubuki disrespected Amelie because she was a foreigner, not perceiving her apart from her own chauvinistic prejudices. And Amelie assessed both Fubuki's life and the whole of the Japanese society, based on the European worldview. The psychological conflict representing the whole confrontation of different worlds, their opposition, "moves" the plot of the novel: it was because of Fubuki's negative attitude towards her subordinate, that Amelie, the secretary,

becomes a “toilet cleaner” and was subjected to humiliations. Amelie evoked both sympathy and respect by the readers, because even as she descended the career ladder, she retained her national dignity and inner strength (Bakaeva, 2015).

Irena Karpa’s novel *Good News from the Aral Sea* is dedicated to *Filles de l’est* (French) – girls from the East. This phrase is used in France to refer to all women from Eastern Europe – Ukrainian, Polish, Slovak, Czech, etc. (Karpa, 2019, p. 141). It is rather pejorative and derogatory: when the French say “Girls from the East”, they immediately imagine either an “elite escort service girl”, or a house cleaner or a bride via the Internet. However, the training participants pointed out that the stories of four Ukrainian immigrants did not fit this stereotype at all. The former Femen (a really existing feministic organization) activist Masha found political asylum in Paris; the former teacher Rita got a prestigious job and financial independence. After leaving the University of Vienna, Bohdana hid from her parents in France and looked for new impressions. The musician Chloe fled to France hiding from justice.

Like the Nothomb’s heroine, at first, they were greatly impressed by the culture of the country where they found themselves: “Masha truly wanted to be a real Parisian. She also eagerly posted baguettes, cups of coffee on the terrace, hats, vegetable stalls in the market and rabbits on the lawn near the Invalids” (Karpa, 2019, p. 45). But gradually they realized that the glossy facade of bright life hid the contempt for immigrants: “The French, who suddenly fell ill with Ukrainophilia after the Maidan, ... rarely refused to eat or drink for free and often considered a rich friend with an awkward accent to be a “mon client russe” (French, My Russian client) – never

mind whether he or she was Croat, Georgian or Ukrainian” (Karpa, 2019, p. 81). They often came across unveiled aggression – “Here we, the legitimate French have nowhere to work – shouted bistro-pasha, and you, Eastern European emigrants, try to scramble ahead!” (Karpa, 2019, p. 121).

They permanently felt separated from the French society remaining only foreigners from an unreliable country. Ukrainian immigrants realized that they “... would never be like them [the French], even if ... found a French job and paid taxes properly” (Karpa, 2019, p. 433). Nevertheless, Irena Karpa’s heroines tried to integrate into the authentic life of the French, attending bohemian parties and family dinners, visiting squatters, getting acquainted with Muslim immigrants and French aristocrats.

Eventually, each of them found ways to earn for decent living, got social connections, won appraisal in the society, based on their personal and professional qualities by making the French overcome their own ethnic stereotypes. Having experienced disappointments, depression and confusion, the main characters of the book achieved national self-identification and self-esteem. The training’s participants revealed that Irena Karpa’s heroines attempted to understand culturally diverse people, see their grounds and reasons, find analogies with their own culture. The author used the technique of allusion, comparing the most famous Ukrainian dish, Borsch, and Madeleine cake from Marcel Proust’s works, as triggers that evoke nostalgia, childhood memories, national self-awareness (Smith, 2016): “Borsch. Ukrainian Madeleine cake” (Karpa, 2019, p. 378). The insights of the trainings’ participants concerning challenges in intercultural communication and strategies to confront them were generalized in Table 1.

Table 1.
National stereotypes issues in a foreign society

N	Challenge	Strategy	
1.	Inability of immigrants to complaint with social and cultural standards	Notomb’s novel	Assimilation. The admiration for the foreign culture, the attempt to assimilate into it, to become a part of it.
		Karpa’s novel	Integration. The fascination with the foreign culture is coming along with own national self-identification and self-esteem.
2.	Local people’s chauvinistic prejudices, contempt for immigrants	Notomb’s novel	Opposition. Assessment of the way of life and the whole of the Japanese society, based on the European worldview.
		Karpa’s novel	Empathy. Attempts to understand position, grounds and worldview of the culturally diverse people.

Source: Authors own conception

All participants acknowledged that a significant place in both books has been given to gender issues, regarding them as socio-gender characteristics of sex with its inherent features of lifestyle, actions, plans, aspirations, etc., that stipulate not only individual features of men and women, but also determines the relationships between them.

Taking place in a male-dominated environment, the contradiction between two women, Amelie and Fubuki Mori, is rather misogynistic, predetermined by gender stereotypes. Amelie represented a Western person who had cultivated the trend of women emancipation. Immersed in the daily life of another country, its way of living, peculiarities of mentality, the main character was surprised to discover differences in attitudes towards women, prohibitions, inviolable moral rules (Saunier, 2015). She was horrified by the position of women in the Japanese society: “Do not hope for joy, your pleasure will hurt you. Do not hope for love, it is not worth it, you will be loved for what you seem, not for what you really are. Hope you will work. Given your gender, you have little chance of reaching the heights, but hope to serve your company. Work will bring you money, and it will not give you any pleasure, but it may attach more importance in case of your marriage – because you are not so stupid as to think that you can be chosen for your real value” (Nothomb, 2001, p. 111).

Playing on the contrast of European and Japanese women’s self-consciousness, Amelie Nothomb also resorted to subversion. The writer deliberately took Fubuki’s image beyond the stereotype she described. The training’s participants noted that Fubuki is portrayed as a woman who had achieved incredible professional success, but in order to realize her goals in a patriarchal and far from feminizing society, she had to take on some masculine functions and put her career above family values, which was completely unusual for Japanese women. The cult of men in Japan implied a meager role of women in decision-making, and therefore women were not entrusted with responsible work and did not assume freedom of thought (Rámila Díaz, 2012). Talking more of responsibilities of Japanese women than their rights, the author criticized the severity of the society: “If you’re not married by the time you’re twenty-five, you’ll have a good reason to be ashamed; if you laugh, you won’t look dignified; if your face betrays your feelings, you’ll look coarse; if you mention the existence of a single body-hair, you’re repulsive; if a boy kisses you on the cheek in public, you’re a whore; if you enjoy eating,

you’re a pig; if you take pleasure in sleeping, you’re no better than a cow and so on” (Nothomb, 2001, p. 111).

Similar patriarchal demands on women, presented as traditionally Ukrainian ones, though in an openly sarcastic way, were investigated by the training’s participants in I. Karpa’s novel: “Faithful and devoted working women can successfully cope both with the work and the household. Because if you do only one thing in Ukraine, you are considered to be incompetent, stupid or lazy. We need to keep up with everything. To crown it all, you should take care of your husband. Children – of course. But a Man is your leading star and the greatest value” (Karpa, 2019, p. 50).

The participants stressed that none of the heroines wanted to fit this stereotype. Bohdana, who announced that idea, rebelled against her pre-arranged role of a “woman-guardian of the family hearth”. For some time, Rita had been playing a traditional Ukrainian female role, living with an abusing husband, that led her to a loss of self-esteem and total frustration in life (Krupka, 2021). Chloe was in a way an androgynous character; her description emphasized the masculine traits of personality and appearance that resulted in her marginalized position in the traditional Ukrainian society. Masha actively defended women’s rights by participating in Femen, an organization known for its extreme performances. Thus, participants concluded that Irena Karpa also used the technique of subversion – games with a stereotype – on the gender representation of her heroines.

Living in France, the Ukrainian protagonists enthusiastically discovered the worldview of the French women, their ability to respect and appreciate their own gender identity: “A French woman wants to be beautiful or even just spend free time reading a book. Facing the need to cook new dishes for her sweetheart, she makes the reservation in a restaurant under her name but on his credit card. As far as a Ukrainian woman, estimating that her sweetheart can get sick with heartburn eating in a restaurant, is inspired spinning a million plates in the kitchen – downloads a new cooking app and happily claps her hands: “Trap! I am so happy!” (Karpa, 2019, p. 312). They highly evaluated the desire of French women for freedom including financial one: “... the idea of becoming again financially dependent on her husband caused her panic” (Karpa, 2019, p. 442); their ability not to hang on other people’s opinions, not to be ashamed of

their potential, age or appearance: “The French call it ‘to be or not to be classy – and for those who are not classy, it does not matter how much clothes cost” (Karpa, 2019, p. 288).

So, the training participants traced the transformation of certain patterns of the Ukrainian protagonists’ native culture to the French one, despite the fact that in a foreign

society completely different domestic stereotypes dominate. Furthermore, it was due to their ability to transform own stereotypes that they managed to adapt to the life in a foreign society. Text interpretation of the novels concerning gender challenges and strategies of their solvation, resulted in data presented in the Table 2.

Table 2.
Gender stereotypes issues in a foreign society

N	Challenge	Strategy	
1.	Misogynistic conflict in the society with a masculine culture	Notomb’s novel	Subversion. Taking on some masculine functions to confront a meager role of women; open criticism
2.	Emancipated views on the position of women in the French society	Karpa’s novel	Transformation of certain patterns of their native culture to break stereotypes and go beyond their limits

Source: Authors own conception.

Discussion

When representatives of different cultures initiate communication, it is quite likely that certain problems will arise, associated with contradiction in these cultures, namely: misunderstanding, prejudices, demarcation, resentment or mental or social isolation. In this sense, stereotypes influence migrants’ choice of communication and adaptation strategies in the foreign cultural space (Lavlinskiy, 2016).

If a migrant chooses an assimilation or a subversion strategy, personal identity tends to approach a diffuse, “blurred” identity with uncertain life goals, low self-esteem, lack of inner integrity and coherence (Blynova et al., 2020). Personal identity acquires signs of mature positivity when a migrant integrates into the foreign cultural space, he/she is inclined to show empathy to culturally diverse people and the ability to transform own stereotypes. These strategies can help to overcome the framework of a person’s cultural identity, so he/she no longer remains a “stranger” in new cultural spaces and can find a new self-esteem in relation to new cultural groups. As a “foreigner” perceives the elements of another culture, his/her self-esteem shifts from an exclusively cultural to an intercultural state. This intercultural identity is flexible and quite mobile because it is no longer based on belonging to the original or foreign culture (Bilotserkovets et al., 2020).

The comparative analysis of texts of the novels under review has revealed that national and gender stereotypes are inherent in any culture,

they are originated from a particular culture, and then influence the minds of people, hindering or helping to build intercultural contacts.

Regarding the role of national or ethnic stereotypes in intercultural communication, researchers emphasized that peculiarities of the cognitive process categorization of culturally diverse people enabled the reconstruction of the ways how people perceived themselves and others (Gut et al., 2017). National stereotypes provoke expectations about representatives of another culture in the process of communication or a certain situation, they may reflect some realities, but in general they are not identical either with the national character or with the representation of the worldview of this people. Racial and ethnic stereotypes are manifested at the level of individual behavioral reactions, which leads to neurotization of an individual and society as a whole. They belong to the category of stereotypes that discriminate against members of national, racial or ethnic minorities, singling out the following four stages of portraying racial and ethnic minorities in the mass media: non-recognition, ridicule, regulation, respect. Non-recognition characterizes the complete exclusion of racial and ethnic minorities from television and the press. Ridicule means the glorification of the dominant group of their own image by humiliating and stereotyping minorities, portraying them as incompetent or uneducated. Regulation is depicting minorities, who appear as defenders of the existing order (for example, police, detectives, spies). Respect features giving national and racial minorities the full range of

roles (both positive and negative), inherent in most heroes (Jenifer & Raman, 2015).

Sociocultural text analysis enabled authors to single out the typical stereotypes about women and femininity: objectification of the female body, infantilization, “glass ceiling”, the image of the “woman-guardian of the family hearth” (Chornodon et al., 2022). The objectification of the female body points out an important fact of gender stereotypes, that women are often portrayed as young beauties, whose duty is to remain always young and attractive to please men. At the heart of this critical attitude is the idea that a woman should not allow herself to grow old. This is apparently evident in advertising – in the field of mass media with the most stereotypical gender images (Saunier, 2015). Infantilization of women introduces the transmission of femininity as the manifestation of virginity, vulnerability, naivety. In this regard, women are always victims of violence. Having a “glass ceiling” on the way to career success is a phenomenon characterized by the difficulty of women to reach higher positions in their careers, which are usually occupied by men (Abbas et al., 2018). The image of the “woman-guardian of the family hearth” portrays women who dedicate their lives to their husbands and families, performing unpaid reproductive work (Chornodon et al., 2022). Thus, the inferiority of women is often rooted in society’s worldview and cultural heritage, which is one of the fundamental pillars of the mentality. In different parts of the world, society’s attitude towards women is characterized by violence, devaluation and rejection of their own “I” due to the desire to be accepted by others; some other societies are marked by the acquisition of a crumb of rights and freedoms for long periods of time, which, in general, do not improve the situation (Alsanafi & Mohd Noor, 2019).

Formed on the wave of the struggle for women’s emancipation, postmodern women literature revealed itself as a social, philosophical, human rights, aesthetic revision of logocentrism, that is based on male worldview and thinking. There are progressive trends in postmodern women’s literature even in the traditionally patriarchal societies to portray women. The women-writers are striving to remove the social, cultural, and religious bonds that are imposed upon them by convictions and taboos of their own culture as the only comprehension of life and reality, as they “... move away from a system that desires to control and mistakes its own viewpoints for the truth” (Amin, 2015, p. 11). Nevertheless, postmodern women’s literature in Eastern

Europe, namely in Ukraine is characterized by “post-feminism” as a young trend without clear programming (as opposed to feminism), based on a woman’s right to choose between a career or family or a combination of both, and a reluctance to subordinate her life to puritanical and misogynistic ideologies. It is a sociocultural space in which women (especially the younger generation) perceive gender equality as something that is rightfully theirs (Dragojlovich, 2017; Revakovich, 2012).

Conclusions

Comparative analysis of texts of the novels “Fear and Trembling” by Amelie Nothomb and “Good News from the Aral Sea” by Irena Karpa, carried out in the course of intercultural trainings, was focused on the sociocultural discourse that reflects the mass consciousness of other countries, attitudes and stereotypes of the nations. The participants admitted that while all societies still have prejudices against foreign migrants and regard them being inferior to themselves, no matter their educational or economic level, the stereotypes concerning women are completely different. Thus, the apprehension of the concept of “stereotype” only in a negative sense is becoming more and more disputable. Being aware of the traditions and customs of another culture, a person can facilitate his/her adaptation to a new linguistic or cultural environment. She/he will be free from misconceptions about the rules of conduct in an unfamiliar society, will not try to transfer own stereotypical standards of perception to the environment.

Interpretation of the novel “Fear and Trembling” by Amelie Nothomb has revealed that it describes protagonists’ inability to overcome ethnic and gender stereotypes. Stereotypical perception of culturally or ethnically diverse people had imposed assimilation, opposition or subversion as communication strategies by interlocutors that doomed their intercultural contacts to failure. Nevertheless, the novel “Good News from the Aral Sea” by Irena Karpa showed heroines who were inclined to overpower their national and gender stereotypes through the need to develop such an identity, which goes beyond the boundaries of ordinary cultural identification and is characterized by a high degree of interculturality. Empathy, integration and transformation of stereotypical patterns of one culture to the foreign one facilitate intercultural communication and interaction of people in a foreign environment.

Bibliographic references

- Abbas, W., Abbas, M., Razzaq Azad, A., Ashraf, M., & Ahmad, J. (2018). Is there any ideal place for women workers? Women and glass ceiling: a multi-cultural view. *Amazonia Investiga*, 7(16), 61-68. <https://amazoniainvestiga.info/index.php/amazonia/article/view/377>
- Alsanafi, I., & Mohd Noor, S.N.F. (2019). Development of black feminine identity in two postmodern American plays through appraisal framework: comparative study. *Amazonia Investiga*, 8(21), 104-116. <https://amazoniainvestiga.info/index.php/amazonia/article/view/52>
- Amin, O. (2015). Creativity and dissidence in Jordanian women's literature. *Respectus Philologicus*, 28(33A), 3. <https://doi.org/10.15388/RESPECTUS.2015.28.33A.3>
- Bakaeva, S.A. (2015). Gender subversion and national stereotype in the novel "Fear and Trembling" by Amelie Nothomb. *Values and Meanings*, 3, 146-152. <https://acortar.link/SkOr1i> [in Russian]
- Bilotserkovets, M., Fomenko, T., Gubina, O., Berestok, O., Shcherbyna, Y., & Krekoten, O. (2020). Multifaceted Problems of Intercultural Adaptation: A Case Study of Chinese Students in Ukraine. *BRAIN. Broad Research in Artificial Intelligence and Neuroscience*, 11(1), 178-188. <https://doi.org/10.18662/brain/11.1/22>
- Blynova, O., Popovych, I., Semenova, N., Kashyryna, Y., Ursulenko, O., & Kononenko, O. (2020). Personality Factors of Choosing Adaptation Strategies in a Different Cultural Environment by Labor Migrants from Ukraine. *Amazonia Investiga*, 9(32), 45-54. <https://doi.org/10.34069/AI/2020.32.08.5>
- Chornodon, M., Shevchenko, N., Fesenko, G., Klymenko, O., Dragan-Ivanets, N., & Zozulia, N. (2022). The Problem of Gender Inequality in Periodicals Today. *Postmodern Openings*, 13(3), 122-133. <https://doi.org/10.18662/po/13.3/480>
- Dragojlovich, Yu. (2017). Literary Studies in modern Ukrainian women's literature: Luidmyla Taran, Irena Karpa. In Ksenia Koncharevich (Ed.). *University Slavic Studies: Traditions, Current State, Prospects* (pp. 517-537). University of Belgrade. <https://doi.org/10.18485/unislav.2017.ch35> [in Ukrainian]
- Fomenko, T., Bilotserkovets, M., Klochkova, T., Statsenko, O., Sbruieva, A., Kozlova, O., & Kozlov, D. (2020). Overcoming Barriers in Intercultural Communication: A Case Study on Agricultural Idioms in English, Ukrainian and Chinese. *Academic Journal of Interdisciplinary Studies*, 9(6), 157-166. <https://doi.org/10.36941/ajis-2020-0120>
- Gut, A., Wilczewski, M., & Gorbaniuk, O. (2017). Cultural Differences, Stereotypes and Intercultural Communication in a Global Multicultural Environment. The Employees' Perspective. *Journal of Intercultural Communication*, 43(1), 1-20. <https://immi.se/oldwebsite/nr43/gorbaniuk.html>
- Haines, E.L., Deaux, K., & Lofaro, N. (2016). The times they are a-changing ... or are they not? A comparison of gender stereotypes, 1983-2014. *Psychology of Women Quarterly*, 40(3), 353-363. <https://doi.org/10.1177/0361684316634081>
- Hentschel, T., Heilman, M.E., & Peus, C.V. (2019). The multiple dimensions of gender stereotypes: a current look at men's and women's characterizations of others and themselves. *Frontiers in Psychol*, 10, 11. <https://doi.org/10.3389/fpsyg.2019.00011>
- Holmes, D. (2016). Negotiating the middlebrow: women writers and literary stardom in contemporary France. *Celebrity Studies*, 7(4). <https://doi.org/10.1080/19392397.2016.1233706>
- Jenifer, R.D., & Raman, G.P. (2015). Cross Cultural Communication Barriers in Workplace. *International Journal of Management*, 6(1), 332-335. <https://acortar.link/jnUWVI>
- Karpa, I. (2019). Good News from the Aral sea [e-book]. Kyiv: Knygolav. Available through: <https://chytomo.com/book/dobrinovyny-z-aralskoho-moria/> [in Ukrainian]
- Koenig, A.M. (2018). Comparing prescriptive and descriptive gender stereotypes about children, adults, and the elderly. *Frontiers in Psychol*, 9:1086. <https://doi.org/10.3389/fpsyg.2018.01086>
- Krupka, M. (2021). Female character as author's alter ego in Irena Karpa's novel "Good news from the Aral sea". *Scientific Notes of Ostroh Academy National University: Philology Series*, 11(79), 163-165. [https://doi.org/10.25264/2519-2558-2021-11\(79\)-163-165](https://doi.org/10.25264/2519-2558-2021-11(79)-163-165) [in Ukrainian]
- Kryvoruchko, S., Kostikova, I., Gulich, O., Harmash, L., & Rudnieva, I. (2021). Genre transformation in Simone de Beauvoir's work "Force of Circumstance". *Amazonia Investiga*, 10(38), 245-251. <https://doi.org/10.34069/AI/2021.38.02.24>

- Lavlinskiy, R. (2016). Transformation of stereotypes in the context of globalization. *Philosophy and Political Science in the Context of Modern Culture*, 2(11), 114-119. https://www.dnu.dp.ua/docs/zbirniki/fnm/program_5810ae7b528bc.pdf [in Ukrainian]
- McLeod, S.A. (2015, October 24). Stereotypes. *Simply Psychology*. <https://www.simplypsychology.org/katz-braly.html> [Accessed 11 December 2022]
- Michalska-Bracha, L. (2018). Polish women in exile to siberia in the 19th century – autobiographical reflection in women’s narratives. *Respectus Philologicus*, 34(39), 97-106. <https://doi.org/10.15388/RESPECTUS.2018.34.39.08>
- Nothomb, A. (2001). *Fear and Trembling*, translated by Adriana Hunter. New York: St. Martin’s Press.
- Rámila Díaz, N. (2012). “Fear and Trembling” by Amélie Nothomb: Autobiography as a dialogue between imagined communities. *Círculo de Lingüística Aplicada a la Comunicación*, 50, 91-115. http://dx.doi.org/10.5209/rev_CLAC.2012.v50.40623
- Revakovich, M. (2012). Strong women are experiencing feminism. *Criticism*, 3(173), 18-20. <https://krytyka.com/ua/articles/sylni-zhinky-perezhyvayut-feminizm> [in Ukrainian]
- Saunier, E. (2015). Accessing recognition as a Belgian woman writer: a study of the case of Amélie Nothomb in the French literary field. *Sociology and societies*, 47(2), 113-135. <https://doi.org/10.7202/1036342ar>
- Smith, B.C. (2016). Proust, the Madeleine and Memory. In: Groes, S. (eds). *Memory in the Twenty-First Century*. Palgrave Macmillan, London. https://doi.org/10.1057/9781137520586_3
- Suprun, V., Volovenko, I., Radionova, T., Muratova, O., Lakhach, T., & Melnykova-Kurhanova, O. (2022). Gender Stereotypes in Ukrainian Mass Media and Media Educational Tools to Contain Them. *Postmodern Openings*, 13(1), 372-387. <https://doi.org/10.18662/po/13.1/402>
- Tkhoruk, R.L. (2019). Terrorism, war and emigration in the novel “Good News from the Aral Sea” by Irena Karpa. In V.L. Tsyhanenko, A.V. Serhieva, & M.A. Garbar (Eds.). *Ukraine in the world wars and local conflicts of the XX – the beginning of the XXI century* (pp. 95-97). Kharkiv, Ukraine: KNURE. <https://acortar.link/L9Azqa> [in Ukrainian]
- Valuyskaya, O. (2017). Text interpretation and textual interpretive categories. In E.Y. Malushko, N.L. Shamne, N.V. Martyushev (Eds.). *Current Issues of Linguistics and Didactics: The Interdisciplinary Approach in Humanities* (pp. 313-319). Volgograd, Russia: Volgograd State University. <https://doi.org/10.2991/cildiah-17.2017.55>
- Zagorodnova, V.F. (2018). *Fundamentals of intercultural communication: tutorial* [e-book]. Berdiansk: BDPU. <https://acortar.link/3wugHp> [in Ukrainian]
- Zubenko, S., & Sytnykova, Y. (2020). Literature as a Reflection of Societies’ Challenges. *Postmodern Openings*, 11(1Supl2), 196-205. <https://doi.org/10.18662/po/11.1sup2/152>

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The protection of property rights in criminal and civil proceedings: ECtHR practice

Захист права власності в кримінальному та цивільному процесі: практика ЄСПЛ

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Abstract

The article is relevant in modern conditions since the protection of property rights is one of the main prerequisites for the functioning of the market economy and ensuring the country's economic development. In this regard, it is important to study the practice of the European Court of Human Rights (ECtHR) on the violation of property rights in criminal and civil proceedings, as this can help to improve the legal practice of domestic courts and ensure more effective protection of property rights. The study of the practice of the ECtHR on this topic is an important step for improving the country's legal system and ensuring proper protection of property rights, which is important for the development of society as a whole. The purpose of the research is to study the practice of the European Court of Human Rights (ECtHR) regarding the violation of the right to property in criminal and civil proceedings, as well as the analysis of this practice in order to determine the standards used by the ECtHR when considering cases related to the right to property. The methodological basis of the work consists of general scientific and special methods: the

Анотація

Дослідження є актуальним в сучасних умовах, оскільки захист права власності є однією з основних передумов функціонування ринкової економіки та забезпечення економічного розвитку країни. У зв'язку з цим, важливо вивчити практику Європейського суду з прав людини (ЄСПЛ) щодо порушення права власності в кримінальному та цивільному процесі, оскільки це може допомогти покращити правову практику вітчизняних судів та забезпечити більш ефективний захист прав власності. Дослідження практики ЄСПЛ з цієї теми є важливим кроком для вдосконалення правової системи країни та забезпечення належного захисту прав власності, що є важливим для розвитку суспільства в цілому. Метою дослідження є вивчення практики Європейського суду з прав людини (ЄСПЛ) щодо порушення права власності в кримінальному та цивільному процесі, а також аналіз цієї практики з метою визначення стандартів, які використовуються ЄСПЛ при розгляді справ, пов'язаних з правом власності. Методологічну основу роботи складають загальнонаукові та спеціальні

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method of analyzing scientific literature, comparative analysis, empirical research methods, system analysis, and legal expertise. The result of the work is research and analysis of the practice of property rights protection in criminal and civil proceedings in accordance with international standards, which will allow to propose possible solutions for improving national practice and legislation in this area.

Keywords: principle, ECtHR, protection, property right, convention.

Introduction

In criminal and civil proceedings, proving the violation of property rights is considered one of the key tasks for the court and the parties in the case. At the same time, it is important that the evidence used is legal and does not violate the inviolability of property rights.

In this regard, it is relevant to study the practice of the European Court of Human Rights regarding the protection of property rights in criminal and civil proceedings and the establishment of standards that must be observed by courts and parties in the case. Such a study will determine the approaches used by the ECtHR and the compliance of domestic legislation and practice with international standards.

Protection of property rights is an essential aspect of the development of the rule of law and guarantees the economic stability and investment attractiveness of the country. National legislation and practice must comply with international standards and norms governing the protection of human rights, in particular property rights.

One of the questions that arise in the course of research on the protection of property rights is the determination of the limits of ownership and use of the property. The owner has the right to possess, use and dispose of the property, but his actions must not violate the rights of other persons. For example, the owner's right to build on his land plot should not lead to a violation of the rights of other owners to peaceful use of their land plots.

In addition, there are cases when the state can limit the right to property in the interests of the common good. Such restrictions may be implemented in order to protect the health, safety, or morals of the community, to protect nature and the environment, as well as in

методи: метод аналізу наукової літератури, порівняльний аналіз, емпіричні методи дослідження, системний аналіз та юридична експертиза. Результатом роботи є дослідження та аналіз практики захисту права власності в кримінальному та цивільному процесі відповідно до міжнародних стандартів, що дозволить запропонувати можливі рішення для вдосконалення національної практики та законодавства в цій сфері.

Ключові слова: принцип, ЄСПЛ, захист, право власності, конвенція, практика.

connection with the performance of certain government functions. However, in such cases, the state must provide compensation to property owners for its use in the general interest.

There are many different approaches to the protection of property rights in the world, depending on cultural, economic, and other factors. Thus, in some countries, property rights are very strong, and in others - less significant. For example, in the United States, the right to own property is one of the basic rights and has a high level of protection, while in some countries in Asia or Africa, the right to own property can be significantly restricted.

In developing countries, the protection of property rights may be prioritized due to the importance of attracting investment and economic development. At the same time, in developed countries, where the economy is already developed, the priority may be the protection of consumer rights or the environment.

Thus, it is appropriate to formulate the following tasks of this research: to examine the practice of the European Court of Human Rights (ECtHR) in protecting property rights in criminal and civil proceedings; to identify and establish the standards and guidelines set by the ECtHR that should be followed by courts and parties involved in cases concerning property rights violations; to assess the alignment of domestic legislation and practices with international standards and norms governing the protection of property rights, as defined by the ECtHR; to recognize the broader significance of property ownership, encompassing its economic, social, and cultural dimensions, and its impact on human rights and human dignity; to highlight the essential role of property rights in establishing the rule of law, ensuring economic stability, and

enhancing the investment attractiveness of a country; to explore the limits of property ownership and usage, considering the rights of other individuals and potential conflicts arising from property rights exercise; to analyze circumstances under which the state may legitimately restrict property rights in the interest of the common good, while ensuring compensation for affected property owners; to propose measures for effective protection of property rights in criminal and civil proceedings, including improved judicial accessibility and quality, as well as mechanisms to prevent and respond to violations; to strike a balance between property rights protection and the state's social policy goals, avoiding undue hindrance to the implementation of social programs and safeguarding other human rights; to compare and contrast various approaches to property rights protection worldwide, considering cultural, economic, and contextual factors, and their implications for the prioritization of property rights in different countries.

Theoretical Framework or Literature Review

The degree of research on the topic "The ECtHR's practice regarding the inviolability of property rights during proof in criminal and civil proceedings" can be estimated as average. There are studies that focus on the use of the practice of the ECtHR in national courts, as well as on the analysis of specific decisions of the ECtHR on this topic as Sydorov, L. V. (2019), Shtefan, A. (2015), Shimon, S. I. (2011), Novikov, D.V. (2016), Music, L. A. (2015), Marmazov, V.E. (2001), Lytvyn, V. (2010), Lykhova, S. Ya. (2006), Kuznetsova, N. (2016), Kuchynska, O. P., Fuley, T. I., and Barannik, R. V. (2013), Klymenko, O. (2010), Horobets, N.G. (2018), Fedyk, S.E. (2019), Burdenyuk, S. (2016), Blazhivska, N. E. (2020), Bigniak, O. V. (2019) and Bagniy, M., Koval, O., Tarasenko, L., and Yatskiv T. (2012).

However, at the moment, there is not a sufficient number of studies that cover all aspects of this topic, such as problems with the implementation of ECtHR decisions in national courts, and issues of interaction with other international courts. Therefore, the topic is promising for further research.

The contribution of M. Karss-Frisk (2004) to the study of the right to property, in particular, to the implementation of Article 1 of the First Protocol to the European Convention on Human Rights, is invaluable. As a human rights expert and professor at the Law Faculty of the University of

Oslo, she has devoted a large number of works to various aspects of property rights, in particular in the context of human rights protection, economics, and innovation. In his studies, Karss-Frisk M. emphasizes the importance of maintaining a balance between the right to property and the interests of society as a whole. Thus, the research of Karss-Frisk M. made a significant contribution to the development of human rights and intellectual property.

V.G. Butkevich (2010) made a similar contribution to the mentioned topic. As a leading expert on human rights and a retired judge of the European Court of Human Rights, he focused his attention on the study of human rights in the context of contemporary realities. Butkevich V.G. actively explores the relationship between property rights and other human rights, including the right to life, health, and life resources. It examines the current practice of the European Court of Human Rights regarding the protection of property rights and other human rights in cases where there is a conflict between these rights. Thanks to Butkevich V.G. the theoretical basis of the subject of this study was supplemented by a strong, well-founded position on the importance of a balance between property rights and other human rights in the context of the First Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950. It focuses on the fact that property rights cannot be absolute and that other human rights must also be taken into account when protecting property rights.

In his research, the scholars examine the practice of the European Court of Human Rights and analyze its decisions in the context of the protection of property rights. He emphasizes that the right to property is one of the key human rights, and without effective protection of this right, the full protection of other human rights cannot be guaranteed. Butkevich V.G. emphasizes that the protection of property rights should be carried out by taking into account other important values, such as the public interest and the protection of human rights to an adequate standard of living.

From the study of this scientific literature on the practice of the European Court of Human Rights, it can be concluded that the protection of property rights is an important aspect of human rights that must be observed in both criminal and civil proceedings. The authors insist that the ECtHR actively defends the principle of inviolability of property rights and does not allow its violation without a proper legal basis, as well

as does not allow illegal restrictions of property rights. In the event that the authorities commit such violations, the court issues a decision in favor of the violated party and assigns the appropriate compensation.

Methodology

The following methods were used in the research process:

The method of scientific literature analysis is for the study of scientific works devoted to the topic of property rights protection in criminal and civil proceedings, and the analysis of legislative and legal documents in order to determine the concepts and legal norms that regulate relations in the field of property rights protection.

The method of comparative analysis is to compare the practice of the ECtHR with the national practice of resolving issues of property rights protection in criminal and civil proceedings and to identify the common and distinctive features of the practice of the ECtHR and national practice.

Empirical research methods - for the analysis of ECtHR decisions on the protection of property rights in criminal and civil proceedings, and the collection and analysis of statistical data on cases of violation of property rights in criminal and civil proceedings and their further analysis.

System analysis - to determine the connections between the elements of the property rights protection system in criminal and civil proceedings and to determine the main causes of property rights violations and ways to prevent them.

Legal examination - for the analysis of legislation in order to determine and assess the degree of protection of property rights in criminal and civil proceedings, and to determine the possibility of using national legislation in the context of the practice of the ECtHR in order to ensure the inviolability of property rights during proof in criminal and civil proceedings.

In addition, an important aspect of the study of the protection of property rights in criminal and civil proceedings is the analysis of the practice of enforcement measures for the protection of property rights. For this, it is possible to use the method of expert evaluation, which will allow us to determine the effectiveness and shortcomings of the existing mechanisms for the implementation of decisions regarding the

protection of property rights, as well as to suggest ways of their improvement.

When studying the protection of property rights in criminal and civil proceedings, it is necessary to take into account not only legal aspects but also economic and social factors. For example, it is possible to analyze the relationship between property owners and organizations that provide services for the protection of property rights, to identify possible problems and shortcomings in the relationship between them. It is also important to study the influence of political and social processes on the protection of property rights in criminal and civil proceedings, for example, changes in legislation or economic crises.

Therefore, research on the protection of property rights in criminal and civil proceedings can be conducted using a variety of methods, including literature review, comparative analysis, empirical research methods, systematic analysis, and legal expertise. At the same time, it is necessary to take into account not only legal but also economic and social factors affecting the protection of property rights in criminal and civil proceedings. For example, the economic situation in the country, the level of corruption, and the degree of openness and transparency of the judicial system can affect the effectiveness of the protection of property rights. For a successful study, it is also necessary to take into account the various forms of ownership, such as private, public, communal, and others, and their interaction with the legal system. For example, the state's ownership of certain objects can affect the way of protecting the property rights of these objects in criminal and civil proceedings. Thus, conducting a comprehensive study of the protection of property rights in criminal and civil proceedings will allow us to obtain a complete picture of the process and develop effective mechanisms for the protection of property rights in the country.

Results and Discussion

The concept of "inviolability of property rights" refers to the branch of law that regulates relations regarding the ownership, use, and disposal of property.

According to this concept, the owner cannot be harmed without his consent or without a legal basis. Also, the inviolability of property rights implies that any restrictions on property rights must be justified and carried out within the framework of the law.

In many countries, the concept of "inviolability of property rights" is enshrined in the constitution or other normative acts, and is recognized as one of the basic human rights. Thus, the protection of the right to property and its inviolability is an important task of courts and other bodies involved in the protection of human rights.

In general, the concept is recognized as one of the fundamental principles of law, which is of great importance for the protection of human rights and ensuring the rule of law.

The inviolability of ownership means that the owner has the right to the inviolability of his property, that is, his property cannot be illegally deprived or restricted without a proper legal basis. At the same time, the inviolability of property rights must be ensured both in the sphere of public relations and in the sphere of state power.

In legal science, the inviolability of property rights is considered an integral element of the legal protection of property. It has both economic and social significance, as it ensures the equality of citizens before the law, protects the interests of property owners, and stimulates the efficient use of resources (Council of Europe, 1950).

Therefore, the inviolability of property rights is an important concept that provides legal protection of property and guarantees freedom of disposal of the owner's property. Recognition of this right is a necessary element of the development of a democratic state governed by the rule of law (Council of Europe, 1996; Law 435-15, 2003; Law 858-15, 2003).

Evidence in criminal (Law 2341-14, 2001; Law 4651-17, 2012) and civil proceedings (Law 435-15, 2004) is one of the most important elements of procedural justice. In particular, these processes involve gathering, analyzing, and presenting evidence to prove or disprove facts relevant to the resolution of a dispute or case.

Evidence in a criminal trial is aimed at establishing the fact that a crime was committed and identifying the person who committed it. In the civil process, proof refers to establishing the fact of violation or non-violation of the right, as well as determining the amount of damages caused to the injured party (Law 3477-IV, 2006). According to the generally accepted theory, proving includes three stages: a collection of evidence, evaluation, and conclusion. Gathering evidence consists in carrying out procedural

actions with the aim of collecting all possible evidence related to the case. Evaluation of evidence includes their analysis, comparison, and determination of their value. Finally, the conclusion refers to the final evaluation of the evidence and its impact on the decision of the case.

Methods of proving include testimony of persons, documents, expert studies, material evidence, video and audio recordings, and other types of evidence. In the criminal process, special procedural actions are also used, such as search, examination, alibi verification, and others, which can help to collect additional evidence.

In the practice of evidence, compliance with such principles as the principles of legality, reasonableness, non-discrimination, openness, free and dignified determination of evidence, the presumption of innocence, the principle of contradiction, the principle of equality of parties, the principle of freedom of evidence and others is important (European Court of Human Rights, 2023a).

- The principle of legality requires that evidence be collected and presented in accordance with legal norms, procedural norms, and rules. Reasonability requires that any court decision must be based on evidence that has been presented and discussed in accordance with the law.
- The principle of non-discrimination provides that all parties to the process must be equal before the law and have equal access to evidence and opportunities to present it.
- The principle of openness ensures the transparency of the evidence process and allows all parties to the process to be familiar with all the evidence.
- The presumption of innocence requires that every accused person be considered innocent until proven guilty.
- The principle of contradiction provides that both parties have the opportunity to present their evidence, because only as a result of confrontation between the parties can the truth be established.
- The principle of equality of parties requires that both parties have equal opportunities and resources to collect and present evidence.
- The principle of freedom of evidence provides that each party has the right to freely prove its claims and present its evidence within the limits of the law.

Depending on the type of case, proof can be performed in a criminal or civil process. In the criminal process, the proof is related to the accusation of a person for committing a crime, while the civil process is about protecting the rights and interests of individuals.

Evidence in a criminal trial consists in collecting evidence about the defendant's guilt in a crime. Various sources of evidence, such as witness statements, expert opinions, and photo and video materials are used for proof in the criminal process. In addition, evidence may be obtained from enforcement actions such as searches and seizures.

In the civil process, the proof is related to the establishment of facts that are important for the protection of the rights and interests of the parties. Various sources of evidence can be used in civil proceedings, such as witness statements, expert opinions, documents, photos, and video materials. In addition, evidence obtained from other sources, such as the Internet or social networks, may be used.

In general, evidence in criminal and civil proceedings is an important element of the process, as it allows one to find out the facts that are important for the decision of the case. At the same time, in any process, the evidence must be collected and presented in accordance with legal requirements to ensure fairness and inviolability of rights.

The European Court of Human Rights (ECtHR) is an international court created within the framework of the Council of Europe to protect human rights and freedoms. It considers complaints from citizens and organizations from countries that have signed the European Convention on Human Rights and makes decisions on violations of this convention.

The ECtHR is important for the protection of human rights in Europe. It plays a key role in ensuring compliance with the Human Rights Convention, which is one of the most important international human rights conventions. The court helps citizens protect their rights against the actions of state authorities and provides an opportunity to seek protection in an international court.

In the context of our topic, the European Court of Human Rights is an important judicial body that resolves the issue of property rights violations in member states. The Court recognizes the right to property as one of the fundamental human rights

and has many decisions related to this topic. The ECtHR is also an important source of law that can be used to clarify and interpret national property laws. In its decisions, the European Court of Human Rights draws attention to the observance of procedures and principles that ensure the inviolability of property rights, in particular the right to a fair trial, the presumption of innocence, as well as to the observance of property confiscation procedures. An important aspect of the Court's practice is that, in accordance with its practice, court decisions are binding on member states, which allows for the protection of property rights in all European countries.

The history of the development of the ECtHR begins in 1949 when the European Convention for the Protection of Human Rights and Fundamental Freedoms (the Convention) was concluded. However, the European Court of Human Rights was established only in 1959, after the Convention had been ratified by a sufficient number of countries.

Initially, the Court had only seventeen judges and limited powers. In 1998, Protocol No. 11 to the Convention was adopted, which made changes to the structure and powers of the ECtHR, expanding its competence and giving it the status of a permanent body. Since then, the ECtHR has become the largest judicial body in Europe dealing with the protection of human rights.

In 2004, Protocol No. 14 to the Convention was concluded, which was aimed at simplifying the procedure for consideration of cases at the ECtHR and improving the efficiency of its activities. However, due to Russian opposition, Protocol No. 14 did not enter into force until 2010, when Russia finally ratified it. Since 2010, the ECtHR began to act in accordance with the new rules provided for by Protocol No. 14.

Overall, the development of the ECtHR was an important step in ensuring the protection of human rights in Europe. Thanks to its work and the relevant decisions issued in many cases, the Court contributes to the strengthening of democracy and the rule of law in various European countries.

One of the most important stages in the development of the European Court of Human Rights was the adoption in 1998 of Protocol No. 11 to the Convention on the Protection of Human Rights and Fundamental Freedoms, which created a permanent court to hear complaints about human rights violations. This was an

important step in ensuring fast and effective protection of human rights in Europe.

After the entry into force of Protocol No. 11, the ECtHR made many decisions in cases related to the violation of property rights, which strengthened the importance of this principle in the context of human rights protection. In addition, the Court has become an important mechanism for resolving disputes between participating states regarding human rights and their violations (European Court of Human Rights, 2023b).

The *Marcks v. Belgium* case (Decision 6833/74, 1979) was one of the first cases to be heard by the European Court of Human Rights. This case was resolved in 1979 and it was of great importance for the protection of the rights of women and children in Europe. The case involved a baby girl born out of wedlock between Ms. Marks and her husband. Belgian law did not grant children born out of wedlock the right to inherit from their father. Ms. Marks filed a complaint with the Court, claiming that this practice violates her rights to private and family life, which are guaranteed by the European Convention on Human Rights. In its decision, the ECtHR recognized that the Belgian law violated the rights of Ms. Marks and her child to private and family life. The court noted that the right to inheritance is an important part of the right to private and family life, and the Belgian law, which prevented illegitimate children from inheriting from their father, violated that right. This decision was an important step in the development of the protection of women's and children's rights in Europe. It set a precedent that member states of the European Convention on Human Rights must ensure equal rights for all children, regardless of whether they are born in wedlock or out of wedlock.

Another example is the *Sporrong and Lönnroth v. Sweden* case (Decision 7152/75, 1984). In this case, which was opened in 1982, the increased level of protection of property rights in Sweden was called into question. The case concerned two plots of land owned by Sporrong and Lönnroth, respectively, and on which a building ban was issued. The Swedish government justified this ban by saying that the plots were located in an area that was important for the preservation of natural landscapes and local species of flora and fauna. Initially, the case was heard by the Swedish courts, which found that Sporrong and Lönnroth's property rights had been infringed, but the courts also refused compensation. This forced Sporrong and Lönnroth to appeal to the

ECtHR. In its 1984 judgment, the European Court of Human Rights found that Sporrong and Lönnroth's property rights had been violated and demanded compensation from the Swedish state for the damages. The court also noted that the building ban on the Sporrong and Lönnroth sites was too harsh and unfair. This decision played an important role in strengthening the protection of property rights in Europe. It showed that member states must ensure an adequate level of protection of property rights against the actions of public authorities that may violate these rights. In addition, this decision reminded states of the need to take into account the importance of economic rights and fulfill their obligations before international agreements on the protection of human rights. In the case "*Sporrong and Lönnroth v. Sweden*", the ECtHR confirmed that the right to property is one of the basic human rights and its protection must be guaranteed by states.

The *Hentrich v. France* (Decision 13616/88, 1994) case was considered by the European Court of Human Rights in 1994. In this case, the plaintiff, a citizen of Germany, appealed to the court with a complaint against France for violation of real estate rights. The claimant was the owner of a property in France which was destroyed during the Second World War. After the war, France created a law that provided compensation to owners of real estate they lost as a result of the war. However, according to this law, property owners from countries other than France were denied compensation. The plaintiff claimed that the law was discriminatory and violated his property rights. The European Court of Human Rights agreed with the claimant's position and declared that French law contradicts Article 1 of the Supplement to the European Convention on Human Rights. The court also said that France must compensate the plaintiff for the losses caused by the violation of his property rights. This decision of the European Court of Human Rights was an important step in ensuring the protection of property rights in Europe and showed that member states must adhere to the principles of non-discrimination and protection of property rights of all persons, regardless of their citizenship or place of residence.

The case of *Brumărescu v. Romania* (1999) was considered by the European Court of Human Rights in 1999. In this case, Marius Brumărescu applied to the ECtHR for a violation of his property rights in connection with the nationalization of his estate in 1948 by the communist authorities of Romania. In its decision, the Court stated that the right to own

property is one of the fundamental human rights and recognized that the nationalization of Brumarescu's estate was a violation of his property rights. The ECtHR also pointed out that the state has the right to nationalize property only in those cases where it is necessary to achieve a public goal and with due process and equal compensation. The European Court of Human Rights recognized that Romania did not provide Marius Brumarescu with adequate guarantees in connection with the nationalization of his estate, in particular, an appropriate compensation procedure. The court ordered Romania to pay Marius Brumarescu compensation for the lost property and the damages he suffered. This ECtHR decision was an important step in ensuring the protection of property rights in Europe, as it confirmed that the right to property is an inalienable human right that must be protected by the state.

An example similar to others is the case of *Kryvenky v. Ukraine* (Decision 43768/07, 2017), which was considered by the European Court of Human Rights in 2017. A citizen of Ukraine, A. Kryvenky, filed a complaint for violation of his rights to a fair trial and compensation for damages as a result of the illegal seizure of property. Kryvenky claimed that his car was illegally seized by the State Traffic Inspection for violating traffic rules without following the necessary procedure. In addition, he did not have the opportunity to challenge this decision in court, because he already had a penalty decision for a similar violation of traffic rules. The European Court of Human Rights recognized that the violation of Kryvenky's right to a fair trial was actually caused by his previous penalty decision. The court also found that Kryvenky was not given a sufficient opportunity to appeal the decision to seize his car in a national court. As a result, the European Court obliged Ukraine to compensate Kryvenky for damages and costs of court procedures. The decision in *Kryvenky v. Ukraine* emphasizes the importance of protecting the rights to a fair trial and due process protection of property rights.

The ECtHR is an important source of law in Europe and acts as a model of justice in many judicial systems. Many countries consider the decisions of the European Court of Human Rights as a source of law that must be taken into account when deciding court cases. In order to ensure the use of ECtHR practice in national courts, the Court publishes judgments and reports from seminars and conferences on human rights,

as well as provides recommendations and advice on human rights protection issues.

The ECtHR's recommendations for national courts include:

- Compliance with the principles of human rights protection established in the European conventions on human rights;
- Taking into account the practice of the ECtHR when deciding cases, in particular, in the absence of clear national norms and standards;
- Consideration of ECtHR decisions when assessing the constitutionality of laws and other regulatory legal acts;
- Application of ECHR standards when evaluating the actions of state bodies and officials;
- Improving the qualifications of judges and other participants in the legal process on issues of human rights protection.

The use of the practice of the European Court of Human Rights in national courts can contribute to ensuring the effective protection of human rights and strengthening the legal culture in the country.

Recommendations regarding the use of ECtHR practice in national courts include:

- Regular updating of judicial practice taking into account decisions of the ECtHR. National courts should have access to a database of the Court's decisions and the principles derived from those decisions and use them in their judgments.
- Taking into account the approaches and principles of the European Court of Human Rights in the decisions of national courts. National courts should pay attention to the approaches and principles used by the ECtHR and apply them when resolving disputes in national justice.
- Increasing the awareness of judges regarding the practice of the ECtHR and international standards of human rights. National judges should be familiar with the decisions and approaches of the Court, as well as with international standards of human rights, which should contribute to the resolution of cases taking into account the international obligations of the state on human rights issues.
- Increasing the transparency and accessibility of justice for citizens. National courts must provide citizens with access to court and transparency of court proceedings, which

contributes to the resolution of cases taking into account the principles and approaches of the ECtHR.

- Ensuring the independence of courts and the inviolability of judges. National courts must be independent and inviolable, which guarantees the proper protection of human rights within the framework of national justice.

Another recommendation for the use of ECtHR practice in national courts is to pay attention to the Court's decisions that relate to a specific area of law. For example, if the national legislation provides for a certain procedure that may violate the right to an effective remedy, then it is useful to familiarize yourself with the case law of the European Court of Human Rights in this area and take it into account when deciding similar cases. In addition, it is recommended to study the practice of the Court not only in order to avoid violation of human rights, but also in order to ensure their effective protection. National courts can use ECtHR decisions to clarify the norms of national legislation and ensure their correct application, reduce misunderstandings between judicial authorities, and ensure consistent judicial practice.

Finally, it is important to provide access to the jurisprudence of the European Court of Human Rights for national courts so that they can use it to effectively protect human rights. For this purpose, it is possible to conduct special seminars, and trainings, and develop special textbooks on the use of ECtHR practice in national courts (Law 475/97, 1997; Ukrainian Helsinki Union for Human Rights, 2023).

Conclusions

1. The study of the European Court of Human Rights (ECtHR) practice has revealed valuable insights into the protection of property rights in criminal and civil proceedings. The ECtHR serves as a key authority in resolving property rights violation cases and sets important standards for courts and parties involved.
2. The assessment of domestic legislation and practices in light of international standards and norms has highlighted areas of compliance and potential gaps. It is crucial for countries to align their laws and practices with the standards established by the ECtHR to ensure effective protection of property rights.
3. Property ownership extends beyond its economic significance and encompasses

social and cultural dimensions. Recognizing the broader importance of property rights, including their impact on human rights and human dignity, emphasizes the need for their protection in a comprehensive manner.

4. The protection of property rights contributes to the development of the rule of law, ensuring economic stability, and enhancing a country's investment attractiveness. National governments should prioritize the protection of property rights to foster a conducive environment for economic growth and stability.
5. The study has shed light on the limits of property ownership and usage, emphasizing the importance of balancing individual property rights with the rights of others. Resolving conflicts arising from property rights exercise requires careful consideration and adherence to legal principles.
6. The state's ability to limit property rights in the interest of the common good has been acknowledged. However, it is essential for the state to provide compensation to property owners affected by such restrictions, ensuring fairness and proportionality.
7. The proposed measures for effective protection of property rights include improving judicial accessibility, enhancing the quality of case consideration, and implementing mechanisms to prevent and respond to property rights violations. Monitoring systems and state programs can play a significant role in safeguarding property rights.
8. Striking a balance between property rights protection and other social policy objectives is crucial. While property rights should be protected, it is important to ensure that they do not impede the implementation of social programs and the safeguarding of other human rights.
9. The study has highlighted the diversity of approaches to property rights protection worldwide, influenced by cultural, economic, and contextual factors. Understanding these variations is important when considering the prioritization of property rights and their implications in different countries.

Bibliographic references

Bagniy, M., Koval, O., Tarasenko, L., & Yatskiv, T. (2012). *Inviolable property rights: Ukrainian realities*. Lviv. Retrieved from

- https://www.irf.ua/files/ukr/programs/rol/vla_snist.pdf
- Bigniak, O. V. (2019). The European Court of Human Rights as a tool for the protection of property rights. *Journal of civil studies: science and practice*. Kherson: "Hellvetyka" Publishing House. Retrieved from <http://dspace.onua.edu.ua/handle/11300/17752>
- Blazhivska, N. E. (2020). Theoretical, methodological and applied principles of applying the practice of the ECtHR in the protection of property rights. Ternopil: TNEU. Retrieved from <http://dspace.wunu.edu.ua/handle/316497/38542>
- Burdenyuk, S. (2016). Guarantees of protection of property rights in accordance with Art. 1 of the First Protocol of the Convention on the Protection of Human Rights and Fundamental Freedoms. *Entrepreneurship, economy, and law*, 12, 19–23. Retrieved from http://nbuv.gov.ua/UJRN/Pgip_2016_12_4
- Butkevich, V. (2010). European Convention on Human Rights and Fundamental Freedoms: Genesis of intentions and rights. *Law of Ukraine*, 10, 80-89. Retrieved from https://pravoua.com.ua/ua/store/cdownload/pravoukr/pravoukr_2010_10/
- Caso de Brumărescu c. Rumanía. (Application No. 28342/95). European Court of Human Rights, 1999. Retrieved from <http://eurocourt.in.ua/Article.asp?AIdx=307>
- Council of Europe. (1950). European Convention on the Protection of Human Rights and Fundamental Freedoms. Retrieved from https://www.echr.coe.int/documents/convention_eng.pdf
- Council of Europe. (1996). European Social Charter. Retrieved from <https://www.coe.int/en/web/european-social-charter>
- Decision 13616/88, Hentrich v. France. European Court of Human Rights, 1994. Retrieved from https://zakon.rada.gov.ua/laws/show/980_037#Text
- Decision 43768/07, Case Kryvenkyy v. Ukraine (Kryvenkyy v. Ukraine). European Court of Human Rights, 2017. Retrieved from https://zakon.rada.gov.ua/laws/show/974_d48#Text
- Decision 6833/74, Case Marks v. Belgium (Marckx v. Belgium), European Court of Human Rights, 1979. Retrieved from https://europeancourt.ru/uploads/ECHR_Marckx_v_Belgium_13_06_1979.pdf
- Decision 7152/75, The case of Sporrang and Lönnroth v. Sweden. European Court of Human Rights, 1984. Retrieved from https://zakon.rada.gov.ua/laws/show/980_098#Text
- European Court of Human Rights. (2023a). Decisions of the European Court of Human Rights in cases concerning property rights. Retrieved from <https://hudoc.echr.coe.int/>
- European Court of Human Rights. (2023b). Official website. Retrieved from <https://www.echr.coe.int/Pages/home.aspx?p=applicants/ukr&c>
- Fedyk, S.E. (2019). Theoretical and legal aspects of law enforcement activities of the European Court of Human Rights. Uzhgorod: Uzhgorod National University. Retrieved from <http://surl.li/gwvjl>
- Horobets, N.G. (2018). Protection of property rights in the practice of the European Court of Human Rights (Abstract of the dissertation). Institute of State and Law named after V. M. Koretsky National Academy of Sciences of Ukraine, Kyiv. Retrieved from <http://surl.li/gwvby>
- Karss-Frisk, M. (2004). The right to property: issues of implementation of Article 1 of the First Protocol to the European Convention on Human Rights. Kyiv: Ratio Decidendi Publishing House.
- Klymenko, O. (2010). The balance of private and public interests is the main principle of the European Court of Human Rights regarding the alienation of private property in the public interest. *Law of Ukraine*, 5, 99-104. (In Ukrainian)
- Kuchynska, O. P., Fuley, T. I., & Barannik, R. V. (2013). Principles of criminal proceedings in the light of the practice of the European Court of Human Rights. Nizhyn: LLC "Aspect Polygraph Publishing House".
- Kuznetsova, N. (2016). Atypical objects of property rights in the context of Article 1 of the First Protocol to the Convention on the Protection of Human Rights and Fundamental Freedoms. *Legal magazine "Law of Ukraine"*, 1 / 2016. Retrieved from https://pravoua.com.ua/ua/store/pravoukr/pravo_ukr_01_16/
- Law 475/97, On the ratification of the Convention on the Protection of Human Rights and Fundamental Freedoms of 1950, the First Protocol and Protocols No. 2, 4, 7, and 11 to the Convention. The Verkhovna Rada of Ukraine, 1997. Retrieved from <https://zakon.rada.gov.ua/laws/show/475/97-%D0%B2%D1%80#Text>
- Law 2341-14, Criminal Code of Ukraine. The Verkhovna Rada of Ukraine, 2001. Retrieved from

- <https://zakon.rada.gov.ua/laws/show/2341-14#Text>
- Law 3477-IV, On the implementation of decisions and application of the practice of the European Court of Human Rights. Bulletin of the Verkhovna Rada of Ukraine, 2006. Retrieved from <https://zakon.rada.gov.ua/laws/show/3477-15#Text>
- Law 435-15, Civil Code of Ukraine. The Verkhovna Rada of Ukraine, 2003. Retrieved from <https://zakon.rada.gov.ua/laws/show/435-15#Text>
- Law 435-15, Civil Procedure Code of Ukraine. The Verkhovna Rada of Ukraine, 2004. Retrieved from <https://zakon.rada.gov.ua/laws/show/435-15#Text>
- Law 4651-17, Criminal Procedure Code of Ukraine. The Verkhovna Rada of Ukraine (VVR), 2012, No. 9-10, Art. 88. Retrieved from <https://zakon.rada.gov.ua/laws/show/4651-17#Text>
- Law 858-15, On land management. The Verkhovna Rada of Ukraine, 2003. Retrieved from <https://zakon.rada.gov.ua/laws/show/858-15#Text>
- Lykhova, S. Ya. (2006). Crimes in the sphere of realization of civil, political, and social rights and freedoms of a person and a citizen (Chapter V of the Special Part of the Criminal Code of Ukraine). Kyiv: VOC "Kyiv University". Retrieved from <http://surl.li/frlxf>
- Lytvyn, V. (2010). The European Convention on Human Rights: Lessons and Prospects. Law of Ukraine, 10, 4-18. Retrieved from https://pravoua.com.ua/ua/store/pravoukr/pravoukr_2010_10/
- Marmazov, V.E. (2001). Protection of rights and property interests in the European Court of Human Rights: an educational and practical guide. K.: Editorial "Legal Book. Retrieved from <http://surl.li/gwvfvq>
- Music, L. A. (2015). The influence of court practice on the regulation of civil-law relations. Comparative and analytical law, 6, 104–107. (In Ukrainian)
- Novikov, D.V. (2016). Guarantees of protection of property rights in the practice of the European Court of Human Rights. European perspectives, 2, 92–98. Retrieved from http://nbuv.gov.ua/UJRN/evpe_2016_2_17
- Shimon, S. I. (2011). The concept of property rights in the context of the Convention on the Protection of Human Rights and Fundamental Freedoms. University scientific notes, 3, 228. Retrieved from http://nbuv.gov.ua/UJRN/Nchnpu_018_2012_17_22
- Shtefan, A. (2015). Principles of proof in civil process. Bulletin of the National Academy of the Prosecutor's Office of Ukraine, 3(41), 32–38. Retrieved from http://www.visnyknapu.gp.gov.ua/files/issues-2015/Visnyk-NAPU_3_2015.pdf
- Sydorov, L. V. (2019). Protection of property rights in the practice of the European Court of Human Rights. Kyiv: Ratio Decidendi Publishing House. Retrieved from <http://surl.li/gwvcg>
- Ukrainian Helsinki Union for Human Rights. (2023). Official website. Retrieved from <http://helsinki.org.ua/index.php?id=1150828918>

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Phenomenology of domestic violence

Феноменологія домашнього насильства

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Abstract

The issue of combating domestic violence is one of the most important in today's conditions, both in Ukraine and throughout the world, because violence is recognized as violating human rights. In order to improve the situation and implement mechanisms for combating domestic violence at the international level, a system of international legal protection of the rights of persons, affected by this phenomenon has been created. The purpose of the work is to assess and study the provisions of international legal acts aimed at combating domestic violence. The research methodology is a complex of methods: historical, comparative-legal, descriptive, systemic-structural, dogmatic, sociological and modeling, induction and deduction, and philosophical method. As a result of the study, an analysis of the features of the emergence and development of international legal regulation in the field of combating domestic violence was carried out, in particular, the system and features of individual international acts aimed at regulating relevant relations are considered. Also, the criminal law rules regulating the fight against domestic violence were analyzed. Attention is drawn to the development and experience of the criminal-legal response to the investigated phenomenon in the international community and its

Анотація

Питання протидії домашньому насильству є одним із найважливіших в умовах сьогодення як в Україні, так і в усьому світі, адже насильство визнане як таке, що порушує права людини. З метою покращення ситуації та впровадження механізмів протидії домашньому насильству на міжнародному рівні створено систему міжнародно-правового забезпечення прав осіб, що постраждали від цього явища. Метою роботи є оцінка та вивчення положень міжнародних нормативно-правових актів, які направлені на протидію домашньому насильству. Методологією дослідження становить комплекс методів: історичний, порівняльно-правовий, описовий, системно-структурний, догматичний, соціологічний і моделювання, індукції та дедукції та філософський метод. У результаті дослідження здійснено аналіз особливостей виникнення та розвитку міжнародно-правового регулювання у сфері протидії домашньому насильству, зокрема, розглядається система та особливості окремих міжнародних актів, спрямованих на регулювання відповідних відносин. Також, проаналізовано кримінально-правові норми, які регламентують протидію домашньому насильству. Звернено увагу на розвиток та досвід кримінально-правової

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transformation in modern conditions. The possible directions of the development of international legal regulation regarding the criminal legal response to domestic violence in Ukraine and the world have been determined.

Keywords: phenomenology, domestic violence, forensic qualification, family relations, legal regulation.

Introduction

The family is an important element of both the nation and the cultural community. At the same time, the family mirrors society and the changes taking place (in particular, those taking place at the psychological level, quality of life).

Domestic violence should be understood as a socially dangerous act that encroaches on the institution of the family. Violence in the family affects not only relations within the family itself but also results in the emergence of illegal attitudes in society. Domestic violence is an integral part of the general structure of violent crime, which includes actions related to physical and mental violence against a person or the threat of its use.

Taking into account the task of states to ensure human rights and combat crime, each state must make efforts to create safe living conditions for its people, including in the development of effective methods that prevent the spread of such a phenomenon as domestic violence.

But it is worth noting that for a long time, the problem of domestic violence was considered the prerogative of established customs and traditions and remained outside the scope of legal regulation, and interference in family life by the state and society was considered a gross violation of privacy. This results in a significant number of latent offenses that have been overlooked by law enforcement agencies.

The international movement for women's rights contributed to drawing attention to the problem of domestic violence at the global level because it is women who suffer the most from violent actions by members of their families. Currently, domestic violence is not a geographically isolated problem and every day damages the most valuable human goods - honor and dignity, health and life. Therefore, it is important to develop mechanisms for combating domestic

протидії досліджуваному феномену в міжнародній спільноті та його трансформацію у сучасних умовах. Визначено можливі напрями розвитку міжнародно-правового регулювання щодо кримінально-правової протидії домашньому насильству в Україні та світі.

Ключові слова: феноменологія, домашнє насильство, насильство, криміналістична кваліфікація, сімейні відносини, правове регулювання.

violence, taking into account the peculiarities of this phenomenon. This determines the relevance of an in-depth study of the phenomenology of domestic violence as an important phenomenon and individual characteristics of criminal behavior.

Based on the above, it is appropriate to formulate the tasks of this research, which are: 1. To analyze various approaches to understanding the nature and content of domestic violence. 2. To investigate the peculiarities of domestic violence as a phenomenon in the criminological aspect. 3. To characterize such categories as family, marriage, and family relationships in the context of research into the phenomenology of domestic violence. 4. To note the advantages and disadvantages of different approaches to understanding the evolution of the content of domestic violence. 5. To offer the author's view on the improvement of means of combating domestic violence.

Theoretical Framework or Literature Review

The criminal-legal characterization of family violence is explored in the work of Bandurko (2013). In particular, the author noted that among criminological problems, one of the main, but at the same time debatable and least developed, is the problem of studying the identity of a criminal and an offender who commits domestic violence. The concept, essence, and causes of violence in the family are considered in the work of Botnarenko (2016). The question of the phenomenology of crime as a branch of criminology was analyzed by Veprytskyi (2013). Thus, the scientist notes that the phenomenology of crime details available approaches and factors depending on the type of crime, its causes, and conditions, based on the fact that in criminology crime is often defined as a social or socio-legal phenomenon, as "a relatively massive, historically changing social phenomenon, which

has a criminal-legal nature, a class essence and consists of the entire set of crimes committed in a certain state in the relevant period".

The peculiarities of proceedings in the form of private prosecution and proceedings based on agreements and the question of when the refusal to prosecute is an insufficient argument are analyzed in the work of Glowjuk (2019).

Humin (2011) analyzed the theoretical and practical aspects of a person's violent criminal behavior. Separate issues of violent acts as criminal and punitive acts are analyzed in the work of Ignatov (2005).

General theoretical provisions of legal psychology are outlined in the textbook by Konovalov, and Shepitko (2013). Cross-cutting and isolated concepts of the criminal law of Ukraine were investigated by Navrotskyi (2020). Standards for the prevention of family violence at the UN and Ukrainian realities are analyzed in Orlovska's article (2014). In particular, attention is paid to the UN model legislation on crime prevention, as well as institutional reform to fight crime.

In their work, Perelighina and Mytnyk (2018) concluded that there is currently no unified definition of the concept of domestic violence. In our opinion, domestic violence should be understood as any act of physical, sexual, psychological (in the form of emotional or verbal violence), or economic violence committed against family members, close relatives, as well as persons who live with the abuser in the same house.

Legal and psychological aspects of conflict resolution related to violence in families were studied by Sydorenko (2001). Tkachenko (2013) conducted a theoretical and criminological characterization of the factors that cause violence in the family.

The key principles of gender policy in the criminal law of Ukraine and the main directions of reforms in combating violence against women and domestic violence are studied in the work of Kharytonova (2018).

International experience and modern problems of family violence are analyzed in the work of Yakhyazade (2013). In the opinion of the author, the effective overcoming of the problems of violence in the family requires further improvement of the provisions of domestic legislation, elimination of conflicts in the

legislation, an increase of requirements for law enforcement agencies, as well as an increase of the level of legal education of the population.

Methodology

The use of the general scientific dialectical method helped to form the general methodological basis of the study and to identify and deeply reveal the social nature of domestic violence. By its legal nature, the dialectical method is a method of learning a reality in its contradictions, integrity, and development. Therefore, this method contributed to revealing the essence of domestic violence, as well as to understanding how this phenomenon developed, and what made it necessary to pay more attention to countering domestic violence. Moreover, thanks to the dialectical method, taking into account the general trends in the development of teachings on violence and its countermeasures, conclusions were formulated about the future possibilities of developing legislation on countering domestic violence.

The formal-dogmatic method played an equally important role in the conducted research. This method is important for analyzing the content of legal norms. Given that the essence of this method is to study law per se, without comparison with other areas, this method helps to reveal legal categories, define concepts, and legal constructions, and understand legal techniques. Therefore, the application of the formal-dogmatic method made it possible to analyze the theoretical developments of various aspects of countermeasures and causes of domestic violence.

When conducting legal research, it is important to analyze problematic issues using the formal-legal and structural-functional methods. Thus, the formal-legal method allows for tracing the interrelationships between the internal content and external expression (form) of state-legal phenomena and institutions. The structural-functional method offers the study of social phenomena and processes as a structurally dismembered whole. Therefore, the formal-legal and structural-functional methods as a whole contributed to the review and analysis of legal norms that regulate issues related to the prevention of violence in the family environment, the definition of the subjects of domestic violence, and, in general, the definition of the phenomenology of domestic violence.

Modeling, analysis, and synthesis methods were used in the process of developing ways to

improve the organizational and legal framework for combating domestic violence. In particular, the modeling method helped to analyze the possible ways of developing legislation to combat domestic violence, and the analysis and synthesis made it possible to better understand the phenomenon of domestic violence.

A statistical method was used to process statistical data to understand the scale of domestic violence and to identify victims of domestic violence.

Results and Discussion

Before considering the issue of the phenomenology of domestic violence, let's analyze the definition of phenomenology.

In general, the term "phenomenology" comes from the Greek words *phainómenon*, which means "that which appears" and *lógos* – knowledge. Phenomenology is a so-called philosophical direction, the basis of which is the observation and description of the phenomenon as it is in the mind of the observer, and puts the study of phenomena in the first place, that is, what appears in the mind of a person when he perceives this world. Scientists define phenomenology as a branch of philosophy that considers the qualities and characteristics of objects and the relationship between them as a necessity, as a phenomenon of nature. The tasks of phenomenology are the formalization of relations between objects and their presentation in the form of laws and interdependence. Phenomenology of social studies by formal means the structure of social systems, groups, other constituent elements, their development and interaction, and dependence (Veprytskyi, 2013).

Phenomenology is actively used not only in philosophical research but also in criminal law, helping researchers gain a deeper understanding of the phenomena associated with certain criminal offenses.

The phenomenon of domestic violence belongs to social phenomena that have several aspects and depend on many factors. Domestic violence is a real-world phenomenon that occurs within the family and between people who have certain personal relationships. The key features of this phenomenon are that the violence is directed by one person against another and that it occurs in the context of family relations, that is, between close people who have both social and, no less important, emotional ties.

Scientists from many fields of knowledge pay attention to the study of the problems of violence: philosophy, sociology, political science, history, law, psychology, anthropology, and others. We agree with O. Yu. Sydorenko, who notes that violence is a "general psychological, philosophical, sociological, moral and legal category" (Sydorenko, 2001).

In philosophy, violence is studied in the context of ethics, politics, and social philosophy. Quite often, violence is seen as a philosophical phenomenon that reflects problems of power, control, morality, and law.

The authors of the philosophical encyclopedic dictionary understand violence as the use of force or the threat of its use (Philosophical encyclopedic dictionary under the editorship of M.T. Maksimenko, 2002). In turn, the American philosopher Sh. Wolin points out that violence comes from the Latin word "violentia", which means a spontaneous and uncontrolled manifestation of force, as opposed to the concept of the legal and normal use of force by the institution of the state (Wolin, 1970).

Philosophers examine the question of what moral limits should be placed on the use of violence and whether it can be morally just. Thus, the philosophical approach to defining violence focuses on the ethical aspects of this concept and how it is related to moral values and principles.

In turn, sociologists examine the concept of violence in the context of social dynamics, human interaction, and the influence of social factors on the formation of violent stereotypes. Sociologists define violence as "coercion (action) carried out by an individual or a group of persons to achieve a set goal and which is associated with the direct infliction of physical, psychological or moral harm on another person or with the threat of such infliction" (Andrushchenko, Bekh, & Bashkirev, 2002).

From a psychological point of view, violence is a complex phenomenon that includes not only physical actions but also psychological pressure and emotional violence. The definition of violence in psychology is usually based on the concepts of power, control, and behavioral submission.

At the same time, scientists, philosophers, sociologists, and psychologists point out that violence can have both destructive and constructive functions. The destructive function of violence is that it causes harm to another

person who becomes a victim of violence. It can be physical, psychological, sexual, economic, and other violence. The destructive function of violence can cause injuries, pain, fear, and other negative consequences not only for the victim but also for those around him. In turn, the constructive function of violence is that it can perform a useful social role. For example, violence can protect the interests of the state in the event of external threats, defend the rights of citizens against government oppression, and ensure security within the state. In addition, cases of self-defense or the use of violence to stop another violent person can have positive consequences for the individual and society.

Violence is generally defined as an influence, the use of physical force against someone; rape, violence, coercion; the use of force to achieve something; coercive influence on someone, something; actions with the use of physical or mental force against someone, rape, coercion, violence (Kalashnyk, 2002). It is also defined as "intentional influence of one person on another, against the will of the latter, which causes this person physical, moral, property damage or contains a threat of causing said damage with a criminal purpose" (Shemshuchenko, 2002).

Analysis of numerous scientific literature in the field of criminal law makes it possible to note that most scientists define violence as an influence. So, it is possible to define the following positions regarding the understanding of violence:

- "intentional, socially dangerous and illegal influence carried out through mental or physical assault by a person on other persons, as a result of which damage is caused or a real threat is created to life, health, honor, dignity and other rights and freedoms of citizens, which are guaranteed by the Constitution of Ukraine and are protected by the criminal law" (Humin, 2011).
- "energetic influence on the organs and tissues of the human body, their physiological functions, through the use of material factors of the external environment (mechanical, physical, chemical and biological) and/or informational influence on his psyche, which is done against his will, capable of causing death, physical and/or mental trauma, as well as limit a person's freedom of expression or action" (Ignatov, 2005).
- "external influence on a person or a group of people, coercion, causing damage to life and

property, which are carried out against the will of those against whom they are directed; the physical or mental influence of one person on another, which violates the latter's right to personal integrity, with the aim of achieving a certain criminal result" (Konovalova, & Shepitko, 2013).

- "inflicting bodily harm, killing or threatening to do so" (Navrotskyi, 1997).

V.O. Navrotsky notes that since ancient times, the term violence has denoted physical impact on another person's body. "sexual" violence. (Navrotsky, 2020).

Taking into account the above, the following approaches to the definition of violence in criminal law can be distinguished:

- 1) violence is exclusively a physical influence on another person;
- 2) violence is both physical and psychological impacts on another person.

In addition, the economic impact is also possible. Given the presence of various forms of violence and the fact that it is quite important to foresee criminal liability for their commission, violence cannot be defined only as a physical impact. That is why defining violence as a comprehensive criminal law concept is justified by defining it as a physical and psychological impact on another person.

Also, the following basic signs of "violence" are distinguished in the scientific literature:

1. Violence is a socially dangerous phenomenon because it poses a threat to the normal functioning and development of both society as a whole and its individual members;
2. It is an illegal act, that is, it violates the norms of the law;
3. Violence is committed with intentional guilt;
4. Violence is expressed in an active influence on another person, that is, it is an active act manifested through certain forms (for example, a blow, a push, etc.);
5. This action is coercive, that is, it violates the principle of voluntariness;
6. Coercion manifests itself in the form of physical, mental, and sexual influence;
7. The result of violence is the damage caused: moral (psychological suffering, stress, etc.) and material (expenses for treatment, lawyers' services).

Each of these three broad categories is divided into new subgroups that reflect more specific types of violence.

Interpersonal violence is divided into the following subgroups:

- domestic violence that occurs between family members, including regarding children;
- violence in the community, which occurs against someone with whom the offender is not in a family relationship and, as a rule, outside the home (violence at school (bullying, mobbing), violence in the youth environment).

So domestic violence is one of the types of violence, and therefore it has all the above-mentioned signs of violence and certain special features, which we will mention further.

O. V. Kharytonova notes that "domestic violence" correlates with the English term "domestic violence". The word "domestic" has connotations of "family, domestic, home, family". Therefore, when we talk about domestic violence, we need to understand that we are talking not only about the home in the physical sense of the word, the place of permanent residence of a person but about a certain symbolic space where "domesticity" is derived through the delineation of the circle of persons to whom the legislation applies about domestic violence (Kharytonova, 2018).

The organization "La Strada - Ukraine" defines "gender-based violence" as violence that is perpetrated against people because of their gender or affects mainly people of a certain gender. This is an extreme manifestation of discrimination based on gender, the victims of which are women most often. At the same time, the following types of gender-based violence are distinguished: physical violence; psychological violence; sexual violence; economic violence; domestic violence; persecution; rape; sexual harassment; female genital mutilation; forced sterilization; forced abortion; forced marriage; crimes in the name of so-called honor; violence in an institutional environment; violence in war, conflict and post-conflict situations; human trafficking; gender discrimination (La Strada Ukraine, 2018).

Taking into account the mentioned characteristics, the question arises whether it is always possible to assert imperatively about domestic violence in the case when the victim of

a criminally punishable act is a member of the accused's family?

In the decision of the Supreme Court of April 7, 2020 (Resolution 647/1931/19, 2020) it is stated that in this case, the prosecution claimed that the accused committed the crime as a result of a sudden quarrel. The court stated that such wording in itself does not indicate that the violence was caused by a certain discriminatory attitude towards the victim. Also, it was not clear from the content of the indictment that the incriminated act of aggression was one of the episodes in the atmosphere of domestic violence that developed between the accused and his mother. The reference only to the fact that the victim of the crime is a member of the accused's family is not enough to assert the existence of a situation of domestic violence in the sense given to this term by the Istanbul Convention and the law adopted for the purpose of its implementation. In order to substantiate the applicability of the exception regarding domestic violence in paragraph 7, part 1 of Article 284 of the Criminal Procedure Code to a specific case, the prosecution must prove circumstances that indicate that the victim of the incriminated crime is at the same time a victim of domestic violence. This does not exclude the fact that evidence of the existence of a situation of domestic violence may be contained in the very circumstances of the crime, which prove that a certain case of violence is a manifestation of behavior characteristic of domestic violence.

Summarizing the above, domestic violence as a phenomenon encompasses the following characteristics:

- this is an illegal, intentional physical and/or psychological influence of one person on another;
- committed through physical, psychological, sexual, or economic violence;
- are committed in the family or within the limits of the place of residence or between relatives, or between former or current spouses, or between other persons who live (lived) together in the same family, but are not (were not) in family relations or in marriage between themselves, regardless of whether the person who committed domestic violence lives (has lived) in the same place as the victim;
- one of the parties belongs to a certain vulnerable group and/or is in a vulnerable situation;
- violence is committed on the basis of a person's specific role;

- such violence causes various kinds of damage or creates a real threat of causing such damage.

Conclusions

- 1) The problem of domestic violence is complex and not fully resolved, despite the fact that it has a significant interest both among scientists and among organizations of the international community.
- 2) It is generally accepted to consider violence as an attempt on life, the use of physical force or coercive influence on someone, or resistance to force. However, it is important to consider other forms of violence, such as economic, sexual, and psychological.
- 3) The term "domestic violence" is mainly used by foreign legislation, science, and practice. But due to its legal nature, the identification of the terms "family violence" and "domestic violence" is often to blame. We believe that the main difference between the concepts of domestic and family violence is that the criminological sign of domestic violence is the place of its commission, and it is not always connected with the sphere of marital and family relations, and the concept of "family violence" has a family character of the motivation of the commission illegal acts and is directly related to the concept of "family".
- 4) It is necessary to distinguish between domestic violence as a phenomenon, domestic violence as an administrative offense, domestic violence as a criminal act, and criminal offenses related to domestic violence. The following studies will be devoted to the disclosure of the content of these categories.

Regarding further scientific research, we consider it necessary to analyze the international experience of combating domestic violence and to investigate the effective regulation of prevention of violence in the family.

Among the main areas of improvement of the mechanism of combating manifestations of domestic violence, it is worth mentioning the strengthening of legal responsibility for committing acts that can be qualified as manifestations of domestic violence; providing a wider range of law enforcement agencies with powers aimed at stopping domestic violence and bringing persons guilty of such acts to criminal and other types of legal responsibility; introduction into domestic legislation of the best models of combating domestic violence, which

have proven themselves in foreign countries; implementation of a wide range of measures aimed at the prevention of domestic violence.

Bibliographic references

- Andrushchenko, V. P., Bekh, V. P., & Bashkirev, V. A. (Eds.). (2002). *Social work*. Kyiv: DCSSM. Retrieved from <https://ns2000.com.ua/wp-content/uploads/2019/10/Sotsial-na-robota.pdf>
- Bandurko, I.O. (2013). Criminal law characterization of domestic violence. *European perspectives*, 8, 104–109. Retrieved from <https://dspace.univd.edu.ua/xmlui/handle/123456789/1800>
- Botnarenko, I.A. (2016). Domestic violence: concept, nature, and causes. *Bulletin of the Luhansk State University of Internal Affairs named after E.O. Didorenko*, 2, 37–47. Retrieved from <https://journal.lduvs.lg.ua/index.php/journal/article/view/417>
- Glowyuk, I. V. (2019). From private to public: When the victim's refusal to prosecute is an insufficient argument. *Law and Business website*. Retrieved from http://zib.com.ua/ua/print/136156-koli_vidmova_poterpilogo_vid_obvinuvachennya_e_nedostatnim_a.html
- Humini, O.M. (2011). *Violent criminal behavior of a person: theoretical and applied aspects*. Lviv: Lviv State University of Internal Affairs. Retrieved from <https://dspace.lvduvs.edu.ua/handle/1234567890/742>
- Ignatov, O. (2005). Criminal violence: separate issues. *Law of Ukraine*, 3, 70-79.
- Kalashnyk, V. S. (2002). *Interpretive dictionary of the Ukrainian language: Over 12,500 articles (about 40,000 words)*. Prapor. Retrieved from <https://archive.org/details/tlumachny2005/page/n7/mode/2up>
- Kharytonova, O. V. (2018). *Key principles of gender policy in the criminal law of Ukraine and the main directions of reforms to combat violence against women and domestic violence*. Kharkiv: Human Rights Publishing House LLC. Retrieved from <https://www.academia.edu/>
- Konovalova, V.O., & Shepitko, V.Yu. (2013). *Legal Psychology*. Kyiv: Istina. Retrieved from https://chtyvo.org.ua/authors/Konovalova_Violetta/Yurydychna_psykholohiia.pdf

- La Strada Ukraine. (2018). Gender-based violence. Retrieved from <https://la-strada.org.ua/wp-content/uploads/2021/01/richnyj-zvit-2018-ukr.pdf>
- Maksimenko, M. T. (Ed.). (2002). Philosophical encyclopedic dictionary. Kyiv: Istina. Retrieved from <https://www.socosvita.kiev.ua/en/node/1209>
- Navrotsky, V. O. (1997). Crimes against the person: lectures for students of the Faculty of Law. Lviv: Ivan Franko Lviv State University. Retrieved from https://library.nlu.edu.ua/POLN_TEXT/KNI-GI-2013/Navrockiy_zlochunu_1997.pdf
- Navrotskyi, V. O. (2020). Cross-cutting and separate concepts of the criminal law of Ukraine. *Law of Ukraine*, 2, 81-86. Retrieved from <https://acortar.link/5sJTan>
- Orlovska, N.A. (2014). Prevention of domestic violence: UN standards and Ukrainian realities. *Scientific Bulletin of the International Humanitarian University*, 11(2), 70–73. Retrieved from http://www.vestnik-pravo.mgu.od.ua/archive/juspradenc11/part_2/20.pdf
- Perelighina, R.V., & Mytnyk, U.M. (2018). Phenomenology of domestic violence in Ukraine and the European Union. *Journal of the Kyiv University of Law*, 1, 179-181. Retrieved from <https://acortar.link/3gq9ra> (In Ukrainian)
- Resolution 647/1931/19. CCS of the Supreme Court, 2020. Retrieved from <https://zakononline.com.ua/court-decisions/show/89035028>
- Shemshuchenko, Yu. S. (Ed.). (2002). *Jupid encyclopedia*. Kyiv: Ukrainian encyclopedia. Retrieved from <https://acortar.link/fePPLe>
- Sydorenko, O. (2001). Legal and psychological aspects of conflict resolution related to violence in families. *Law of Ukraine*, 6, 123-134. Retrieved from <https://acortar.link/JMP85y> (In Ukrainian)
- Tkachenko, I. M. (2013). Theoretical and criminological characteristics of factors causing violence in the family. *Scientific Bulletin of the International Humanitarian University. Jurisprudence*, 6-1 (1), 80–83. Retrieved from (In Ukrainian) <https://acortar.link/Wv9Zd2>
- Veprytskyi, R.S. (2013). Phenomenology of crime as a branch of criminology. *Law forum*, 3, 84-87. Retrieved from <https://acortar.link/xglxyG> (In Ukrainian)
- Wolin, Sh. (1970). Violence and Western Political Traditions. *Violence: Causes and Solutions*, 1, 35-36. Retrieved from <https://pubmed.ncbi.nlm.nih.gov/14001646/>
- Yakhyazade, E.M. (2013). Domestic violence: international experience and contemporary problems in Ukraine. *Bulletin of the Dnipropetrovsk University named after Alfred Nobel*, 2(5), 120–125. Retrieved from <https://acortar.link/bF4oUz> (In Ukrainian)

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Data journalism visualization in Ukraine and in Europe: a comparative analysis

Візуалізація журналістики даних в Україні та Європі: порівняльний аналіз

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Abstract

The article aims to investigate the peculiarities of data visualization in Ukrainian and European data media, which will help outline trends and development tendencies in data journalism. The research results will form a list of promising methods and forms of data visualization in journalistic practice. The research used the method of content analysis of journalistic materials and comparative analysis of Ukrainian and European data media. The use of such a methodological toolkit is due to the visual component of the analyzed objects and the need to fill a gap in data journalism research as a comparative analysis of the Ukrainian and European practice of visualizing materials in data media has not been conducted before. The study results showed common trends in using visual resources as the most common way of visualizing data. The European edition uses more types of visual objects in the same material. It was also found that the European data media pay more attention to the text, while the Ukrainian one focuses on the visual component. Common trends are observed when analyzing visualization and interactivity functions. Both editions mostly use visualization to reinforce and supplement

Анотація

Стаття має на меті дослідити особливості візуалізації даних в українських та європейських дата-медіа, що допоможе окреслити тенденції та тренди розвитку в цій царині журналістики даних. Результати дослідження дозволять сформулювати перелік способів та форм візуалізації даних, що є перспективними в журналістській практиці. У дослідженні використано метод контент-аналізу журналістських матеріалів та порівняльний аналіз українського та європейського дата-медіа. Використання такого методологічного інструментарію обумовлено візуальною складовою аналізованих об'єктів та необхідністю заповнити прогалину в дослідженнях журналістики даних, оскільки порівняльний аналіз української та європейської практики візуалізації матеріалів у дата-медіа не проводився раніше. Результати дослідження показали спільні тенденції використання візуальних ресурсів як найпоширенішого способу візуалізації даних. Також було виявлено, що європейське дата-медіа приділяє більше уваги тексту, у той час як українське

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textual information, and the hypothesis of a fading trend toward interactivity is confirmed.

Keywords: data visualization, data media, data journalism, content analysis, comparative analysis.

Introduction

The development of digital technologies and the global trend of "datafication" are increasingly important in journalism. One of the forms of manifestation of digitization and the development of open data is data journalism. A data journalist is engaged not only in collecting information and creating text but also in the production of complex text formats that combine words and numbers with graphic elements. This can only be done with the help of new software tools, which means the data journalist performs the functions of an analyst, a journalist, a designer, and partly a programmer. Adequate visualization of information is considered a fundamental factor in data journalism, as it affects the quality of content, attracts users, and allows them to interact with content (Engebretsen et al., 2018).

Visualization in data journalism develops along with techniques and technologies. Although the methods and tools for creating visual elements are similar worldwide, the practice of using "visual language" and visual content have their own characteristics in different countries. Such differences can be caused by norms and principles of information submitted in the country, technical and financial capabilities of the media resource, and access to open data. Regarding the last factor, it should be noted that, according to the research of the public organization Open Data Watch, the Open Data Inventory (ODIN) was calculated - the identifier of the openness of official statistics and open data for 187 countries of the world for 2020-2021 (Open Data Inventory, 2021). The results of a comparative analysis with European countries showed that Ukraine is in 45th place according to the ODIN indicator, ahead of Great Britain by 20 steps and France by five. Poland, Holland, and Sweden were identified as unexpected data quality and availability leaders. Therefore, Ukraine has good potential in this regard. However, European data media still have more opportunities for development due to higher

зосереджене на візуальній складовій. Спільні тенденції спостерігаються при аналізі функцій візуалізації та інтерактивності. Обидві редакції здебільшого використовують візуалізацію для підсилення та доповнення текстової інформації, а гіпотеза про згасання тренду на інтерактивність підтверджується.

Ключові слова: візуалізація даних, дата-медіа, журналістика даних, контент-аналіз, порівняльний аналіз.

indicators of transparency of state policy and availability of statistical information.

Differences in access to open data, methods, techniques, and visualization styles determine the need for a comparative data visualization analysis in Ukrainian and European media. And although the study of aspects of data visualization in data journalism has long been a field of interest of the scientific community, a comparative analysis of leading European and Ukrainian media in terms of data visualization in data media has not been conducted.

The purpose of the study is to identify the features of visualization of data information in Ukrainian and European data media, which will provide an understanding of trends in the development of visualization of data journalism. This study can become a road map for finding new ways and forms of visualization in journalistic practice. This study seeks to answer the question: what characterizes the data visualization processes in European and domestic editorial offices?

The following sections will first outline the theoretical approaches of the study (Section 2). A description of the applied methodology is in Section 3. Then the results and discussion will be presented: key features of data visualization in different countries and their comparative characteristics (Section 4). The article concludes with a summary of the main findings and a consideration of further research perspectives (Section 5).

Theoretical Framework

Data journalism, becoming a new media phenomenon, has caused a real boom in scientific research.

The review of scientific works made it possible to draw conclusions that three groups of

scientific research can be distinguished in the context of the mentioned topic. Some scientists deal with the conceptual aspects of data journalism, developing theoretical approaches and studying the conceptual apparatus of the principal terms used in the direction mentioned above, as well as consider the history of the formation and development of data journalism (Paraise & Dagiral, 2012; Coddington, 2015; Howard, 2014; Royal & Blasingame, 2015; Borges-Rey, 2016; Gray, Bounegru & Chambers, 2012; Weber & Rall, 2012; Medvedeva, 2020; Bidzilya & Kravets, 2019 Polyuga, 2019; Hannaford, 2015).

The second group of scientific investigations is aimed at researching journalists' work as data journalism subjects. Within this direction, the professional profile of a journalist is considered, and his "hard" and "soft" skills, methods of software application, and the need for a team of analysts and programmers are studied (Tabary et al., 2016; Appelgren & Nygren, 2014; Royal, 2010; Weber & Rall, 2016; Paraise & Dagiral, 2012; De-Maeyer et al., 2015; Fink & Anderson, 2015; Uskali & Kuutti, 2015; Hermida & Young, 2017).

The third and most significant group of works analyzes content available in media practice. Such studies focus on data collection, analysis, processing, and visualization features. At the same time, scientists pay special attention to solving practical problems related to the typology, quality, quantity, interactivity, and functionality of visual objects in data journalism (Knight, 2015; Nguyen, 2017; Loosen et al., 2020; Hamilton, 2016; Flew et al., 2012; Cohen et al., 2011; Medvedeva, 2020; Lichenko, 2018).

It is worth noting that the views of scientists on the definition of the concept of "data journalism" coincide. For example, H. Hamilton (2016) and S. Sunne (2016) believe that data journalism is collecting, cleaning, organizing, analyzing, visualizing, and publishing data. L. Rinsdorf and R. Boers (2016) consider data journalism as a process (analysis, collection, and processing of information) and a product (the result of which is journalistic material – text and visualization) at the same time. So, scientists identify data visualization in journalism as a critical element of information design, which allows consumers to understand the material. Note that "data journalism" cannot be equated with "data visualization"; visualization exists as an independent phenomenon, but data journalism often uses visualization as a storytelling tool.

"Data Visualization," according to R. Borgo et al. (2013) and W. Loosen et al., (2020), is a visual representation of primarily numerical data (but not only numerical) designed to improve the cognitive processing of information by consumers.

Scientists from all over the world actively research visualization in journalism. E. Burdina considers abstract thinking to be the key to visualization, stressing that it precedes analysis, and therefore, thanks to visual objects, information is absorbed faster (Burdina, 2016). V. Shevchenko (2014) offers a classification of visualization forms, which is a continuation of the opinion of S. McMillan (2006). Among the visualization studies in media practice, we should highlight the work of F. Tandoc and O. Soo-Kwang (2017) examine the content of The Guardian media resource. K. Medvedeva (2020), Yu. Nagorna and N. Poplavska (2022) consider methods of visualizing television and print content using the example of local and national mass media. M. Knight (2015), analyzing news content, claims that journalists often use infographics and maps for visualization. P. Boczkowski (2004), S. McMillan (2006), A. Rudchenko (2017), and M. Engebretsen (2006) are supporters of interactive visualization and consider it a unique aspect of online communication and an essential component of digital journalism, as they see it the potential for active user involvement. At the same time, other researchers analyzing media practice followed the trend of decreasing interactivity (Appelgren, 2017; Stalph, 2017; Young et al., 2018; Domingo, 2008; Burmester et al., 2010; Ojo & Heravi, 2018; Tandoc & Soo-Kwang, 2017).

Despite a large number of studies on information visualization in general, the visualization of objects in data journalism is devoted to a small number of scientific works. The visualization studies in the data journalism system presented in the scientific media discourse relate to analyzing the winners and prize-winners of the Data Journalism Awards. Such intelligence shows that winners will likely use static graphics, maps, and images (Loosen et al., 2020; Ojo & y Heravi, 2018). F. Stalph (2017) suggests that bar charts, line graphs, and maps are appropriate for daily news, but award-winning journalism differs from daily news with interactivity and animation. A. Córdoba-Cabús and M. García-Borrego (2020), analyzing the finalists and winners of the Data Journalism Awards 2019, found that the most popular visualization method among the

winner was infographics, with non-interactive and non-animated visual objects winning.

Therefore, although the field of data journalism research is growing, and the study of visual objects in journalistic materials remains a trend, there is a lack of research in the scientific discourse that analyzes in detail the media practices of visualization in data media. This study aims to fill the existing gap. This research is significant in the context of comparing media practices of Ukrainian and European data media, which will make it possible to determine trends in information visualization of data journalism.

Methodology

The proposed research is comparative. Comparative analysis as a method is used to obtain new information about the similar and different features and properties of the studied objects; besides, as noted by M. Dogan and D. Pelassi (Klass, 1985), a comparative analysis is one of the most fruitful directions of thinking, because it allows revealing implicit relationships and general trends of phenomena. It is worth noting that this method is actively used in journalism. For example, to identify "tabloidization" trends in the USA, Germany, and Great Britain (Esser, 1999); search for practical journalistic innovations based on media practices of five European countries (Meier et al., 2022); analysis of educational strategies in data journalism based on a comparison of educational programs of six European countries (Splendore et al., 2016), etc.

Also, content analysis is one of the main methods used in the research. Content analysis is actively used as a methodological toolkit in various areas of journalism, in particular in data journalism. If the previous content analysis was considered a purely computational technique or a secondary method based only on computational operations, today it is regarded as an independent qualitative-quantitative method, which can be used to carry

out the entire cycle of document research from the selection of research units to the interpretation of results (Kostenko & Ivanov, 2003). Thus, content analysis was applied by scientists to analyze the visualization objects of the winners and nominees of the Data Journalism Awards (Córdoba-Cabús & García-Borrego, 2020, Ojo & Heravi, 2018, Córdoba-Cabús, 2020). The authors note that this method is appropriate for researching trends in data journalism.

Two Internet media that position themselves as news portals of data journalism were chosen for analysis. Texty.org.ua is an independent Ukrainian online journal founded in 2010 as a data journalism project that works in traditional journalistic genres - from lengthy reports to short messages. This media is Ukraine's most significant data journalism project and has nominations and awards in the Data Journalism Awards-2017, 2016, and 2012. The European journal chosen for analysis is the European Data Journalism Network (created in 2017). It is a network of independent media organizations and data newsrooms that generate and promote data-driven coverage of European topics in multiple languages. This online media covers the entire news media network in data journalism in Europe, so it is a worthy representative for the analysis.

The representative sample consisted of 100 journalistic materials, 50 belonging to Ukrainian and 50 to European media. A total of 200 visual objects in 100 publications were analyzed.

The following characteristics were taken for analysis: the number, typology, and functions of visual objects, and the visualization ratio. It should be noted that the article proposes an updated and modified methodology of A. Córdoba-Cabús, M. García-Borrego (2020) and F. Stalph (2017). The main stages of the research are presented in Figure 1.

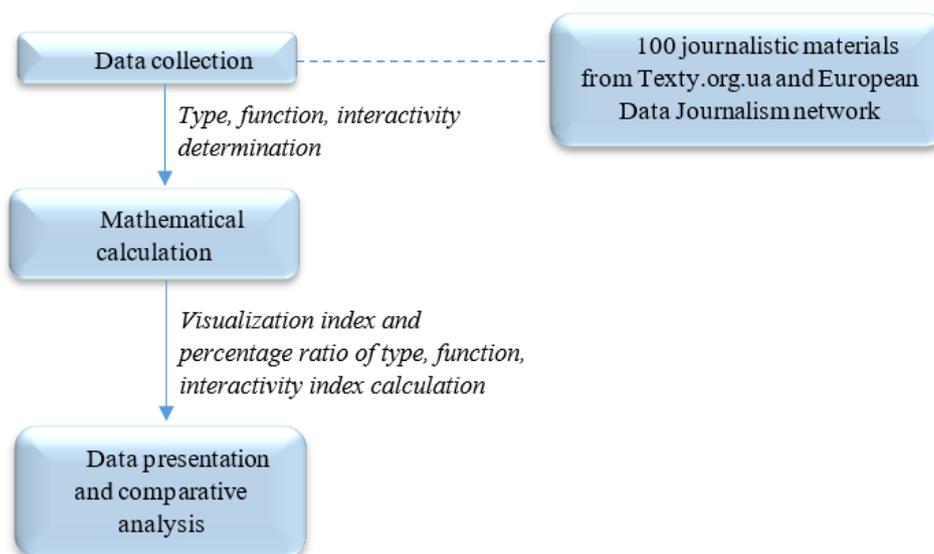


Fig. 1. Visualization research process in Ukrainian and European data media

Source: compiled by the author

Types of visualizations.

C. Salvatierra (2008), A. Córdoba-Cabús and M. García-Borrego (2020) classifying visual objects, propose to distinguish tables and lists, static graphs, interactive graphs, maps, visual resources (photos, videos, illustrations), animations, infographics, and others. In our opinion, this classification deserves attention. However, we believe that it is inappropriate to distinguish static and interactive graphs as separate types. Suppose we differentiate between interactive and static graphs; a similar division must be made in lists, maps, and infographics. We also disagree that illustrations should be classified as visual resources; for example, according to the classification of V. Shevchenko (2014), illustrations, cartoons, and comics are combined into one type, and photos and video resources into another type of visual objects.

We offer a comparative analysis of the following visualization types:

- Tables or lists. This type covers visual objects presented as a table or lists - both interactive and static. It should be noted that in the presence of other elements, apart from the components of the table or list (text not included in the table, icon, pictures, etc.), such a visual object is identified as an infographic.
- Graphs. Graphs can be interactive and static, with legend and axis names. Graphs include dots, pie, bars, and other charts (we do not

identify the type of graph during the research).

- Maps. Such objects should provide a geographical representation of information; they can be interactive and static. The maps may have a legend and name.
- Visual resources. This type of visualization includes photos and videos. We also suggest considering stock images as a visual resource but not identify them as an illustration.
- Animation. This type of visualization offers the change of the object without the reader's participation; that is, the image changes automatically, distinguishing animation from interactivity.
- Infographics. This type of visualization offers a combination of several types of visual objects, for example, a variety of a graph, an illustration, and a table.
- Illustration. Images have an artistic component and the vision of the author of the news or event. Such objects are developed directly for the story, unlike visual assets.
- There are no visualizations.
- Other.

Functions of visualizations.

We distinguish whether the visualization was part of the journalistic material, whether it performed a complementary and accompanying function, or whether the material was included in the visual object (the visualization is structured as a story). We also pay attention to the ratio of

text and visual objects: what prevails and whether there are publications with only visual objects or only text in the analyzed journalism materials (Stalsh, 2017; Córdoba-Cabús & García-Borrego, 2020).

Interactivity of visualizations.

Interactivity means the ability of the reader to interact with the content. Among the functions of interactivity, based on the analysis of previous studies (Segel & Heer, 2010; Córdoba-Cabús & García-Borrego, 2020), we singled out the following: exploring (possibility to obtain details); selecting (the ability to select the required year, region or hyperlink to obtain information); filtering (helps to find the necessary information to the reader among the entire array of data); narrative (by clicking in the required place, you can continue viewing the publication materials); interaction with games (the reader is invited to play a game, calculate something, guess or remember, take a test or test his memory); personalization (to receive specific information, you are asked to enter your data, for example, height, weight, age); others that cannot be attributed to the previous ones.

Results and Discussion

A total of 100 data journalism materials covering 200 visualization objects were analyzed.

After studying them, we calculated the visualization index - how the number of visual objects correlates with the total number of journalistic materials. It was found that the

publications contained an average of two visual objects of different types ($M=2$), and for Ukrainian media, this indicator was lower - $M1 = 1.66$ than for European media - $M2 = 2.34$. So, Texty.org.ua mainly uses one type of visualization for one material, while the European Data Journalism network prefers several types of visualization. We found only one project that does not contain visualization; the news is presented in text format (this material belongs to the editors of Texty.org.ua).

Types of visualizations.

To determine the most common types of visual objects in Ukrainian and European online publications that present data journalism and to identify general trends, we suggest considering the percentage ratio of visualization on their data portals and total statistics for both media. The structural analysis of visualization is presented in Table 1.

Therefore, the most common type of visualization for both data media is visual resources, i.e., photos, stock images, and videos. They occupy 37.35% and 37.61% in Ukrainian and European online media, respectively. Interestingly, the values are quite close; that is, there is a general trend toward using visual resources by editorial offices as the simplest, fastest, and least expensive in terms of the workforce of visual objects. It should be noted that when we are talking about a photo, we do not mean a single photo, it can be a series or a carousel of images, but the type of visualization is the same.

Table 1.
Structural analysis of visualization types

Type of visualization	Texty.org.ua	Europeandatajournalism.eu	TOTAL
Tables or lists	2.41%	3.42%	3%
Graphics	19.27%	32.47%	27%
Maps	14.46%	12.82%	13.5%
Visual resources	37.35%	37.61%	37.5%
Animation	3.62%	1.71%	2.5%
Infographics	13.25%	10.26%	11.5%
Illustration	4.82%	1.71%	3%
There are no visualizations	1.21%	-	0.5%
Other	3.61%	-	1.5%

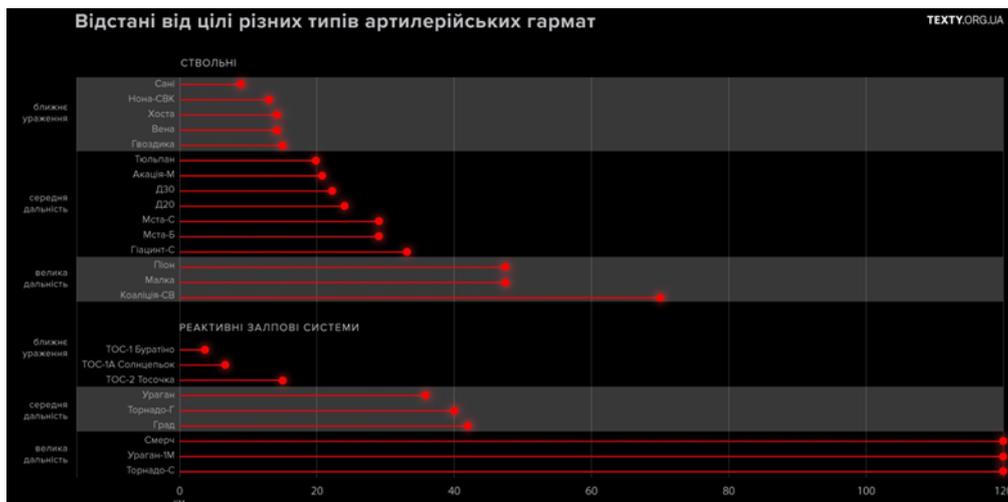
Source: Calculated by the author

Also, editorial offices often use graphs. Texty.org.ua graphs account for 19.27% of the total set of visual objects; for the European Data Journalism Network, this share is 32.47% (table 1). Most often, the graphs trace the change of the phenomenon over time or the transformation of the indicator depending on the geographical

location (city, country, continent). As you can see, European data media use graphs more often than Ukrainian media, and the frequency of their use is close to visual resources. However, it is worth noting that the charts from Texty.org.ua are more complex, visually more creative. In figure 2 a, b, reviewing the graphs created by the

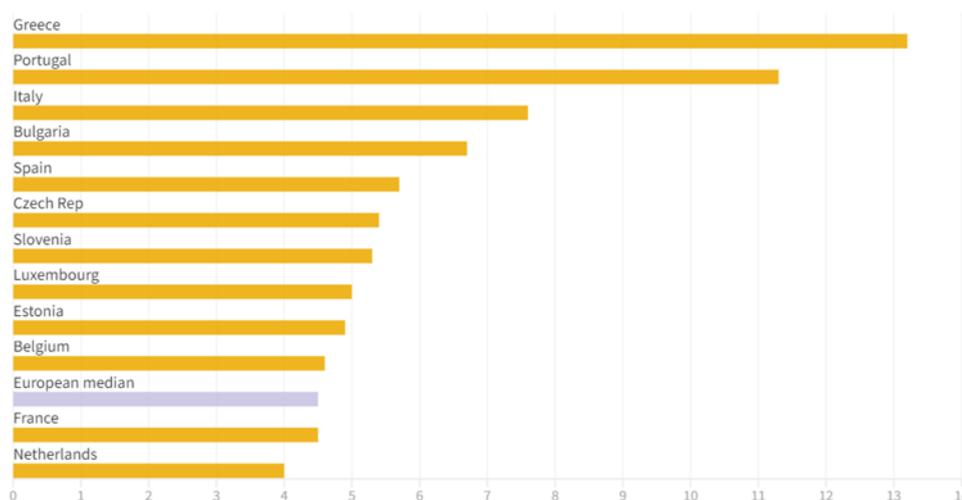
Ukrainian and European editors, respectively, is suggested. As we can see, for the European data space, the trend is to make quick and simple graphs, while for the Ukrainian media, the

quality of the graph's presentation is essential. Graphics also take second place in the general structure of types of visual objects - 27%.



a) Texty.org.ua

Average length of remand in custody in EU countries
(in months)



b) European Data Journalism network

Fig. 2. Examples of graphs in journalistic materials of analyzed data media
Source: Drozdova et al., 2022a; Morphonios, 2022.

Interactive and static maps occupy third place in the structure of visual objects in analyzed media (Table 1). This type of visualization is more common in Ukrainian data media (14.46%), which can be explained by the specificity of the content. Since there is a war in the country, the maps often depict the territory of Ukraine, where the centers of hostilities and the direction of the front line are marked. An example is the publication "Under attack. What and when Russia shelled in Ukraine", "Open data at war. How many are published in cities and why is it

important", "From where and how is Russia shelling Mykolaiv", etc.

About the same share as maps are occupied by infographics (Table 1). This type of visualization is more complicated than the previous ones, as it requires a journalist to analyze carefully, to be able to interpret information effectively, and to have abstract thinking. It should be noted that Texty.org.ua uses infographics more often (13.25%) than the European Data Journalism network (10.26%).

Other visualization types occupy less than 5% of the total structure. However, the use of illustrations is more typical for the Ukrainian media. In contrast, tables and lists are more typical for the European media.

Functions of visual elements.

Visualization is a characteristic, but optional, of data journalism; its role depends on the type of information and emphasis the journalist wants to draw the reader's attention to.

In the analyzed sample, only one journalistic piece consisted only of visualization, and only one consisted exclusively of text. Both projects belong to the editors of Texty.org.ua. If everything is evident with the text, we suggest you review how the media created a story exclusively from visual objects. By clicking on the link with the title of the publication "War video. Chronology", we get to a page presented as a calendar, in which, by selecting the appropriate region and day, you can view videos shot by eyewitnesses and military personnel of that day (Fig. 3).

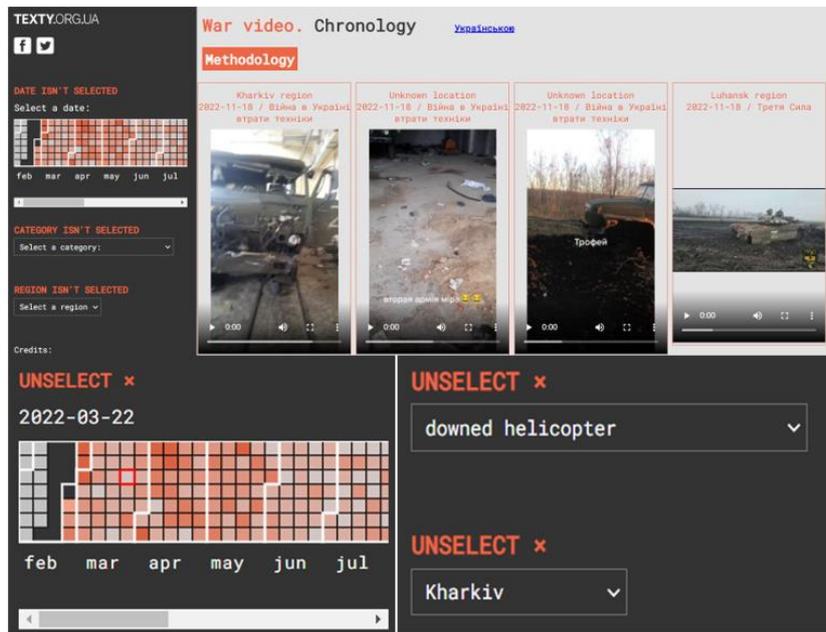


Fig. 3. Texty.org.ua material that uses only visualization
Source: Oksymets et al., 2022.

In general, the publications of the European Data Journalism network are dominated by text (46%); in the second place – are publications in which the visual and text parts are balanced (36%); in the third place – journalistic materials in which the visualization predominate (18%).

The editors focus more on working with the text than designing and visualizing. In Texty.org.ua articles, the situation is different; the distribution according to the analyzed characteristics is uniform (visualization predominates - 32%, text dominates - 30%, balance - 34%) (Fig. 4).

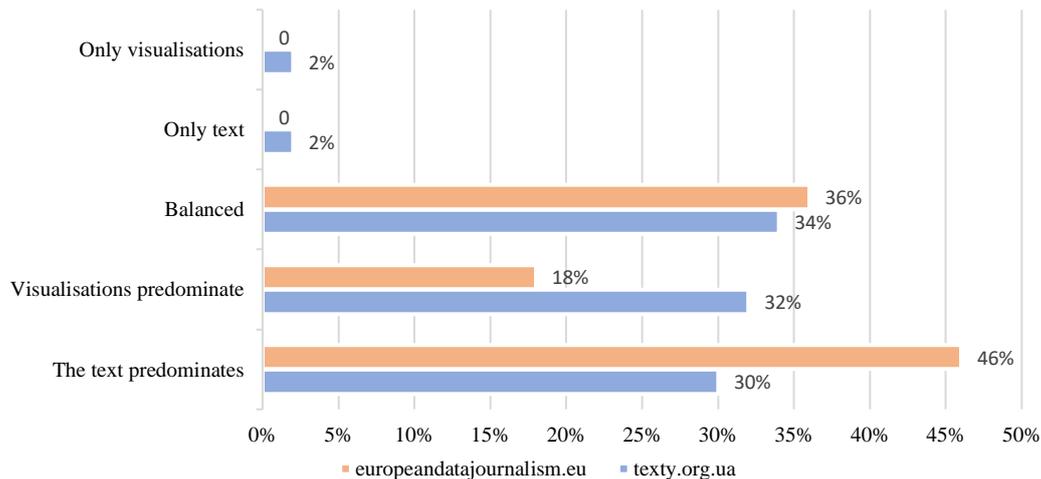


Fig. 4. Structure of the analyzed journalistic materials in the European and Ukrainian data media
Source: Calculated by the author

Figure 5 presents the functions performed by visualization in the journalistic materials of the analyzed media – whether the visualization complements and expands or whether the visualization is built as a separate material. As we can see, for both media, the most frequent is the

use of visual objects to supplement the material, and the method in which the visualization is built as a story is not so popular and makes up 14% of the total structure for Texty.org.ua and 2% for European Data Journalism network.

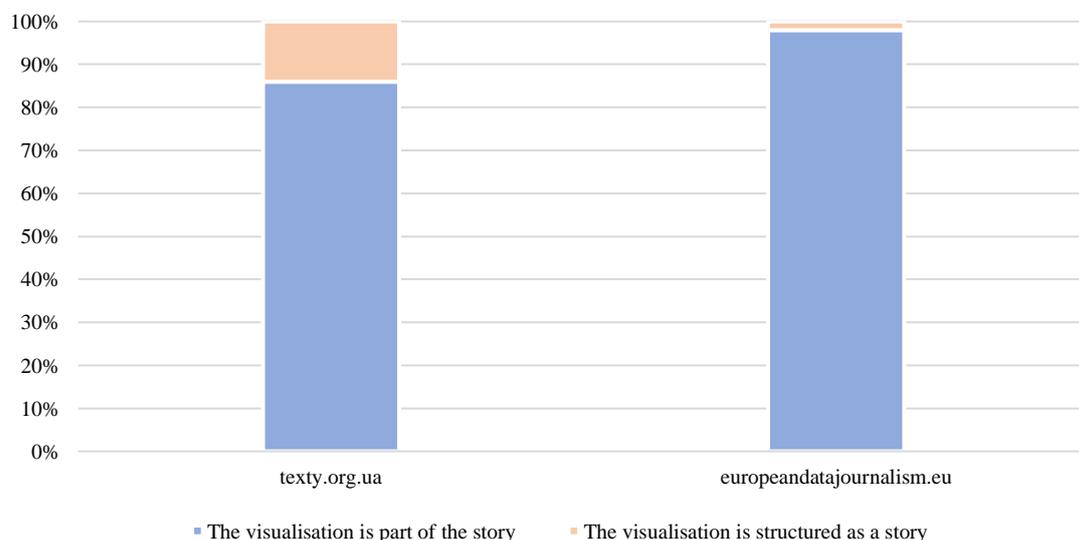


Fig. 5. Functions performed by visualization in materials
Source: Calculated by the author

Interactivity.

199 visual objects were examined for interactivity (one of the analyzed publications does not contain visual objects). The results proved the superiority of static visual objects over interactive ones. For Texty.org.ua, the ratio of static and interactive objects is 66.2% to 33.8%, i.e., static ones prevail almost twice. The indicators for the European Data Journalism network are similar - 62.4% to 37.6%. Therefore,

the results of the analysis of interactivity confirm the conclusions of E. Appelgren (2017), F. Stalph (2017), and M. Young et al. (2018) regarding the general trend of decreasing interactivity in journalistic materials.

In Figure 6, it is proposed to consider the functions that perform interactivity. Thus, 44 interactive European data-media objects and 28 Ukrainian ones were analyzed. As can be seen from Figure 6, Texty.org.ua uses a broader range

of interactivity functions than the European Data Journalism network. Ukrainian media almost does not use filtering; the editorial office often uses selection to demonstrate important information. The selection is similarly the most

common feature for the European Data Journalism Network, while narrating, personalization, and interaction with games are not used at all.

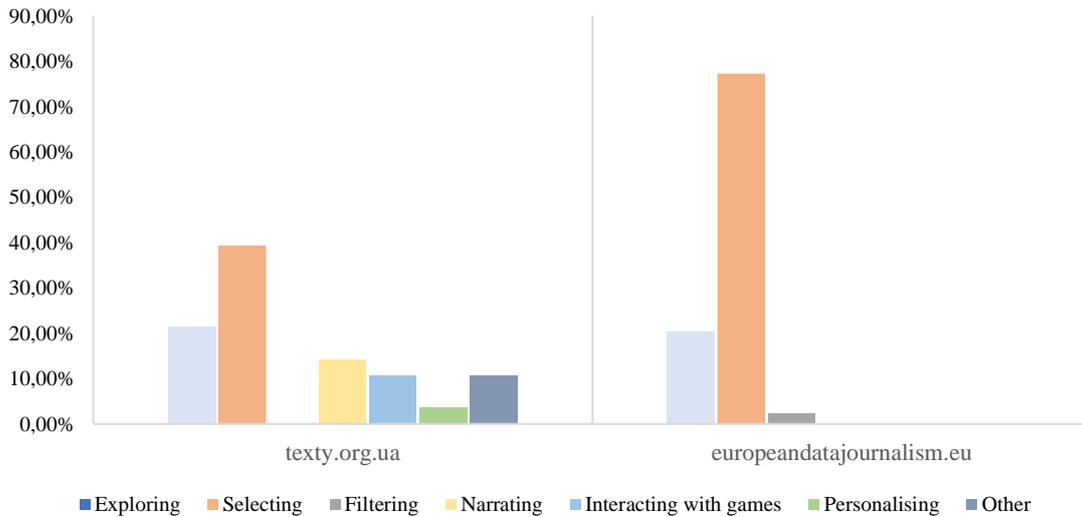


Fig. 6. Interactivity functions
Source: Calculated by the author

Consider innovative features such as interaction with games and personalization for a qualitative analysis of interactivity features. Texty.org.ua actively implements new technologies and trends, using games and personalization. In Figure 7, we offer an example of an interactive game. In the story "Rising prices: The State Statistics Service does not lie. But check how your expenses have increased," the reader needs to remember or guess the cost of a particular

product a year ago to check the level of inflation in the country. Figure 8 demonstrates the use of personalization by the Ukrainian media; the reader can compile his consumer basket and calculate its cost depending on the time change. For example, in a similar story of the European Data Journalism network about inflation, "How are EU countries doing against inflation?" graphs with an interactive exploring function are exclusively used (Aude, 2022).



Fig. 7. A fragment of Texty.org.ua material that uses interaction with games
Source: Drozdova et al., 2022b.

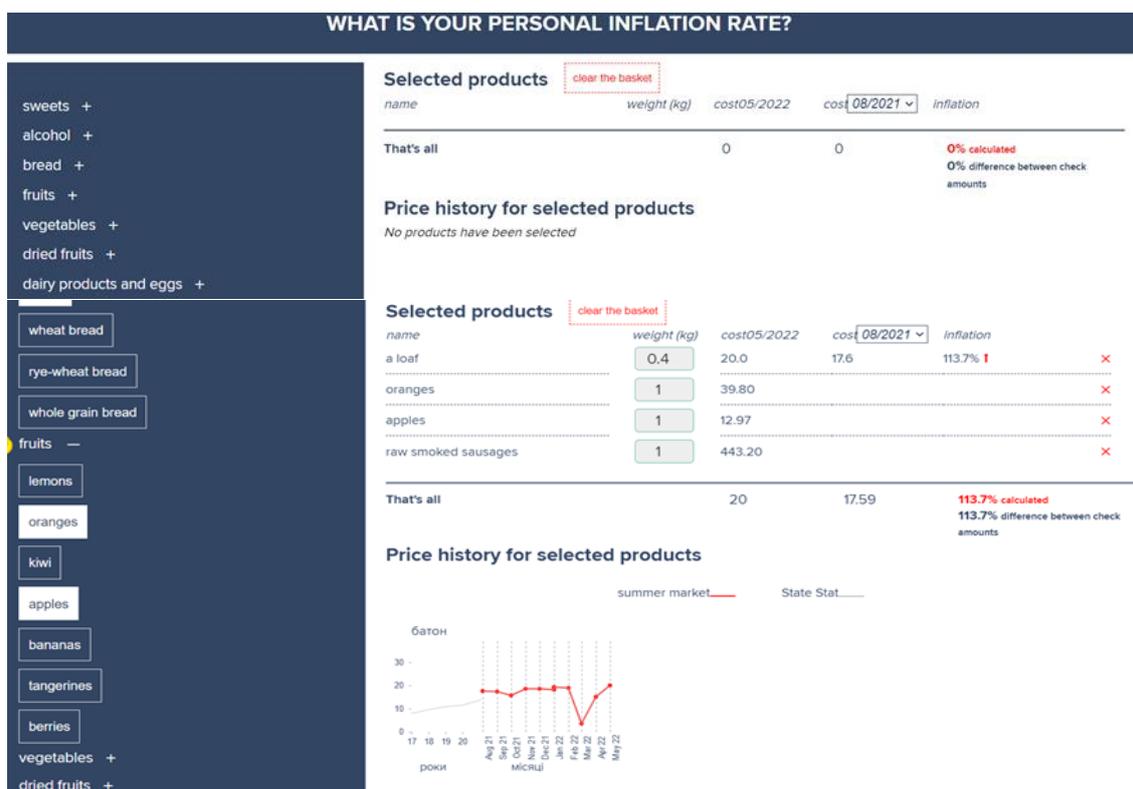


Fig. 8. Fragment of Texty.org.ua material that uses personalization
Source: Drozdova et al., 2022b.

So, the quantitative and qualitative comparative analysis of interactivity functions demonstrates that the European data media is focused on a clear, rather "dry" presentation of information and does not fully apply the tools of attracting consumers but uses interactivity only to expand or supplement data. Instead, Ukrainian online media demonstrates a creative approach, offering the consumer to actively interact with the content and stay on the page as long as possible.

Conclusions

The active development of digital technologies, the saturation of information containing large volumes of data, and the openness of data characterize the modern world. Mass media play a significant role in the dissemination of large data flows. It is especially true for media specializing in data journalism.

Visualization is a component and the most crucial element in the system of texts belonging to data journalism. Visualization helps to transmit large amounts of data in a compressed form to interest the recipient. Although the media use the same tools to create visual content, the spectrum of visual elements differs.

Convincing in this regard is the experience of using visual language in the media, presenting

the media culture of different countries. Therefore, the study's main goal was to determine the visualization features of data journalism in Ukrainian and European media resources to identify common and distinctive features in this segment. The news portals of journalism Texty.org.ua and the European Data Journalism Network were taken for the analysis.

A literature review revealed that the problem raised needs to be studied more. Most of the works focus on analyzing the visual content of well-known newsrooms or exclusively Data Journalism Awards nominees. The leading research methods were content analysis and comparative analysis.

A review of the above publications showed that Ukrainian and European data journalism is developing following global trends.

Data media use an average of 2 types of visual objects in one material. As you can see, the editors try not to overload the material with visual objects. However, European media still use more visual objects in one material than Ukrainian media.

The most common form of visualization for both editions is visual resources (photos and videos). Since information changes extremely quickly,

this requires rapid publication of information from newsrooms in the online environment. That is why the trend is to use visual resources since they do not require additional time and resources from the journalist, unlike infographics, maps, and diagrams.

Despite the predominance of visual resources in data media, maps, graphs, and infographics occupy an important place in the structure of used visual objects. It should be noted that Ukrainian media uses maps and infographics more often, and tables are scarce.

A comparative analysis of the structure of the materials revealed that the editors of European media pay more attention to work with text, while in Ukrainian data, media journalists focus on design and visualization; they try to put more information in a visual object. Analysis of visualization functions showed a general trend towards using visual objects to reinforce and supplement textual information, and the construction of visualization as a story is instead an exception.

As for interactive visual elements, we are observing a decline in their use. At the same time, the editors do not abandon this characteristic at all but make different accents. Thus, the European Data Journalism network uses two functions of interactivity in journalistic materials - supplementing and expanding information. Texty.org.ua uses a creative approach to interactivity, saturating and coloring its materials with games and personalization. Considering the analysis, predicting a further decrease in interactivity is possible. It will concern either essential interactive functions (choice, research) or the creation of complex interactive projects within the plot (games, personalization).

So, the results indicate two distinct points:

- a different structure of materials: European media focuses on text, Ukrainian emphasizes visualization;
- the media use interactivity differently: Texty.org.ua tries to involve all functions, while the European Data Journalism network uses only 2.

Despite the changing nature of visualization, specific trends can be useful for implementing projects in the digital space. In particular, these results can serve as change indicators for future research and allow practitioners to adapt content according to general trends. In our opinion, the European Data Journalism network should pay

attention to the quality of visual objects because they are often uninteresting and monotonous; as the practice of Texty.org.ua shows, numbers can look stylish and attractive.

For further research, it would be interesting to transfer this study to daily materials in popular global media to test how data visualization is adapted in the environment of media giants.

Bibliographic references

- Appelgren, E. (2017). An Illusion of Interactivity: The Paternalistic Side of Data Journalism. *Journalism Practice*, 12(3), 308-325.
<https://doi.org/10.1080/17512786.2017.1299032>
- Appelgren, E., Nygren, G. (2014). Data Journalism in Sweden. Introducing new methods and genres of journalism into 'old' organizations. *Digital Journalism*, 2(3), 394-405.
<https://doi.org/10.1080/21670811.2014.884344>
- Aude, M. (2022). How are EU countries doing against inflation? European Data Journalism network. Retrieved from <https://www.europeandatajournalism.eu/eng/News/Data-news/How-are-EU-countries-doing-against-inflation>
- Bidzilya, Yu., & Kravets, D. (2019). Development of open data as new perspectives and opportunities for modern Ukrainian journalism. *Collection of scientific works of the Research Institute of Press Studies*, 9 (27), 232-245.
[https://doi.org/10.37222/2524-0331-2019-9\(27\)-13](https://doi.org/10.37222/2524-0331-2019-9(27)-13).
- Boczkowski, P. (2004). The Processes of Adopting Multimedia and Interactivity in Three Online Newsrooms. *Journal of Communication*, 54(2), 197-213.
- Borges-Rey, E. (2016). Unravelling Data Journalism. *Journalism Practice*, 10(7), 833-843.
<https://doi.org/10.1080/17512786.2016.1159921>
- Borgo, R., Kehrer, J., Chung, D., Maguire, E., Laramée, R., Hauser, H., Ward, M., & Chen, M. (2013). *Glyph-Based Visualization: Foundations, Design Guidelines, Techniques and Applications*. Eurographics State of the Art Reports. Retrieved from <https://core.ac.uk/download/pdf/78856764.pdf>
- Burdina, E. (2016). Infographics on television: the impact of infotainment on the visualization of facts. *State and regions*, 3,

- 75-80. Retrieved from http://nbuv.gov.ua/UJRN/drsk_2016_3_14
- Burmester, M., Mast, M., Tille, R., & Weber, W. (2010). How Users Perceive and Use Interactive Information Graphics: An Exploratory Study [Paper]. In Banissi, Ebad (ed.) Proceedings. 4th International Conference Information Visualization (IV 2010), London, 26-29 July, 2010.
- Coddington, M. (2015). Clarifying Journalism's Quantitative Turn. *Digital Journalism*, 3(3), 331-348. <https://doi.org/10.1080/21670811.2014.976400>
- Cohen, S., Hamilton, J., & Turner, F. (2011). Computational Journalism. *Communications of the ACM*, 54(10), 66-71. <https://doi.org/10.1145/2001269.2001288>
- Córdoba-Cabús, A. (2020). Estándares de calidad en el periodismo de datos: fuentes, narrativas y visualizaciones en los Data Journalism Awards 2019. *El Profesional de la información*, 29(3). <https://doi.org/10.3145/epi.2020.may.28>
- Córdoba-Cabús, A., & García-Borrego, M. (2020). Visualisations as a critical information source for data journalism. Analysis of the typology, interactivity, and functions in the 2019 Data Journalism Awards. *Doxa Comunicación*, 31, 87-105.
- De-Maeyer, J., Libert, M., Domingo, D., Heinderyckx, F., & Le-Cam, F. (2015). Waiting for Data Journalism. *Digital Journalism*, 3(3), 432-446. <https://doi.org/10.1080/21670811.2014.976415>
- Domingo, D. (2008). Interactivity in the Daily Routines of Online Newsrooms: Dealing with an Uncomfortable Myth. *Journal of Computer-Mediated Communication*, 13(3), 680-704
- Drozdova, E., Kelm, N., Gerasemchuk, K., & Nabozhniak, O. (2022a). Fire shaft. How and which projectiles arrive at ukrainian positions. *Texty.org.ua*. Retrieved from <https://texty.org.ua/projects/107013/vohnnyan-yj-val-yak-i-yaki-snaryady-prylitayut-na-ukrayinski-pozyciyi/>.
- Drozdova, E., Kelm, N., Gerasimenko, V., & Bondarenko, A. (2022b). Rising prices: The State Statistics Service does not lie. But check how your expenses have increased. *Texty.org.ua*. Retrieved from <https://texty.org.ua/projects/105550/inflatiion/>.
- Engebretsen, M. (2006). Shallow and Static or Deep and Dynamic? Studying the State of Online Journalism in Scandinavia. *Nordicom Review*, 27(1), 3-16.
- Engebretsen, M., Kennedy, H., & Weber, W. (2018). Data visualization in Scandinavian newsrooms: emerging trends in journalistic visualization practices. *Nordicom Review*, 39(2), 1-16. <https://doi.org/10.21256/zhaw-3505>
- Esser, F. (1999). "Tabloidization" of News: A Comparative Analysis of Anglo-American and German Press Journalism. *European Journal of Communication*, 14(3), 291-324. <https://doi.org/10.1177/0267323199014003001>
- Fink, K., & Anderson, C. (2015). Data Journalism in the United States. *Journalism Studies*, 16(4), 467-481. <https://doi.org/10.1080/1461670X.2014.939852>
- Flew, T., Spurgeon, C., Daniel, A., & Swift, A. (2012). The Promise of Computational Journalism. *Journalism Practice*, 6(2), 157-171. <https://doi.org/10.1080/17512786.2011.616655>
- Gray, J., Bounegru, L., & Chambers, L. (2012). *The Data Journalism Handbook*. Sebastopol, Ucrania: O'Reilly Media.
- Hamilton, J. (2016). *Democracy's detectives: The economics of investigative journalism*. Cambridge, MA: Harvard University Press.
- Hannaford, L. (2015). Computational Journalism in the UK Newsroom: Hybrids or Specialists? *Journalism Education*, 4(1), 6-21.
- Hermida, A., & Young, M. (2017). Finding the Data Unicorn. A hierarchy of hybridity in data and computational journalism. *Digital Journalism*, 5(2), 159-176. <https://doi.org/10.1080/21670811.2016.1162663>
- Howard, A. (2014). *The art and science of data-driven journalism*. New York, Estados Unidos: Tow Center for Digital Journalism. <https://doi.org/10.7916/D8Q531V1>
- Klass, G. (1985). *How to Compare Nations: Strategies in Comparative Politics*. By Mattei Dogan and Dominique Pelassy. (Chatham, N.J.: Chatham House Publishers, 1984). *American Political Science Review*, 79(1), 243-244. doi: <https://doi.org/10.2307/1956182>
- Knight, M. (2015). Data journalism in the UK: a preliminary analysis of form and content. *Journal of Media Practice*, 16(1), 55-72. <https://doi.org/10.1080/14682753.2015.1015801>
- Kostenko, N., & Ivanov, V. (2003). *Content analysis experience: Models and practices: Monograph*. Free Press Center, 200 p. (In Ukrainian)



- Lichenko, A. (2018). Interpretation of the term "data journalism" in foreign media studies: a comparative analysis. *Media space: problems and challenges of today: materials of the All-Ukrainian scientific and practical conference of students and young scientists* (Kyiv, April 25, 2018). Institute of Journalism, 75-79. Retrieved from https://er.nau.edu.ua/bitstream/NAU/41209/1/Lichenko_tezy.pdf.
- Lichenko, A. (2019). Interactive visualization as a way of representing a large amount of data in the media (on the example of the Guardian). *Visnyk of the Lviv University. Series Journalism*, 45, 230-237. <http://dx.doi.org/10.30970/vjo.2019.45.10005>
- Loosen, W., Reimer, J., & De Silva-Schmidt, F. (2020). Data-driven reporting: An on-going (r)evolution? An analysis of projects nominated for the Data Journalism Awards 2013–2016. *Journalism*, 21(9), 1246–1263. <https://doi.org/10.1177/1464884917735691>
- McMillan, S. (2006). Exploring Models of Interactivity from Multiple Research Traditions: Users, Documents and Systems. *The Handbook of New Media*. London, Thousand Oaks, New Dehli: SAGE, 205-229.
- Medvedeva, K. (2020). Data journalism: the role of visualization in the recipient's perception of data. National Aviation University, Kyiv, 77 p. (In Ukrainian)
- Meier, K., Schützeneder, J., García Avilés, J. A., Valero-Pastor, J. M., Kaltenbrunner, A., Lugschitz, R., ... & Saner, M. (2022). Examining the Most Relevant Journalism Innovations: A Comparative Analysis of Five European Countries from 2010 to 2020. *Journalism and Media*, 3(4), 698-714. Retrieved from <http://dx.doi.org/10.3390/journalmedia3040046>
- Morphonios, N. (2022). Greek courts abuse pre-trial detention. *European Data Journalism network*. Retrieved from <https://www.europeandatajournalism.eu/eng/News/Data-news/Greek-courts-abuse-pre-trial-detention>.
- Nagorna, Yu., & Poplavska, N. (2022). Data visualization in the news shows on the Ternopil tv channels. *Grail of science*, 11, 309-313. <https://doi.org/10.36074/grail-of-science.24.12.2021.050>.
- Nguyen, A. (2017). *News, numbers and public opinion in a data-driven world*. New York, NY: Bloomsbury Academic.
- Ojo, A., & Heravi, B. (2018). *Patterns in Award-Winning Data Storytelling*. *Digital Journalism*, 6(6), 693-718. <https://doi.org/10.1080/21670811.2017.1403291>
- Oksymets, O., Gerasimenko, V., & Drozdova, E. (2022). War video. *Chronology*. Texty.org.ua. Retrieved from https://texty.org.ua/d/2022/war_video/en/index.html?
- Open Data Inventory. (2021). *Open Data Watch*. Retrieved from <https://odin.opendatawatch.com/>
- Paraise, S., & Darigal, E. (2012). Data-driven journalism and the public good: "Computer assisted-reporters" and "programmer-journalists" in Chicago. *New media & society*, 15(6), 853-871. <https://doi.org/10.1177/1461444812463345>
- Polyuga, V. (2019). Big data technology (Big Data): main characteristics and prospects for use in journalism. *Dialogue: Media studios*, 25, 144-154. <https://doi.org/10.18524/2308-3255.2019.25.195599>
- Rinsdorf, L., & Boers, R. (2016). The need to reflect. Data journalism as an aspect of disrupted practice in digital journalism and in journalism education. In *Proceedings of the Roundtable Conference of the International Association of Statistics Education (IASE)*, Berlin, July 2016. Retrieved from <http://iase-web.org/documents/papers/rt2016/Rinsdorf.pdf>
- Royal, C. (2010). The journalist as programmer: A case study of The New York Times interactive news technology department. Paper presented at the International Symposium on Online Journalism, Austin, Texas. Retrieved from <https://online.journalism.utexas.edu/2010/papers/Royal10-1.pdf>
- Royal, C., & Blasingame, D. (2015). Data journalism: An explication. *International Symposium on online journalism*, 5(1), 24-46. Retrieved from <https://bit.ly/34lyrIS>
- Rudchenko, A. (2017). *Infographics and dynamic visualization as a trend of modern media. Crossmedia: content, technologies, perspectives: monography*. Kyiv: Institute of Journalism of Taras Shevchenko Kyiv National University, 75-83. Retrieved from <https://r.donnu.edu.ua/handle/123456789/1559>
- Salvatierra, C. (2008). *Análisis de la composición gráfica de infografías periodísticas impresas, de las secciones 'Internacionales' y 'Policiales' del diario Clarín en el periodo de tiempo comprendido entre 1960 y 2008* (Trabajo Fin de Grado). Universidad Abierta Interamericana, Buenos Aires. Retrieved from <https://bit.ly/3cKy8uG>

- Segel, E., & Heer, J. (2010). Narrative visualization: Telling Stories with Data. *IEEE Transactions on Visualization and Computer Graphics*, 16(6), 1139-1148. <https://doi.org/10.1109/TVCG.2010.179>
- Shevchenko, V. (2014). Visual content as a trend of modern journalism. *Mediascope*, 4. Retrieved from <http://www.mediascope.ru/1654>
- Splendore, S., Di Salvo, P., Eberwein, T., Groenhart, H., Kus, M., & Porlezza, C. (2016). Educational strategies in data journalism: A comparative study of six European countries. *Journalism*, 17(1), 138-152. <https://doi.org/10.1177/1464884915612683>
- Stalph, F. (2017). Classifying Data Journalism. *Journalism Practice*, 12(1), 1332-1350. <https://doi.org/10.1080/17512786.2017.1386583>
- Sunne, S. (2016). How data journalism is different from what we've always done. American press Institute. Retrieved from <https://www.americanpressinstitute.org/publications/reports/strategy-studies/how-data-journalism-is-different/>
- Tabary, C., Provost, A., & Trottier, A. (2016). Data journalism's actors, practices, and skills: A case study from Quebec. *Journalism*, 17(1), 66-84. <https://doi.org/10.1177/1464884915593245>
- Tandoc, E., & Soo-Kwang, O. (2017). Small Departures, Big Continuities? *Journalism Studies*, 18(8), 997-1015. <https://doi.org/10.1080/1461670X.2015.1104260>
- Uskali, T., & Kuutti, H. (2015). Models and Stream of Data Journalism. *The Journal of Media Innovations*, 2(1), 77-88. <http://dx.doi.org/10.5617/jmi.v2i1.882>
- Weber, W., & Rall, H.-M. (2016). Design and journalism. Challenges and opportunities: A dialogue between two cultures. In W.W. Wong, Y. Kikuchi, & T.S. Lin (Eds.), *Making Trans / National Contemporary Design History*. 10th Conference of the International Committee for Design History & Design Studies (ICDHS 2016) (pp. 313-318). Sao Paulo: Blucher.
- Weber, W., & Rall, H.-M. (2012). Data visualization in online journalism and its implications for the production process. In E. Banissi et al. (Eds.), *Information Visualisation*. Proceedings of the 16th International Conference on Information Visualisation (pp. 349-356). Montpellier, France: IEEE Computer Society. DOI 10.1109/IV.2012.65
- Young, M., Hermida, A., & Fulda, J. (2017). What Makes for Great Journalism? A Content Analysis of Data Journalism Awards Finalists 2012-2015. *Journalism Practice*, 12(1), 115-135. <https://doi.org/10.1080/17512786.2016.1270171>
- Zayko, L. (2021). Training of specialists in specialty 061 "Journalism": modern challenges. Scientific and pedagogic internship Innovative methods of the organization of the education process for the specialties "Journalism" and "Management of Socio-Cultural Activity" in Ukraine and EU countries": Internship proceedings, Wloclawek, 17-20.

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Languages coexistence models in the multicultural environment of Ukraine and the EU

Моделі співіснування мов у полікультурному суспільстві України та ЄС

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Abstract

The aim of the article is to study the model of coexistence of different languages in the multicultural environment of Ukraine and EU countries (the Czech Republic, Germany, Poland and Italy). *Methods.* Testing was conducted using the Communicative Attitudes Technique. The degree of satisfaction with the environment was studied. Statistical analysis was performed using t-test, the Kolmogorov-Smirnov test, Pearson's correlation coefficient. Reliability analysis was performed using Cronbach's alpha. *Results.* The adaptability of EU citizens was found to be significantly higher than that of the residents of Ukraine ($t=13.24$; $p < 0.001$). The indicators of EU citizens are higher than those of Ukrainians ($p < 0.001$) on a number of qualitative characteristics of adaptability: self-acceptance ($t=21.84$), acceptance of others ($t=4.01$), emotional comfort ($t=4.49$), internal control ($t=33.74$), external control ($t=8.12$); consciousness ($t=2.58$ at $p < 0.05$). *Conclusions.* The obtained results give grounds to state a high level of communicative tolerance in the multicultural environment. This indicates the existence of effective models of

Анотація

Мета статті полягає у дослідженні моделі співіснування різних мов в умовах полікультурного середовища України та країн ЄС (на прикладі Чехії, Німеччини, Польщі та Італії). *Методи.* Тестування за допомогою методики діагностики комунікативних установок. Дослідження ступеня задоволеності середовищем. Статистичний аналіз проводився за допомогою t-критерію, критерію Колмогорова-Смирнова, статистична кореляція за допомогою критерію Пірсона. Аналіз надійності проводився з використанням Альфа-Кронбах. *Результати.* Було виявлено, що адаптивність громадян ЄС значно вища, ніж у мешканців України ($t=13,24$; $p < 0,001$). По ряду якісних характеристик адаптивності показники громадян ЄС, вищі, ніж у українців ($p < 0,001$): по прийняттю себе ($t=21,84$), по прийняттю інших ($t=4,01$), по емоційному комфорту ($t=4,49$), внутрішньому контролю ($t=33,74$), зовнішньому контролю ($t=8,12$); відомості ($t=2,58$ при $p < 0,05$). *Висновки.* Отримані результати дають змогу констатувати високий рівень комунікативної толерантності в умовах полікультурного середовища. Це свідчить про

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multilingualism both in Ukraine and in the EU countries. *Prospects*. Further research may focus on identifying universal languages as communicative tools both in Ukraine and in EU countries.

Keywords: multicultural environment, linguistic tolerance, multilingualism, civil society, European integration.

Introduction

Relevance of the research

The study is determined by the need to revise the language coexistence model in a multicultural environment in Ukraine and the EU. The reasons are Ukraine's EU candidate status and rapid integration into the single European space. That is why the issues of multicultural and multilingual environments are becoming especially important (Cummins, 2021).

In recent decades, language policy aimed at creating a multilingual society in EU countries has become one of the important aspects in the work of international organizations. Its development has become a requirement for the interaction of all actors in the modern socio-political process. The main trends, characteristic features and peculiarities of language policy were observed in the countries with different linguistic situations: France, Spain, Ukraine and the supranational institution – the European Union (Shekhavtsova, 2022).

The development of democracy in the current conditions requires the improvement of linguistic relations, both within the state and in interstate communication. Changes in directions, tools, forms of implementation and legal provision of language coexistence are determined by the integration and globalization of the world community in all areas of human life (Prus, 2021). This involves close communication between people of different nationalities and languages. The individuality inherent in national — linguistic — minorities should be kept in mind during this positive progressive process. This necessitates the creation of a general methodological framework for determining the integration features of linguistic minorities (Tarnopolskyi, 2019).

Multilingualism as a language situation involves the coexistence and use of several languages in linguistic consciousness. At the same time, the development of international human communication has reached a level at which

існування ефективних моделей функціонування полілінгвізму як в Україні, так і в країнах ЄС. *Перспективи*. Подальші дослідження можуть бути націлені на виділення універсальних мов у ролі комунікативних інструментів як в Україні, так і в країнах ЄС.

Ключові слова: полікультурне середовище, мовна толерантність, мультілінгвізм, громадянське суспільство, євроінтеграція.

knowledge of not one, but several languages is preferable for the citizens of almost any state. This facilitates the free movement of citizens, business cooperation, employment, adaptation, etc. (García et al., 2021).

In the modern political process, multilingualism has become a factor affecting the development of civil society and public institutions and its integral part. Multilingualism determines the basis of mutual relations in civil society, and can be both an obstacle to development and a clear advantage. Citizens who are fluent in several languages use them for employment, communication and establishing contacts at the international level (Flores, 2020).

In this respect, we can talk about multilingualism as a socio-cultural phenomenon, as more than half of the world's population speaks two or more languages to a certain extent. It is generally known that about a quarter of the countries officially recognize two languages on their territory, and only a few countries have three or more languages, although the actual number of coexisting languages in many countries is significantly higher (García & Otheguy, 2019).

In the current socio-political process, the language policy is considered as a set of arrangements aimed at changing or preserving the existing functional distribution of language institutions. The main objective of a multicultural and multilingual society is to build an adequate language policy. It should be aimed at preserving the ethnic language and culture, while providing for learning foreign languages for the adaptation of society in modern realities (Chin, 2021).

Among other instruments, the European Charter for Regional or Minority Languages provides a single legal field for the EU countries and Ukraine governing language coexistence. The Charter was approved by the Committee of Ministers and took the legal form of the Convention, which was opened for signature on November 5, 1992. The Charter has been ratified

or signed by most European countries. Ukraine ratified it in May 2003 (Woehrling, 2005).

The main trends in the development of language policy in a multilingual society can be identified by considering the EU countries. Interaction between EU member states, EU entities and institutions, and international organizations plays a major role in the planning and implementation of language policy at the current stage. This enables identifying a number of main trends in the development of language policy for Ukraine as well (Sulik, 2022).

Unexplored issues

Multilingualism as a phenomenon is widely covered in the academic literature, but there are still a number of issues to be clarified and studied. The role of linguistic diversity in the effectiveness of international organizations in view of the constant integration and political processes in the modern world remains unexplored. The modernization of the world community requires constant improvement of strategies for the development and implementation of language policy using the regulatory framework which needs to be studied, improved and integrated. There is a growing need to study a complex of problems related to the creation and functioning of the system of preparing citizens for learning foreign languages requires further studies, urged by the new wave of global integration.

Aim

The aim of the article is to study the peculiarities of multilingualism as a phenomenon of the multicultural environment of Ukraine and the EU.

Objectives/questions

1. Study the peculiarities of multilingualism in Ukraine and the EU.
2. Determine language coexistence models in the multicultural society of Ukraine and the EU.
3. Identify the main trends of multilingualism in Ukraine and the EU.

Literature Review

Such concepts as bilingualism, multilingualism, polylingualism and pluriolingualism are terms of the conceptual level that are the basis for the corresponding linguo- didactic terms. The concepts of bilingualism and multilingualism are

considered similar, where bilingualism is perceived as a particular case of multilingualism, as Bartram and Jarochova (2022) stated. Bilingualism previously meant fluency in two languages. Lægaard (2021) deals with rethinking of bilingualism in his study. The author notes that the importance of the level of language proficiency has levelled off over time. Only the phenomenon of linguistic identity of the individual remains. Both a speaker of two languages and a person who has learnt one foreign language are bilingual.

Researchers distinguished several types of bilingualism in modern academic literature. The studies of Mesiaë (2022) and Mlinar and Krammer (2021) are worth noting here. There are two ways to implement the concept, for example, a child can communicate in two languages at home: mother's native language and father's native language. Each language is used for its own system of concepts, for example, a Ukrainian-speaking person who works in Spain in the company will use Spanish to communicate at work. The study of a foreign language at school is another type of bilingualism, where the study of a second language is based on the first — native — language. The term "diglossia" is also used to denote natural bilingualism in a situation where two languages coexist in the same territory. Müller et al., (2021) discuss this phenomenon in their work. The authors note that this concept should be used when it comes to the coexistence of two forms of the same language (for example, the German language in Germany and Austria).

According to Kosovych (2022), the concept of multilingualism is characterized by both greater spread and greater blurring, which causes a lot of controversy regarding its application. Sometimes the term "multilingualism" is identical to the term "polylingualism", and means the use of several languages in a certain social community. This interpretation of the term is used to describe the situation when more than two languages function simultaneously in a certain territory. According to Cummins (2017), the phenomenon of multilingualism can be considered from two perspectives: in relation to society in general — national multilingualism, and in relation to an individual — individual multilingualism.

The researchers Rusul (2022) and Shuibhne (2021) use the term "multilingualism" and, accordingly, the derived term "multilingual education". In fact, both European and Ukrainian researchers use the term "multilingual education" to describe and solve problems related to

teaching and learning several languages. The term “polylingualism” is presented as a synonym for the term “multilingualism” and is defined through the latter. Public multilingualism refers to the functioning of several languages in society. Individual multilingualism means the use of several languages by one person. Otheguy et al., (2019) note this feature in their work. The level of development of language activities by different speakers may be different: a person can read in one foreign language and speak another. There is no need to know languages at the same level.

Methodology

Design

The study was conducted in several stages with a purpose of analysing several variables. First, it was necessary to identify the number of respondents who speak more than one language

and use the second or more languages in everyday life, work, business, travel, etc. Second, it became necessary to identify the level of respondents’ tolerance to a multicultural environment. So, *the preparatory stage* provided for choosing the research methodology, determining variables (*knowledge of more than one language, tolerance to a multicultural environment*). The procedure for obtaining and analysing data was defined. The method of forming a sample from the general population was chosen. *The second stage* involved the study only among those respondents who declared their knowledge of at least two languages. The respondents’ communicative tolerance was studied according to Boyko’s (2002) technique (See Appendix A). The final stage of the research provided for summarizing 1,800 questionnaires received from citizens of Ukraine and 1,600 questionnaires from EU citizens. Figure 1 illustrates the general research design.

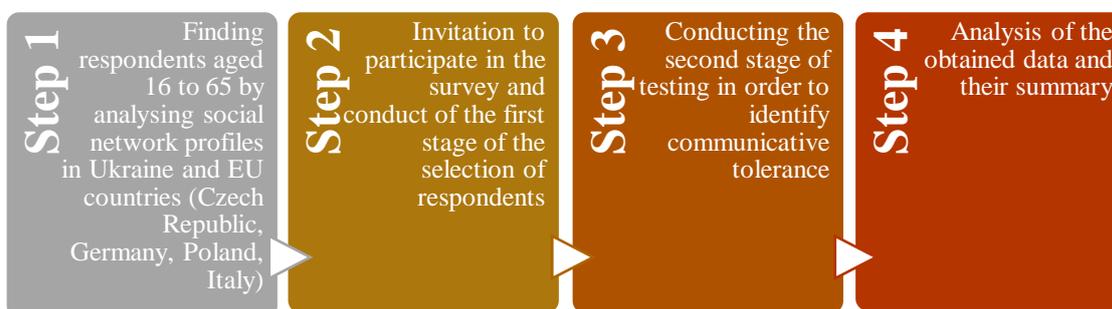


Figure 1. General research design

Source: prepared by the authors of the research.

Participants

The study involved citizens of Ukraine and the EU countries (Czech Republic, Germany, Poland, Italy) aged 16 to 65. The respondents participated in the study voluntarily through an invitation letter on *Facebook*. At the first stage of the selection of respondents, 5,471 respondents from Ukraine and EU countries agreed to participate in the study. At the next stage, respondents who speak only one language were screened out and two groups were formed. The Experimental Group consisted of 1,800 people, citizens of Ukraine, distributed as follows: 800 people aged 16 to 25, 550 people aged 26 to 45, and 450 people aged 46 to 65. The Control Group included respondents from the EU countries, of them 700 people aged 16 to 25, 500 people aged 26 to 45, and 400 people aged 46 to 65. There were 473 respondents from the Czech Republic, 386 respondents from Germany, 340 respondents from Poland, and 401 respondents from Italy. Such a sample and age stratification enables to

objectively assess the attitude to multilingualism in a multicultural environment.

Instruments

Respondents took part in the study through remote testing, which was carried out using Google Forms and Facebook. Data entry and processing was carried out in Microsoft Excel and SPSS Statistics 17.0. All data are given in relative values.

Data collection

1. *Boyko’s Communicative Attitudes Technique* enables revealing the level of respondents’ communicative tolerance in a multicultural environment. The reliability of the scales was checked by the internal consistency of the items included in them using *Cronbach’s alpha*. Table 1 provides the results of the analysis.

Table 1.
 Reliability check of the scales of the Communicative Attitudes Technique for internal consistency

Communicative Attitudes Technique subscales	α
Adaptability	$\alpha = 0.79$
Disadaptability	$\alpha = 0.74$
Self-acceptance	$\alpha = 0.82$
Self-rejection	$\alpha = 0.81$
Acceptance of others	$\alpha = 0.71$
Rejection of others	$\alpha = 0.78$
Emotional comfort	$\alpha = 0.73$
Emotional discomfort	$\alpha = 0.73$
Internal control	$\alpha = 0.70$
External control	$\alpha = 0.71$
Dominance	$\alpha = 0.72$
Consciousness	$\alpha = 0.70$
Escapism (escape from problems)	$\alpha = 0.64$

Source: calculated by the authors based on the survey results.

None of the items of each scale is “redundant”: removing any of the items reduces the scale reliability. The obtained results give grounds to speak about the acceptable reliability of each of the scales.

2. *Study of the degree of satisfaction with the environment.* The method enables identifying the respondents’ satisfaction with their stay in a multicultural environment and integrating into it.

Analysis of data

1. The analysis of the obtained data was carried out using statistical correlation. Pearson’s correlation coefficient was used to determine the correlation coefficient (Ali & Bhaskar, 2016):

$$r_{xy} = \frac{\sum(x_i - \bar{x})(y_i - \bar{y})}{\sqrt{\sum(x_i - \bar{x})^2 * \sum(y_i - \bar{y})^2}} \quad (1)$$

where x_i – the value of variable X;
 y_i – the value of variable Y;
 \bar{x} – arithmetic mean for the variable X;
 \bar{y} – arithmetic mean for the variable Y.

2. Cronbach’s alpha reliability coefficient characterizes the internal consistency of the test items (Ali & Bhaskar, 2016). Cronbach’s alpha is calculated by the formula:

$$\frac{N}{N-1} \left(\frac{\sigma_x^2 - \sum_{i=1}^N \sigma_{Y_i}^2}{\sigma_x^2} \right), \quad (2)$$

where σ_x^2 – total test score variance;
 $\sigma_{Y_i}^2$ – variance of the i element.

3. The Kolmogorov-Smirnov test contributes to the detection of possible quantitative differences in level and structural characteristics.
4. The indicators of respondents from different groups were compared using the t-test.

Ethical criteria

The principles of academic integrity, non-involvement, professionalism and respect for the personality of each respondent were observed at all stages of the research. The aim of the study was to obtain academic data without trying to use the obtained results for the purpose of discriminating against any social group. The respondents gave their informed consent for the processing of personal data and the use of survey results for the purpose of further publication in academic papers. All tools and methods were thoroughly checked for reliability and compliance with the aim and objectives specified in the study.

Results and discussion

To begin with, it is necessary to consider the level of multilingual competence in Ukraine and EU countries. The research data are presented in Table 2.

Table 2.

Statistics on people knowing more than one language in Ukraine and EU countries

	Age of respondents			Place of residence		Education level			Knowledge of languages	
	16-25, %	26-45, %	46-55, %	City, %	Village, %	Secondary, %	Vocational, %	Higher, %	One, %	More than one, %
EU	43	31	26	78	22	29	44	32	11	89
Ukraine	44	27	29	68	32	30	45	25	23	77

Source: prepared by the authors based on the survey results.

As Table 2 shows, both in Ukraine and in the EU countries the level of knowledge of more than one language is quite high. This is due to the high integration of Ukrainian society into the pan-European language environment. It also shows the high level of intercultural ties both in Ukraine and in the EU countries. In EU countries, this is

determined by both strong interstate ties and migration processes.

Next, the level of respondents' communicative tolerance was analysed with the help of the *Communicative Attitudes Technique*. The research data are presented in Table 3.

Table 3.

Checking the level of communicative competence of citizens of Ukraine and EU countries

Communicative Attitudes Technique subscales	EU respondents, M±SD	Ukrainian respondents, M±SD
Adaptability	156.63±18.89	116.11±18.34
Disadaptability	103.28±20.92	98.45±15.31
Self-acceptance	52.75±8.52	23.94±7.27
Self-rejection	18.12±6.35	14.32±9.62
Acceptance of others	27.35±4.71	23.44±6.67
Rejection of others	19.46±5.25	14.19±9.2
Emotional comfort	30.22±5.14	26.39±5.3
Emotional discomfort	21.47±5.26	13.9±9.22
Internal control	65.65±7.81	25±6.58
External control	27.24±7.72	16.42±8.71
Dominance	11.23±3.33	12.51±1.27
Consciousness	19.34±5.38	16.82±6.74
Escapism (escape from problems)	12.99±4.89	13.55±4.22

Source: calculated by the authors based on the survey results

It was found that the adaptability of EU citizens is significantly higher than that of residents of Ukraine ($t=13.24$; $p<0.001$). According to a number of qualitative characteristics of adaptability, the indicators of EU citizens are higher than those of Ukrainians ($p < 0.001$): self-acceptance ($t=21.84$), acceptance of others

($t=4.01$), emotional comfort ($t=4.49$), internal control ($t=33.74$), external control ($t=8.12$); consciousness ($t=2.58$ at $p < 0.05$). However, the indicators of EU residents are lower than those of Ukrainian residents ($t=-2.48$; $p<0.05$) on a dominance subscale.

Table 4.
Checking the level of communicative competence of residents of Ukraine by gender

Communicative Attitudes Technique subscales	Women, M±SD	Men, M±SD	t	p-level
Adaptability	157.75±19.72	152.81±15.51	-1.056	
Disadaptability	104.89±21.41	97.76±18.58	-1.380	
Self-acceptance	52.89±8.71	52.29±8.03	-0.284	
Self-rejection	17.96±6.24	18.67±6.81	0.448	>0.05
Acceptance of others	27.44±4.90	27.05±4.08	-0.338	
Rejection of others	18.99±5.29	21.1±4.92	1.663	
Emotional comfort	30±5.34	30.95±4.4	0.745	

Source: calculated by the authors based on the survey results

Table 5.
Identification of the level of communicative competence of EU residents by gender

Communicative Attitudes Technique subscales	Women, M±SD	Men, M±SD	t	p-level
Adaptability	154.66±19.29	157.88±17.42	0.985	
Disadaptability	103.97±19.86	97.78±22.3	-1.654	
Self-acceptance	51.94±9.07	53.8±8.72	1.175	
Self-rejection	18.22±5.36	17.43±6.91	-0.724	>0.05
Acceptance of others	26.67±4.73	28.1±4.14	1.818	
Rejection of others	19.18±4.51	19.78±5.88	0.653	
Emotional comfort	29.94±5.29	30.72±4.77	0.865	

Source: calculated by the authors based on the survey results

Indicators of women and men differ according to the same factors, both in Ukraine and in EU countries: women have higher “external control” ($p < 0.044$), and “dominance” is more pronounced in men ($p < 0.000$). So, it can be argued that the identified gender specifics, regardless of the socio-cultural environment, demonstrates the role tendencies of modern civilization.

As “intolerance” shall be determined by the technique, it is necessary to take into account a relatively lower quantitative indicator as a manifestation of tolerance in the interpretation of the results. The comparison of indicators gives reason to believe that the degree of communicative tolerance of EU residents is higher than that of Ukrainians (48.34 ± 11.64 and 52.58 ± 11.33 , respectively; $t = 0.5$). It is noteworthy that there are no significant differences in the group of respondents from the EU with the indicators of Ukrainians (49.84 ± 12.51). The obtained results for the expressiveness of communicative tolerance showed that people who have greater adaptability have the higher attitude to tolerance.

A comparison of indicators that reflect the degree of communicative tolerance of respondents from Ukraine and EU countries gave grounds to state that there are no differences in this personal characteristic between representatives of

different socio-cultures. The established level of tolerance corresponds to the statistical average for actors in a multicultural environment.

The obtained information make it possible to say that the respondents from Ukraine have a personality characteristic that reflects compliance with the principles of tolerant interaction, which is declared as established, that is, they consider themselves more tolerant in their communications, compared to respondents from EU countries. In turn, the indicators obtained in the study of the group of EU respondents give grounds to judge about their greater criticality to what their tolerance is.

Based on the indicators of communicative competence, a division was made into subgroups with high, conditionally medium and low tolerance (intolerance). There is no doubts that the intolerant subgroup is of interest. When comparing indicators on diagnostic scales, it was found that the number of respondents with intolerant attitudes is greater on two scales: intolerance was found both in the control and in the experimental group on “Trying to adapt other participants of communication to oneself”. A more significant intolerance of EU respondents compared to Ukrainian respondents was revealed on “Inability to forgive another people’s mistakes, inconvenience, unintentionally caused

trouble". The relative majority of both groups of respondents are not tolerant to "Strictness or conservatism in people's assessments". So, it can be stated that some respondents need psychological help to develop tolerant relationships.

The fact that the numerical indicators are similar in the compared groups indicates that about 10% of the respondents, regardless of the socio-cultural environment, are guided by intolerant principles in their interpersonal relations. Their attitudes contain a potential proneness to conflict. This is probably due to the general personal immaturity of a part of the respondents and the inadequately developed qualities defined as social intelligence.

Discussion

The results of the study confirmed the relevance and a promising nature of the problem. The respondents' answers were used to determine the state of multilingualism in the multicultural environments of the EU countries and Ukraine. In connection with the specifics of our study, both groups of respondents were selected based on the criterion of knowledge of more than one native language. This is why it was not possible to measure multilingual competence in the specified asymmetric configuration before the beginning of the second stage of the experiment.

A number of contradictions between the global attitude to the interaction of cultures and the lack of interconnected existence of several languages in society were found in the course of the research. As Brooks (2021) and Flores and Chaparro (2018) stated in their works, the potential of multilingualism is the global trend towards globalization. At the same time, there is still insufficient study of the process of organizing the multilingual environment of modern democratic countries. This, in particular, is stated in the studies of Kuźelewska (2021) and García and Sung (2018). The studies note the existence of a social order of academic and professional communities for graduates who have multilingual competence. At the same time, as Li (2018) points out, the structure and changes of this competence remain poorly studied in the academic literature in relation to modern specialists of various fields. Modern democratic society is characterized by a growing need for specialists who have multilingual competence in the language of professional culture and the language of functional communication. The authors Malović and Vujica (2021) and Marginson (2018) note the lack of a scientifically

grounded and experimentally confirmed methodology for building multilingual competence in this configuration. These contradictions in modern scientific discourse necessitated the study of the methodological foundations of building multilingual competence in a multicultural environment.

The concept of "multilingual competence" is defined in the study as the ability and willingness to carry out communicative activity using a language repertoire, where the level of knowledge of each language is determined by the scope of its application. Such an understanding of this concept can be found in the works of Vertheil and Khrebtova (2021) and Shkarlet (2021). The authors also identified the structural components of multilingual competence, namely: general speech competence (second foreign language "from scratch"), professionally-oriented language competence (first foreign language) and integrative competence. The complex system of interrelationships between these three components testifies to the unity of their manifestation in the multilingual competence of a modern person. On the other hand, studies by Mlinar and Krammer (2021) and Modood (2021) express some scepticism about the possibility of creating a competitive multilingual environment. According to the authors, there will be a language that will eventually dominate and displace other languages.

The theoretical significance of the research is the actualization of the concept of multilingualism in a multicultural environment. The practical significance is the methodology for studying a multicultural, multilingual environment by analysing tolerance for the use of more than one language. The study had a number of limitations despite the completeness and reliability of the methods. From the perspective of the organization of the sample, there were difficulties in separating a valid cluster of respondents that would reflect the actual state of the problem from the general population. From a methodological perspective, the problem was the lack of modern research methods that would cover all aspects of a multicultural environment.

Conclusions

The relevance the study is determined, on the one hand, by Ukraine's path towards EU membership and the need to unify approaches to creating a favourable environment. On the other hand, it is determined by the global processes of creating a multilingual multicultural environment in

Ukraine and EU countries and the need to find ways to adapt to new world trends. *Research findings.* The obtained results indicate a high level of multilingual tolerance in a multicultural environment of the EU countries and Ukraine. Such similarity in the language policy of Ukraine and the EU indicates a high degree of integration of Ukrainian and European society. This is a signal that Ukraine has always mentally belonged to the European family and its European integration intentions are quite natural. *Applications.* The results of the study will be of interest, first of all, to specialists in sociological research and language policy. The data can be used in the formation of a multicultural mass media discourse in order to promote European integration narratives in society. *Prospects for further research.* Future research should cover the issues of the dominance of one or another language of international communication in various areas of social life.

Bibliographic references

- Ali, Z., & Bhaskar, S. B. (2016). Basic statistical tools in research and data analysis. *Indian Journal of Anaesthesia*, 60(9), 662-669. <https://doi.org/10.4103/0019-5049.190623>
- Bartram, D., & Jarochova, E. (2022). A longitudinal investigation of integration/multiculturalism policies and attitudes towards immigrants in European countries. *Journal of Ethnic and Migration Studies*, 48(1), 153-172. <https://doi.org/10.1080/1369183X.2021.1922273>
- Boyko, V. (2002). Communication tolerance diagnosis. In N. Fetiskin, V. Kozlov, & G. Manuilov (Eds.), *Social-psychological diagnosis of personality and small groups development*, (pp. 107-109). Moscow: Publishing House of the Institute of Psychotherapy. Retrieved from <http://weblib.pp.ua/322-diagnostika-kommunikativnoy-tolerantnosti-22440.html>
- Brooks, R. (2021). The construction of higher education students within national policy: A cross-European comparison. *Compare: A Journal of Comparative and International Education*, 51(2), 161-180. <https://doi.org/10.1080/03057925.2019.1604118>
- Chin, R. (2021). Illiberalism and the Multicultural Backlash. *Routledge Handbook of Illiberalism* (pp. 280-298). Routledge. Retrieved from <http://surl.li/dzrha>
- Cummins, J. (2017). Teaching minoritized students: Are additive approaches legitimate? *Harvard Educational Review*, 87(3), 404-425. <https://doi.org/10.17763/1943-5045-87.3.404>
- Cummins, J. (2021). Translanguaging: A Critical Analysis of Theoretical Claims. In P. Juvonen & M. Källkvist (Eds.), *Pedagogical Translanguaging: Theoretical, Methodological and Empirical Perspectives* (pp. 7-36). Bristol, Blue Ridge Summit: Multilingual Matters. <https://doi.org/10.21832/9781788927383-004>
- Flores, N. (2020). From Academic language to language architecture: Challenging raciolinguistic ideologies in research and practice. *Theory into Practice*, 59(1), 22-31. <https://doi.org/10.1080/00405841.2019.1665411>
- Flores, N., & Chaparro, S. (2018). What counts as language education policy? Developing a materialist anti-racist approach to language activism. *Language Policy*, 17(3), 365-384. <https://doi.org/10.1007/s10993-017-9433-7>
- García, O., & Otheguy, R. (2019). Plurilingualism and translanguaging: Commonalities and divergences. *International Journal of Bilingual Education and Bilingualism*, 23(1), 17-35. <https://doi.org/10.1080/13670050.2019.1598932>
- García, O., & Sung, K. K.-F. (2018). Critically assessing the 1968 bilingual education Act at 50 years: Taming tongues and Latinx communities. *The Bilingual Review Journal*, 4(4), 318-333. <https://doi.org/10.1080/15235882.2018.1529642>
- García, O., Flores, N., Seltzer, K., Wei, L., Otheguy, R., & Rosa, J. (2021). Rejecting abyssal thinking in the language and education of racialized bilinguals: A manifesto. *Critical Inquiry in Language Studies*, 18(3), 203-228. <https://doi.org/10.1080/15427587.2021.1935957>
- Kosovych, O. V. (2022). Language policy of the leading states of the European Union and prospects for its development. *Scientific Works Collection, spec.*, 56-61. <https://doi.org/10.32782/2710-4656/2022.spec/09>
- Kuźelewska, E. (2021). Quo vadis English? The post-brexite position of English as a working language of the EU. *International Journal for the Semiotics of Law-Revue internationale de Sémiotique Juridique*, 34(5), 1417-1432. <https://doi.org/10.1007/s11196-020-09782-x>
- Lægaard, S. (2021). Contextualist political theory about multiculturalism in a post-multiculturalist context. *Ethnicities*, 21(4),

- 615-637.
<https://doi.org/10.1177/1468796820964304>
- Li, W. (2018). Translanguaging as a practical theory of language. *Applied Linguistics*, 39(1), 9–30.
<https://doi.org/10.1093/applin/amx039>
- Malović, N., & Vujica, K. (2021). Multicultural Society as a Challenge for Coexistence in Europe. *Religions*, 12(8), 615.
<https://doi.org/10.3390/rel12080615>
- Marginson, S. (2018). The new geo-politics of higher education. Global cooperation, national competition and social inequality in the World-Class University (WCU) sector. Working paper no. 34. University of Oxford, UK: Centre for Global Higher Education. Retrieved from <http://surl.li/dzqyl>
- Mesiae, M. (2022). Minorities in Croatia and challenges of multiculturalism. *Perspectives of Multiculturalism-Western and Transitional Countries*, 273. FF Press. Retrieved from <http://surl.li/dzris>
- Mlinar, K., & Krammer, G. (2021). Multicultural attitudes of prospective teachers: The influence of multicultural ideology and national pride. *International Journal of Intercultural Relations*, 84, 107-118.
<https://doi.org/10.1016/j.ijintrel.2021.07.008>
- Modood, T. (2021). Can interculturalism complement multiculturalism? *Multicultural Education Review*, 13(4), 275-284.
<https://doi.org/10.1080/2005615X.2021.2006115>
- Müller, P., Pomorska, K., & Tonra, B. (2021). The domestic challenge to EU foreign policy-making: From Europeanisation to de-Europeanisation? *Journal of European integration*, 43(5), 519-534.
<https://doi.org/10.1080/07036337.2021.1927015>
- Otheguy, R., García, O., & Reid, W. (2019). A Translanguaging view of the linguistic system of bilinguals. *Applied Linguistics Review*, 10(4), 625–651
<https://doi.org/10.1515/applirev-2018-0020>
- Prus, N. (2021). The role of a foreign language teacher in the process of forming students' multicultural competence. *Pedagogy of Formation of Creative Personality in Higher and Secondary Schools*, 75(2), 165-168.
<https://doi.org/10.32840/1992-5786.2021.75-2.31>
- Rusul, O. (2022). Multicultural crisis and migration problem in European states. *Visnyk Natsionalnoho aviaatsiinoho universytetu. Seria: Filosofiia. Kulturolohiia*, 33(1), 135-139. Retrieved from <https://jrnl.nau.edu.ua/index.php/VisnikPK/article/view/15659>
- Shekhavtsova, S. (2022). Intercultural communication in education as an imperative for democratic development of the society. *Professionalism of the Teacher: Theoretical and Methodological Aspects*, 2(17), 174-184.
<https://doi.org/10.31865/2414-9292.17.2022.260021>
- Shkarlet, V. (2021). Development of polycultural competence of future teachers by means of foreign languages. *Young scientist*, 3(91), 220-224. <https://doi.org/10.32839/2304-5809/2021-3-91-47>
- Shuibhne, N. N. (2021). EC law and minority language policy: Culture, citizenship and fundamental rights. BRILL. Retrieved from <http://surl.li/dzqyg>
- Sulik, O. (2022). Correlation of the process of bilingual personality formation in educational institutions with the modern paradigm of foreign language learning. *InterConf*, (99), 252-263.
<https://doi.org/10.51582/interconf.19-20.02.2022.030>
- Tarnopolsky, O. (2019). Three principal paradigms in teaching foreign languages in the 21st century: prolegomena to the creation of a single approach to their learning. *Foreign languages*, 2, 3-9. Retrieved from <http://surl.li/dzqxi>
- Vertehel, V. L., & Khrebtova, V. V. (2021). Theoretical aspect of the birth and development of multicultural education. Publishing House “Baltija Publishing”, 53-69. <https://doi.org/10.30525/978-9934-26-023-0-4>
- Woehrling, J. M. (2005). The European charter for regional or minority languages: A critical commentary. Council of Europe. Retrieved from <http://surl.li/dzwuu>

Appendix A**Boyko's Communicative Attitudes Technique**

It is necessary to read each of the following statements and answer "yes" or "no", expressing agreement or disagreement. We recommend using a sheet of paper on which the question number and your answer are recorded; then, in the course of our further explanations, refer to your record. Be attentive and sincere:

1. My principle in relations with people: trust, but check you must.
2. It is better to think bad of a person and be wrong than vice versa (think well and be wrong).
3. As a rule, senior officials are clever and cunning.
4. Modern youth have lost an art of feeling a deep sense of love.
5. Over the years, I became more withdrawn because I often had to pay for my credulity.
6. There is envy or intrigue in almost any team.
7. Most people lack a sense of compassion for others.
8. Most workers at enterprises and institutions try to secure a grip on everything that is easily accessible and would be easy to appropriate.
9. Most teenagers today are brought up worse than ever.
10. I often met cynical people in my life.
11. It happens like this: you do good to people, and then you regret it, because they pay with ingratitude.
12. Good should be able to defend itself.
13. It is possible to build a happy society in the near future with our people.
14. You see stupid people around you more often than smart people.
15. Most of the people with whom one has to have business relations pretend to be decent, but in fact they are different.
16. I am a very credulous person.
17. Are those who believe that you need to be more afraid of people, not animals, right?
18. Mercy in our society will remain an illusion in the near future.
19. Our reality makes a person standard and faceless.
20. Good manners in my environment at work is a rare quality.
21. I almost always stop to give a payphone token in exchange for money at the request of a passer-by.
22. Most people will commit immoral acts for the sake of personal interests.
23. As a rule, people lack initiative at work.
24. Elderly people mostly show their exasperation to everyone.
25. Most people at work like to gossip about each other.

So, you have read the questions and recorded your answers. Now we proceed to data processing and interpretation of results.

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Integrity and good faith in the european concept of good administration: framework for legal and scientific research

Доброчесність та добросовісність в європейській концепції належного адміністрування: засади науково-правового дослідження

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The scholar does not consider gold and jade to be precious treasures, but loyalty and good faith.

Confucius

Nothing is at last sacred but the integrity of your own mind.

Ralph Waldo Emerson

Abstract

Clarifying the essence of the good public administration in the USA, United Kingdom, European countries, and Ukraine has led to the need for special studies of the Good Faith and Integrity principles. The purpose of this paper is to develop the framework for future study of the doctrine of good administration, within the European cultural and legal tradition. This study represents a “triune” system of methodology: 1) general (meta-theoretical) methods – theory “Law as Integrity” of Ronald M. Dworkin); 2) special (typical for the work) method – a legal operationalization;

Анотація

Уточнення сутності доброго державного управління в США, Великобританії, європейських країнах та Україні призвело до необхідності спеціальних досліджень принципів добросовісності та доброчесності. Мета цієї роботи полягає в розробці засад майбутнього дослідження доктрини доброго адміністрування в рамках європейської культурно-правової традиції. Це дослідження репрезентує «триєдину» систему методології: 1) загальні (мета-теоретичні) методи; 2) спеціальний (типовий для роботи) метод; 3) прикладні методи, запозичені з

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3) applied methods – logical-linguistic and sociological methods of content analysis. The results of preliminary review of the theoretical works were significantly modified on a basis of the collection and study of empirical material of activities in the sphere of public administration. A significant body of legal texts were examined by using the content-analysis method which has been successfully applied in the framework of the empirical research. The conclusions contain a basic hypothesis for future research. The basic concept of the claimed research, which has been developed, in such a way, is reduced to object, subject and aim of the further study of the issues raised in the field of good public administration.

Keywords: fairness, good administration, good faith, good governance, integrity.

Introduction

Law and morality are two bodies of norms and principles that regulate a human community and harmonize the behaviours of all individuals. Both normative systems have their common foundation in the constructs of Good Faith and Integrity, that demonstrate a dual legal and moral nature and are directed against corruption and abuse of law.

The European Code of Good Administrative Behaviour was approved by the European Parliament on September 6, 2001. In Article 7 (Absence of abuse of power) the code is guided that “Powers shall be exercised solely for the purposes for which they have been conferred by the relevant provisions. The official shall in particular avoid using those powers for purposes which have no basis in the law, or which are not motivated by any public interest”. And for opposition to the abuse of law and power the Article 11 (Fairness) provides that “The official shall act impartially, fairly, and reasonably” (European Ombudsman, 2002).

The modern legal discourse around the European Concept of Good Administration contains many keywords designed as anti-abuse instruments, namely: fairness, bona fides, good faith, integrity, conscientiousness, honesty, decency, good practice etcetera (Committee of Ministers of the Council of Europe, 2007).

Clarifying the essence of the good public administration in the USA, United Kingdom, European countries, and Ukraine has led to the need for special studies of the Good Faith and Integrity principles that play a major role in this issue.

інших наук. Результати попереднього огляду теоретичних робіт були значно модифіковані на основі збору та вивчення емпіричного матеріалу щодо діяльності у сфері державного управління. Значний обсяг правових текстів був вивчений за допомогою методу контент-аналізу, який успішно застосовувався в рамках емпіричного дослідження. Висновки містять основну гіпотезу для майбутніх досліджень. Основний задум заявлених досліджень, розроблених таким чином, зводиться до об'єкта, предмета та мети подальшого вивчення питань, порушених у сфері доброго публічного адміністрування.

Ключові слова: чесність, добре адміністрування, добросовісність, належне урядування, доброчесність.

The motivation for choosing the research theme determines the purpose of this paper. It is to develop the framework for future study of the doctrine of good administration and principles of Good Faith and of Integrity, within the European cultural and legal tradition (Hesselink, 2010).

Theoretical Framework or Literature Review

On the national level in Ukraine there are clearly insufficient publications regarding good faith and integrity in the administrative law. The main results of such research were reflected in some scientific works of the following domestic authors: K. Herasymiuk, Y. N. Kirichenko, O. V. Martselyak, R. Melnyk, I. I. Shmalenko, N. V. Zhmur. But in the modern foreign countries a great number of projects relate to this theme. These, no doubt, include fundamental works of authors such as, E. Dargay, R. Dworkin. The approach by scholars such as G. de Graaf, L. Huberts, R. Smulders to the study of public administration in the context of value conflict deserves particular attention (de Graaf, Huberts & Smulders, 2016). Of particular interest is the experience of implementing the program New Public Governance (NPG) by R. van Steden in Vrije Universiteit Amsterdam. In her works, K. Pallai explores anticorruption aspects of the "integrity" concept (Pallai & Kis, 2014). Public services through administrative contracts are studied by L. Pascariu (Pascariu, 2010) and G. Shalev (Shalev, 1979). But research at the intersection of two subject areas of constitution law and administrative law (N. Barber, E. Smith and many others) are of primary importance (Barber, 2018).

These publications, reaching across different countries and scientific schools, demonstrate the growth and dynamism of efforts to stimulate comparative research of public administration and in administrative law more generally.

A wide range of issues is constantly updated around such a question, how public administration is being shaped by the national and the supranational moral doctrines and values.

However, this needs to take into consideration one very important point. As noted by several academic lawyers, “domestic researchers, including drafters of regulatory legal acts, are rather superficial and sometimes irresponsible while formulating definitions of the relevant legal terms, which has an extremely negative effect on the efficiency of administration of the law” (Melnyk, 2022).

The complex approach which has been developing in our legal science requires the better analysis of the doctrines, legislation, and its practice in the light of international and European results and trends.

According to the results of the of the sources selection, the principles of Good Faith and Integrity have demonstrated sufficient representation in the existing legislation, case law in USA, Great Britain, EU, administration law of Ukraine and in international law.

The legal principle of integrity is widely presented in anti-corruption legislation of Ukraine, and what is very important - its interpretation formally corresponds to the international practice. In recent years there is an increase in the volume of scientific research on the problems of integrity in administrative law. Of particular interest are the works on the concepts of good governance and public administration (Herasymiuk et al., 2020).

In 2022, with adoption of the Law of Ukraine “About Administrative Procedure”, which should enter into force at the end of 2023, principle of good faith acquires a clear meaning and quite specific content for administrative law (art. 4 and 10 of this Law) (Verkhovna Rada of Ukraine, 2022). But up to this point good faith is stated only in civil legislation of Ukraine.

The preliminary results of a brief review of doctrinal and empirical sources demonstrates that the profound justification of normative content of integrity is clearly insufficient in modern science of Ukrainian administrative law. But an in-depth,

research-informed and theoretically driven understanding of good faith is completely absent in the discourse among the Ukrainian administrative law. This is because the good faith principle has never been referred to in any administrative legal text, including the Laws. On the contrary, within the framework of English-language law discourse, the notions of Integrity and Good Faith are spelled out in detail in the framework of the currently popular concepts of Good Governance and Good Administration.

Methodology

From a methodological point of view, this study represents an orderly terminology and a system of methods that form the basis for the development of a new understanding of the role and place of principles Good Faith and of Integrity in the conception of Good Administration. The foundation of such interpretation is a “triune” system of methodology: (1) *general (meta-theoretical) methods*; (2) *special* (typical for the work) *method*; (3) *applied methods*, borrowed from another sciences.

The basic general study method of this work was formed under the influence of one well-known interpretive theory of Law interpretation, such as theory “Law as Integrity”, developed by American philosopher and jurist Ronald Myles Dworkin (1931 – 2013) (Dworkin, 1986, 1977).

The special method of research is a *legal operationalization*, by which shall be carried out the definition of a fuzzy concept (for example, of evaluative notions in administrative law) so as to make it clearly distinguishable, measurable, and understandable using empirical observation (by comparing examples of use this notions in legislated or judicial practice).

The *logical-linguistic* and sociological methods for the meaningful study of documents and content analysis are the most productive among the *applied methods*. The choice of these methods is due to the need to develop a terminological system for European concept of Good Administration as a logical-conceptual framework of theoretical construction. Moreover, these methods allow for the empirical verification of the main hypotheses and conclusions, in particular, for an implementation of the principles Good Faith and of Integrity in the administration law of Ukraine.

However, the operationalization, as a common scientific method, is used in the other social and

legal sciences. But some authors notes: there are threats to the validity of operationalization in research of complex concepts (Lukyanenko, Evermann & Parsons, 2014).

In the field of public administration, this theory is the most successful, because it identifies certain conceptual frameworks for administrative researches and explains how they can be operationalized (Shields & Hassan, 2006).

Results and Discussion

The preliminary review of the theoretical works found that the concept of Good Faith (Bona Fides) has been developed most fully in the civil law tradition (Zimmermann & Whittaker, 2000). It is this understanding of the good faith that is borrowed from private law by administrative law.

Some researchers call this principle “bona fides”, in the Latin manner, but other scientists distinguish between “conscientiousness” and “good faith” (Bakalinska, Holubieva, & Vinnitskyi, 2019). It will be sufficient for our current purpose to use these terms interchangeably (as synonymous) unless their differences are specifically relevant in the legal situation.

It is worth thinking about the issue of origins of this principle in a historical light. Such reflections make lawyers rethink some existing approaches to this problem.

It is necessity to reverse the following theoretical construct used to explain the relationship between the law standards and misbehaviour: “Recognition of a top priority of the good faith principle in actions of participants in an economic turnover led to the need to protect their rights and legitimate interests from unfair competition” (Bakalinska, Holubieva, & Vinnitskyi, 2019). On the contrary, massive and systematic abuse of law, under conditions of the total commercialization of public life in the first century AD caused the genesis of the Bona Fides concept in Ancient Rome. The Good Faith principle was specifically designed to combat unfair behaviour (del Granado y Rivero, & Juan Javier, 2009). It is this goal setting that defines the functions of legal culture in the formation of modern good-faith relations.

The term “integrity” in several languages is often used together in one phrase with “perfection” and “development”. However, it was, “in connection with anti-corruption policy

that the integrity approach entered public consciousness” (Dargay, 2019).

Therefore, introducing the idea of this «integrity in public administration», promotes two major objectives: establishing zero tolerance to corruption, and improving the anti-corruption legislation.

So “given the level of legislative regulation, legal awareness, legal culture, and education of the population of Ukraine, it is proposed to combat corruption offenses... in two main areas: general and special. In particular, the general objective should include such ways to combat corruption as improving the legal anticorruption culture of citizens, public policy to involve various institutions of civil society, and the general population in the fight against corruption (a form of control by society). The special objective should include combating corruption in the field of public procurement, combating money laundering in the field of public finances, and combating corruption offenses more than or abusing of official position” (Sukhonos et al., 2021).

But it is necessary to consider “integrity concept as a phenomenon necessarily pervading the whole public administration system” (Dargay, 2019). In this regard, most promising is major expansion of competencies of administrative discretion for executive authorities as a form of their moral-legal self-regulation (Donnikova & Kovban, 2020). This needs to take into consideration the fact that a lot of management entities take part in the management, but they are quite diverse categorically. Some of them act at their own discretion and in their own interests, others are representatives and management agents who manage both from the outside, not being part of the staff, and from the inside, being an integral part of the team (Vartanyan, 2020). And that's why it's so important that the different administrators will be obligate to look for a compromise and do so quickly.

As the legal doctrines, legislations and case law show, good faith and integrity in public administration are closely associated with the legitimate realization of administrative discretion.

In this connection, the legal notion of an *employee “employed in a bona fide administrative capacity”*, in a way, can be called a case-study or a test case. It's defined in the case *Bath v. Woodland Meadows Romulus, LLC* (2009 U.S.) as an administrative officer, whose

primary duty is the performance of office or non-manual work directly related to the management, who has a decent payment for their work (not less than \$ 455 per week) and (it is especially important) “whose primary duty includes the exercise of discretion and independent judgment with respect to matters of significance” (USLegal, 2023).

It is explained that “in general, the exercise of discretion and independent judgment involves the comparison and the evaluation of possible courses of conduct and acting or making a decision after the various possibilities have been considered” (Bath v. Woodland Meadows Romulus, LLC, 2009).

The results of preliminary review of the theoretical works were significantly modified on a basis of the collection and study of empirical material of activities in the sphere of public administration.

A significant body of legal texts were examined by using the method of content-analysis which has been successfully applied in the framework of the empirical research.

The main task of this monitoring was to analyse the contents of the certain texts by identifying frequency characteristics of basic keywords.

The analysis results showed that the notions of Integrity and Good Faith have a high degree of representation in the modern legal discourse around the public administration.

But even more importantly, there is a stable correlation, on the one hand of the Integrity principle with the application of unilateral administrative acts and, on the other hand, of the Good Faith principle with the formation and performance of the administrative contracts, which are totally new phenomena in administrative law of Ukraine.

In English doctrinal sources, the parallel semantic antinomies are clearly tracked between (1) *Integrity – Corruption* and (2) *Good Faith (Bona Fides) – Abuse (Mala Fides)*.

In this regard, it is very significant that the construction of *Maladministration* was not only exhausted in the twentieth century (Wheare, 1973), but is becoming the top subject of current studies in the field of administrative law (Henthorn, 2023).

The normative texts of existing legislation and judicial practice, which have been subjected to frequency analysis, demonstrate that references to a theory of Good Governance are very common nowadays in Ukraine.

In contrast to this, the concept of Good Administration remains outside the attention of legislators and judges involved in the application of administrative law.

However, in the domestic doctrine, legislative and judicial practice there are many examples of serious logical mistakes, called a substitution of the thesis, that happens far too often regarding the notions of Good Faith and Integrity.

In general, there is every indication that these mistakes and shortcomings result from ambiguity, uncertainty of "Good Faith" and "Integrity" conceptual foundations, which have been insufficiently developed theoretically in administrative law.

Ideally, the comparative research of the integrity of public administration and good faith public administration should help bridge the gap between legal theory and practice in this issue.

For all the above reasons, one can potentially put forward the following basic hypothesis for future research:

The formation and functioning of the principles of integrity and good faith in the system of administrative law are caused by different interdependent types of factors: (1) material – the practice of public administration; (2) ideal – dominant in administrative theoretical and legal models, which in modern Western countries are actualized within the concepts of Good Governance and Good Administration. The legal content of these principles is revealed accordingly in the paradigms of Integrity Administration and Good Faith Administration. The emergence and content of these administrative and legal paradigms are objectively conditioned by the need to overcome the illegal practice of corruption administration and abuse of administration. Theoretical clarification of the administrative essence and normative content of the principles of Integrity and Good Faith on the basis of modern leading doctrines of government and administration should significantly facilitate the solution of extremely relevant problems in Ukraine: combating public corruption and abuse of administrative contracts and discretion.

The main content of the hypothesis is represented on the following scheme.

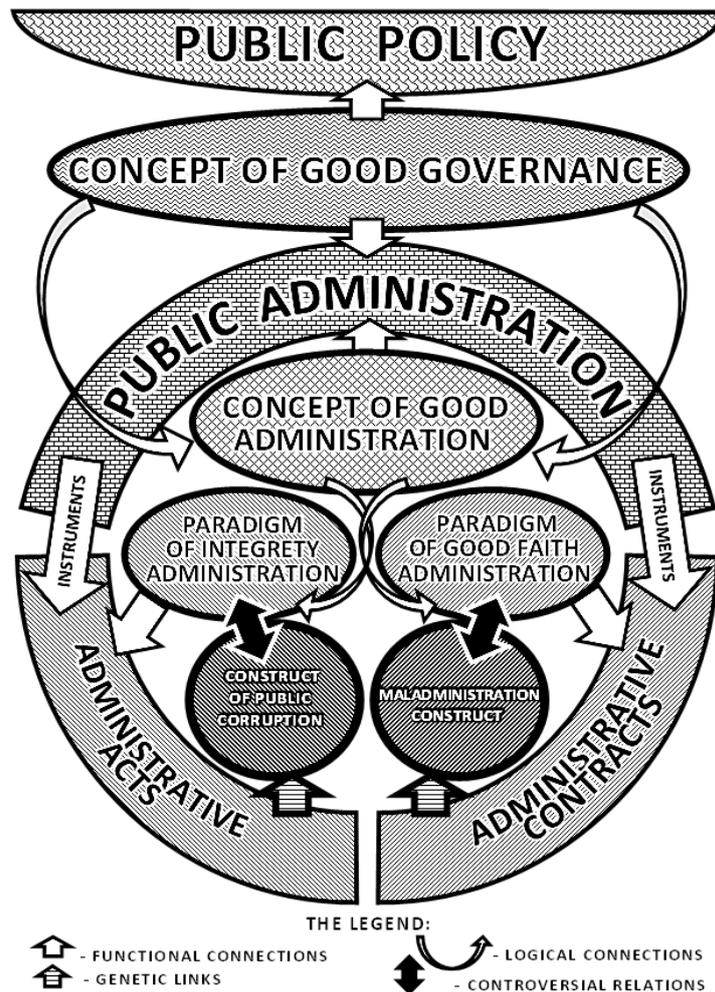


Figure 1. Terminological system of the “Good Governance” concept.
Designed as compiled by the authors

Conclusions

The basic concept of the claimed research, which has been developed, in such a way, is reduced to following points.

1. The object of the study must be a process of public administration modernisation in the USA, United Kingdom, EU, and Ukraine in accordance with the principles of good governance, integrity, and good faith.
2. The subjects of the research are the new European paradigms of integrity administration and good faith administration in opposition to constructs of public corruption and maladministration.
3. Accordingly, the aim of the study would be to provide a detailed and updated comparative analysis of the doctrines, legislations and judicial practice in European countries, the EU, USA and in Ukraine to reveal the administrative essence

and characteristics of Good Faith and Integrity in Good Public Administration, taking into consideration the possibility of their implementation in Ukraine.

Representatives of the international scientific community are invited to discuss the paper and comment on it.

Bibliographic references

- Bakalinska, O., Holubieva, V., & Vinnytskyi, O. (2019). The moral and ethical principles on the formation of competition culture. *Amazonia Investiga*, 8(23), 469-475. Recovered from <https://amazoniainvestiga.info/index.php/amazonia/article/view/893>
- Barber, N. W. (2018) *The Principles of Constitutionalism*. Oxford University Press. Recovered from <https://academic.oup.com/book/9458>

- Bath v. Woodland Meadows Romulus, LLC. (2009). Case Number: 2:2008cv13379. August 5, 2008. US District Court for the Eastern District of Michigan. LEXIS 92361, 3-4 (E.D. Mich. Oct. 5, 2009). Recovered from https://www.govinfo.gov/content/pkg/USCOURTS-mied-2_08-cv-13379/pdf/USCOURTS-mied-2_08-cv-13379-0.pdf
- Committee of Ministers of the Council of Europe (2007). Recommendation CM/Rec (2007)7 of the Committee of Ministers to member states on good administration. Adopted by the Committee of Ministers on 20 June 2007 at the 999bis meeting of the Ministers' Deputies. Recovered from <https://wcd.coe.int/ViewDoc.jsp?id=1155877&Site=CM/>
- Dargay, E. (2019). The Implementation and Experience of Integrity Management in Public Administration. *AARMS*, 18(2), 17–30.
- de Graaf, G., Huberts, L. W. J. C., & Smulders, R. (2016). Coping with public value conflicts. *Administration and Society*, 48(9), 1101-1127.
- del Granado, J.J. (2009). The Genius of Roman Law from a Law and Economics Perspective (September 18, 2009). XXVI Annual Conference of the European Association of Law and Economics. Recovered from <https://ssrn.com/abstract=1293939>
- Donnikova, I., & Kovban, A. (2020). Moral-legal self-regulation of freedom of conscience: culturological aspect. *Amazonia Investiga*, 9(32), 28-35. Recovered from <https://doi.org/10.34069/AI/2020.32.08.3>
- Dworkin, R. (1977). *Taking Rights Seriously*. Cambridge: MA Harvard University Press.
- Dworkin, R. (1986). *Law's Empire*. Cambridge, Massachusetts. London, England: The Belknap Press of Harvard university Press.
- European Ombudsman (2002). *The European Code of Good Administrative Behaviour*. Luxembourg: Office for Official Publications of the European Communities. Recovered from <https://www.ombudsman.europa.eu/en/publication/en/3510>
- Henthorn, T. (2023). What is Maladministration? Mylawquestions. Recovered from <https://www.mylawquestions.com/what-is-maladministration.htm>
- Herasymiuk, K., Martselyak, O.V., Kirichenko, Y.N., Zhmur, N.V., Shmalenko, I.I. (2020). Principles of integrity and good governance in Public administration. *International Journal of Management*, 11(4), 545-555. Recovered from https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3601652
- Hesselink, M.W. (2010). *The Concept of Good Faith. Towards a European Civil Code*. Fourth revised and expanded edition. Arthur S. Hartkamp, Martijn W. Hesselink, Ewoud H. Hondius, Chantal Mak & C. Edgar du Perron, eds. Alphen aan de Rijn: Kluwer Law International, pp. 619–649. Recovered from <https://ssrn.com/abstract=1762630>
- Lukyanenko, R., Evermann, J., & Parsons, J. (2014). Instantiation Validity in IS Design Research. In: Tremblay, M.C., VanderMeer, D., Rothenberger, M., Gupta, A., Yoon, V. (eds). *Advancing the Impact of Design Science: Moving from Theory to Practice*. Lecture Notes in Computer Science, vol 8463. Springer, Cham. Recovered from https://doi.org/10.1007/978-3-319-06701-8_22
- Melnyk, R. (2022). Terminological Problems Law of Ukraine «On Administrative Procedure». *Administrative Law and Process*, 4(39), 5-16. Recovered from <https://doi.org/10.17721/2227-796X.2022.4.01>
- Pallai, K., Kis, N. (2014). Towards Integrity” Integrity education and research at the National University for Public Service. *Public Finance Quarterly, State Audit Office of Hungary*, 59(2), 149-163.
- Pascariu, L.T. (2010). The Distinction Of The Administrative Contract From Other Types Of Contracts, *The Annals of the "Stefan cel Mare" University of Suceava. Fascicle of The Faculty of Economics and Public Administration, "Stefan cel Mare" University of Suceava, Romania, Faculty of Economics and Public Administration*, 10(Special), 407-412.
- Shaley, G. (1979). *Administrative Contracts 14* *Isr. L. Rev.* 444 (1979), Hebrew University of Jerusalem Legal Research Paper, 444-479. Recovered from <https://ssrn.com/abstract=2618047>
- Shields, P., & Hassan, T. (2006). Intermediate Theory: The Missing Link to successful Student Scholarship. *Journal of Public Affairs Education*, 12(3), 313–334.
- Sukhonos, V., Pavlenko, L., Krukhmal, O., Ivanovska, A., & Maletov, D. (2021). Forms of committing corrupt abuses of public finances and ways to counteract them in Ukraine. *Amazonia Investiga*, 10(39), 149-158. Recovered from <https://doi.org/10.34069/AI/2021.39.03.14>

- USLegal. (2023). Employee Employed in a Bona Fide Administrative Capacity Legal Definitions. Recovered from <https://definitions.uslegal.com/e/employee-employed-in-a-bona-fide-administrative-capacity/>
- Vartanyan, A. (2020). Technology of convergence of team-coalition and administrative control of industrial enterprise. *Amazonia Investiga*, 9(26), 423-431. Recovered from <https://doi.org/10.34069/AI/2020.26.02.49>.
- Verkhovna Rada of Ukraine (2022, February 17). A law of Ukraine is "About Administrative Procedure". *Voice of Ukraine*, 15.06.2022, № 123. (in Ukr.)
- Wheare, K. C. (1973). *Maladministration and Its Remedies*. Hamlyn Lectures. London: Stevens and Sons. Recovered from <https://onlinebooks.library.upenn.edu/webbin/book/lookupid?key=olbp60754>
- Zimmermann, R., & Whittaker, S. (Ed.). (2000). *Good faith in European contract law*. Cambridge: Cambridge University Press.

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Innovative development of the education industry in the European higher education area

Інноваційний розвиток освітньої галузі у європейському просторі вищої освіти

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Abstract

The article identifies positive changes and suggests trends in the innovative development of the educational sector in the European area of higher education. The goal is determined, and the functions of the European area of higher education are considered. It has been proven that two trends, which are analyzed in the article, prevail in the structure of world higher education: unitary (single), a system manifested in higher education and provided by universities; binary (dual), a system with a traditional education sector based on the Humboldt University concept and a separate non-university sector of higher education. The main principles regulating aspects of educational activity are revealed. Considered is a very important and necessary distance form in the educational space, related to the introduction of information and communication technologies into the educational process, which is being updated and developed to improve an open and widely accessible education system, aimed at training a qualified competitive specialist.

Анотація

У статті визначено позитивні зміни та запропоновано тенденції інноваційного розвитку освітньої галузі у європейському просторі вищої освіти. Визначено мету, розглянуто функції європейського простору вищої освіти. Доведено, що у структурі світової вищої освіти переважають дві тенденції, що проаналізовані у статті: унітарна (єдина), система, що проявляється у вищій освіті та забезпечується університетами; бінарна (подвійна), система з традиційним освітнім сектором, що спирається на концепцію Humboldt університету та на окремий неуніверситетський сектор вищої освіти. Розкрито основні принципи, що регулюють аспекти освітньої діяльності. Розглянуто дуже важливу і необхідну зараз в освітньому просторі дистанційну форму, пов'язану з впровадженням в освітній процес інформаційно-комунікаційних технологій, яка оновлюється, розробляється з метою удосконалення відкритої та широкодоступної системи освіти, спрямована на підготовку

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Keywords: innovative development, educational sector, European space, higher education, competitive qualified specialist.

Introduction

The education system and its innovative development are unique phenomena that are more important and complex than systems such as transport, security, and communication. This is because the educational sector is closely connected to various aspects of a person's life, including material and spiritual dimensions, both in the past and in modern times. Each country has its own characteristics, particularly in relation to its education system. Priorities, opportunities, and innovative systems in education and upbringing are the key drivers of changes in the education system, and their impact on a global scale depends on a country's involvement in the progressive movement of world society. These changes are influenced by shifts in culture, production, individual behavior within society, and their contributions to education.

Therefore, in higher education reform, it is essential to consider not only the preservation of cultural aspects in human development and national educational systems but also the enhancement of international mobility, cooperation, and the employment opportunities for young professionals within the European or international context. It is crucial to take into account the unique characteristics of higher education institutions and their international competitiveness (Dyman et al., 2017).

The advancements in high technologies provide opportunities for the development of an innovative education system. This enables deeper integration between education, production, and science, facilitating the expansion of applied and fundamental research. It also allows for the modernization of educational content and pedagogical technologies, the updating of the educational environment, and the provision of quality and innovative training for personnel. By adopting this approach, it becomes possible to implement innovative organizational changes and improvements in the education system, as well as innovative renewal in the management of educational activities. However, it is crucial to ensure sufficient, targeted, and timely funding to support these innovative changes.

кваліфікованого конкурентоспроможного фахівця.

Ключові слова: інноваційний розвиток, освітня галузь, європейський простір, вища освіта, конкурентоспроможний кваліфікований фахівець.

The innovative transformations in the educational landscape are built upon the achievements of scientific and technological progress, as well as advancements in psychological and pedagogical sciences. The implementation of scientific discoveries in educational practices and the continuous professional development of teachers are vital in driving these changes. Furthermore, the successful implementation of innovative developments in education relies on the active participation of society members. These innovative advancements play a significant role in the socio-economic development of a country (Bykov, 2012).

The purpose of the article. To study the positive trends of innovative development of the educational sector in the European area of higher education.

Literature Review

A. Sbruyeva (2019) highlighted the principles of innovative development of the educational sector in the European area of higher education in the context of the internationalization of the educational area.

T. Dyman et al. (2017) conducted an analysis of higher education systems in European countries, revealed the features of the innovative development of the educational sector in the European area of higher education, conducted an analysis of the documents of the Bologna process, drew conclusions from international summits on the problems of the development of higher education regarding the possibilities of innovative development of the educational sector in the European space of higher education.

N. Avshenyuk et al. (2014) analyzed the trends of innovative development of the educational sector in the European area of higher education, suggested the possibility of implementing a competency-based approach to education in foreign countries; presented his vision of the concept regarding the formation of professional standards of pedagogical education based on

competences, as well as the development of civic competence of future teachers in the conditions of innovative development of the educational field in the European area of higher education; effective methods of forming professional standards based on the competence approach are proposed, which involves the development of modular programs based on the technologies of innovative development of the educational sector in the European area of higher education, as well as the assessment of professional competence according to modular programs.

O. Chubukova, & I. Ponomarenko (2018) carried out a comprehensive analysis of the features of the innovative development of the educational sector in the European area of higher education and described the possibilities and advantages of augmented reality technology in the innovative development of the educational sector. Attention was paid to the study of the peculiarities of the technology of innovative development of the educational sector in the European area of higher education in the teaching of disciplines for students.

Methodology

To implement the research goal and set tasks, a system of interconnected and complementary methods was used: theoretical, in particular, general scientific (analysis, synthesis, comparison, comparison, generalization, systematization), which made it possible to find out the peculiarities of the development of theoretical approaches laid as a basis development of the studied phenomenon, and analyze legislative and regulatory documents, works of domestic and foreign scientists; specifically scientific – the method of content analysis, which made it possible to characterize the state of development of the investigated problem in the domestic scientific opinion, the method of terminological analysis, which was used to characterize the basic concepts of the study; methods of chronological, genetic and diachronic-comparative analysis, which made it possible to distinguish the stages of development of European cooperation in the field of development of the educational sector in the European space of higher education and contributed to the identification of trends in the development of the studied phenomenon in today's conditions; methods of structural-logical and synchronous-comparative analysis of the activity of collective subjects, which made it possible to outline the theoretical, normative, organizational, and content-procedural foundations of the phenomenon under study;

methods of system-structural and structural-functional analysis, which made it possible to determine trends regarding the further development of the internationalization of quality assurance of higher education; empirical – analysis of documents of international projects on a specific problem.

The leading idea of the study is the provisions on education, its positive trends of innovative development in the European area of higher education as a complete pedagogical system, structural elements (tasks, goals, content of education, methods, means and organizational forms of the educational process, theoretical foundations and organizational and pedagogical conditions for the implementation of innovative development of the educational sector in the European area of higher education).

The development of innovative development of the educational field in the European space of higher education is determined by external social factors of the pedagogical process (economic, cultural, political, scientific, and pedagogical) and internal factors (changes in the pedagogical discourse and scientific paradigm). Constructive analysis of determining factors, contradictions, and the genesis of innovative development of the educational sector in the European space of higher education provides an opportunity to update the ways of ensuring the effectiveness of the educational process and, as a result, contribute to the improvement of the quality of the educational sector and highlight the prospects for constructive changes in the education of the 21st century.

The research concept contains three interconnected concepts and contributes to the realization of the research goal at the methodological, theoretical, and technological levels.

The methodological concept encompasses the utilization of fundamental philosophical ideas, principles such as objectivity, historicism, and multifacetedness, as well as scientific principles derived from the philosophy of education. It also incorporates leading ideas from psychology and pedagogy, highlighting the interplay and interrelationships between specific scientific and general scientific methodologies in addressing the research problem. In particular, the following methodological approaches are employed:

- Acmeological: Provides an opportunity to investigate pathways towards achieving professionalism.

- **Systemic:** Contributes to establishing connections between the content of education, its developmental directions, and changes in educational objectives across different periods and stages of development. It outlines promising directions for enhancing educational activities in contemporary conditions.
- **Synergistic:** Considers positive trends in the innovative development of the educational sector in the European space of higher education, aligning with the overall trends in the formation and development of education and its internal laws.
- **Holistic:** Emphasizes the synergy at various levels and guides research towards forming a comprehensive understanding of the world.
- **Operational:** Optimizes activities to address important priority research problems related to the innovative development of the educational sector in the European higher education area. It considers the practical aspects of educational activities and contributes to the development of a competency framework.
- **Competence-based:** Analyzes the components of competence, enabling the identification of specific and general competencies.
- **Paradigmatic:** Contributes to defining the theoretical and methodological foundations of the innovative development of the educational field in the European higher education area across different periods, considering changes in scientific paradigms.
- **Dialectical:** Facilitates the resolution of identified pedagogical contradictions and examines pedagogical phenomena from the perspective of innovative development in the European higher education space. It substantiates the ways in which they emerge, evolve, and develop, ensuring the objectivity of the obtained results.
- **Axiological:** Aims to delineate the professional, educational, universal, and worldview values associated with the innovative development of the educational sector in the European higher education area.

The theoretical concept defines the main concepts, pedagogical ideas and concepts, and the essence of the initial categories of innovative development of the educational sector in the European area of higher education, according to which the research is conducted on the problem of clarifying positive trends in the innovative

development of the educational sector in the European area of higher education.

The technological concept involves the creative use of the acquired experience of innovative development of the educational sector in the European space of higher education in today's conditions.

Results and Discussion

The development of the European educational space and, above all, such a component of it as the innovative development of the educational sector in the European space of higher education has become one of the most important educational projects for the entire period of the existence of the European Union. In the European Higher Education Area, educational policies and goals are agreed at the European level and, as a result, are improved and implemented in higher education institutions and national education systems. In the educational space, the landscape of higher education is being formed together with the government, institutions of higher education and stakeholders, and there is a presentation of the possibilities of achieving innovative development of the educational sector in the European space of higher education and with the help of a constant dialogue between the sphere of higher education and governments. In the European space of higher education, student mobility is necessary for the possibility of comparing educational systems, highlighting progressive ideas, presenting the transparency of higher education systems, and improving their quality. The European area of higher education promotes mutual understanding and trust in the innovative development of the educational sector and strengthens the cooperation of different countries between higher education systems (Paris Communiqué, 2018).

The long period of formation and innovative development of the educational field caused significant changes in the activities of European higher schools. Such changes are related to ensuring the quality of education. Universities include the following components in the concept of "higher education quality":

- input parameters of activity and innovative development of the educational sector (finances, material base, resources, quality of training of future specialists, teachers, managers, etc.);
- characteristics of innovative development of the educational sector (teaching activities,

- educational programs, development of participants in the educational process, etc.);
- initial parameters (results and monitoring of students' educational activities for innovative development of the educational sector).

Students associate the quality of higher education with the image of the higher education institution in which they study, the educational program of the innovative development of the educational field in the European area of higher education, which they entered, with the final result of the educational process and employment prospects. Employers evaluate the quality of higher education of the institution based on the competencies of its specialists (Sbruyeva, 2019).

At the Conference of Ministers of the Bologna Process Countries in Budapest and Vienna in March 2010, the intergovernmental cooperation structure of the European Higher Education Area was founded, the purpose of which is the innovative development of the educational sector in the European Higher Education Area, which:

- is based on institutional autonomy, academic freedom, and participation in the management of higher education of students and teachers;
- ensures the quality of education, economic development of countries and promotes social cohesion of its members;
- promotes the professional mobility of students and teachers;
- is based on the application of innovations in the field of education in the European area of higher education, taking into account its social dimension;
- promotes lifelong learning of specialists and provides employment opportunities for graduates in any country;
- unites members of the academic community, where students and employees are active participants;
- is an open environment for cooperation with higher education in all parts of the world (Shchyrbul et al., 2022).

Let us consider the functions of the European area of higher education, which consist in the coordination of structural reforms between the governments of different countries, in particular:

- introduction of the system of degrees (three-cycle system of bachelor's, master's, and doctor of philosophy (Ph.D.);
- ensuring the transparency of the innovative development of the educational sector in the

European space of higher education using the accumulation of credits of the European transfer system and the supplement to the diploma;

- recognition of study periods, and degree qualifications;
- creation of general European monitoring of education quality assurance;
- introduction of the Qualifications Framework in higher education, which has eight advisory members: The European Association for Quality Assurance in Higher Education (ENQA); Council of Europe (CoE); Business Europe (Business Europe); Education International (EI); European University Association (EUA); European Students Union (ESU), European Association of Institutions of Higher Education (EURASHE); UNESCO (UNESCO).

Let's consider two trends in the innovative development of the educational industry that dominate the structure of world higher education:

1. Unitary, or single, system, when the innovative development of the educational field in the European area of higher education is provided by institutions of higher education that offer: professional, oriented educational programs of different levels and different duration, provide general academic degrees. This single system of higher education practically includes only universities. Such is the education in Austria, Italy, Spain, Sweden, and Finland. Integrated universities create a separate group, which is an association of countries that included specialized secondary and higher education institutions (Sweden and Spain) and countries that belonged to the socialist camp.
2. The binary or dual system of innovative development of the educational sector in the European space of higher education with the traditional university sector is based on the concept of Humboldt University and the non-university sector of higher education. This system of innovative development of the educational field in the European space of higher education is used in developed countries of the world (Belgium, Great Britain, Denmark, Greece, Ireland, Norway, the Netherlands, Germany, Switzerland, France, etc.). Here, along with the university sector, specialized institutions have been created, in which many children and young people study (Dyman et al., 2017).

Lifelong education is the main trend of innovative development of the educational sector in the European space of modern higher education of the planet (Kuzminskyi et al., 2018). The principle of "lifelong education" is widespread and necessary in all developed countries of the world. Today, humanity, in connection with the innovative progress of society, feels a lack of professional knowledge and needs constant regular updating. With the innovative development of the educational sector in the European space of higher education, the renewal of society, a new educational paradigm is formed, which has the following characteristics:

- flexibility, continuity, and adaptability of all stages of innovative development of the educational sector in the European space of higher education and the unity of all its forms;
- arming all students of education with a set of competencies that will ensure their innovative development in the European space of higher education, contribute to readiness for comprehensive functioning in the modern world, which is constantly changing, provide the opportunity to quickly respond to the demands of the times, contribute to the expansion of the opportunity for citizens to participate in the country's activities in the cultural, social and political perspective;
- the humanization of education consists in the innovative development of the educational field, the establishment of a person as the highest valuable individual, the creation of the best possible conditions for the development of intellectual and cultural development of a person, the satisfaction and disclosure of educational needs, the self-improvement of a person, the transformation of the learning process into a continuous process;
- the creative and active nature of innovative development in the European space of higher education, the formation of cooperative relations between all participants of the educational space, the development of a new innovative system of assistance and pedagogical support in the organization of individualization of educational activities (Ayzikova, 2012).

Let's consider the principles of regulation of aspects of innovative development in the European area of higher education:

- interest of employers in competitive specialists and society in high-quality innovative higher education;
- autonomy of educational institutions;
- system of external assurance of the quality of education is aimed at ensuring the goal of the educational space and innovative development in the European space of higher education, improving the work of educational institutions to fulfill the tasks.

The modern development of world society ensures the growth of the influence of ICT on the efficiency of the world economy and education. Thus, according to Eurostat, the impact of ICT on labor productivity and population employment in Europe is constantly growing: the ICT sector accounts for 5% of European GDP, which causes a 50% increase in labor productivity. Many unemployed and economically inactive people do not know how to work with a computer. We note that the application of ICT in various spheres of human activity is highly effective, but the further increase in productive work is slow due to the insufficient ICT education of employees: for members of society, the possibility of obtaining jobs is related to the level of their computer literacy. The digital inequality of countries and their economies, the lagging of the education system from the possibilities of using ICT and innovative development in the European area of higher education, and the use of the information society are observed. Such an unfavorable trend will deepen and complicate the processes of socialization and innovative development of the younger generation if the necessary measures are not taken (Bykov, 2012). From a technological point of view, innovative development in the European area of higher education is due to the emergence of new ICT-oriented educational and pedagogical technologies, the informatization of education, the latest teaching aids, the creation of a modern computer-oriented educational space, electronic informational educational resources, and network services. To carry out such work, the most modern is the use of promising forms and technologies of educational organization (Kuchai et al., 2022). These are primarily open education, electronic distance learning technologies (e-DL), and systems of electronic distance education (e-DO), which are built based on the principles of open education (Bykov, 2008). in the global educational space for achieving the set goals. This was facilitated in 2020, the year of the total coronavirus infection of COVID-19 and the threatening epidemiological situation in the world. All educational institutions have been transferred to the distance learning format. The

importance of distance learning has received a great update in connection with the state of war in the country due to the war unleashed by the Russian Federation on the territory of Ukraine. Distance learning has become the only possible and accessible form of education for all education seekers (Babushko, 2022).

Distance education is inseparable from the use of information and communication technologies, is constantly updated to create a widely accessible and open system of educational space, and aims to prepare a competitive specialist (Vasylichshen, 2022).

Relevant for innovative development in the European space of higher education is the definition of D. Keegan, who interprets distance education as one that "frees the student from the need to travel to a permanent place, at a certain time, to meet with a fixed person for learning as a result of the technological division of the teacher and student" (Marchuk & Mushenyk, 2021).

Modern society offers a transition of the educational process from traditional education to education based on computer technologies. This became possible with the development of the Internet. And now teachers have the opportunity to freely conduct discussions with other network users online, send the required amount of melons from one end of the world to another, and post information on Internet sites, making it available to everyone. With the help of modern information technologies, it becomes possible to increase and improve the educational process, and innovative development in the European space of higher education. During the reformation of the educational space, various technologies are being developed, in particular mixed learning technologies (Kuchai et al., 2021).

In institutions of higher education, the goal of using distance learning is the organization of a high-quality educational process "at a distance" with the use of the latest information and communication tools and open access to educational resources. This educational form quickly adapts to the requirements of the information society and promotes innovative development in the European space of higher education. In combination with traditional forms, distance education provides a wide range of educational services for all categories of educational space (Vasylichshen, 2022).

The modern educational space creates new

opportunities for innovative learning. In the era of computerization, the concept of netiquette appeared on the Internet. Netiquette is one of the main components of Internet communication, a self-regulator, and the law of any web community. These are the rules for communicating with each other over the Internet. Network etiquette creates the necessary conditions for comfortable communication for both experienced users and beginners. Most of the rules are a repetition of the rules of good manners that were proposed in real society (Biletska et al., 2021).

The main rule of network etiquette is the statement: "Be polite and stick to the boundaries of decency. You should try to write an electronic message in such a way that you are not ashamed of your words. It is necessary to remember that you are in a virtual space, which has its conditions. If you choose to intervene in a discussion, you may harm others. Having found yourself in a new area of virtual space, you need to study the situation, determine priorities, and only then join the conversation" (Skotyntyanska, 2022).

Technologies of virtual and augmented reality provide for the creation of visualized content written by topic, which is adapted for systematic use by the target audience for innovative development of the educational field in the European space of higher education with the help of modern electronic devices. The use of augmented reality technology during innovative development in modern institutions of higher education has a positive effect on the learning process. The implementation of augmented reality in education will make it possible to:

- to interest modern students in the field of education through the use of interactive content and to promote the innovative development of the field of education in the European space of higher education;
- to acquire competencies with the help of augmented reality technology;
- to diversify the innovative development of the educational sector in the European space of higher education with innovative forms of work with the audience;
- to increase the level of students' motivation for independent cognitive activity (game tools, competitive and cognitive stimuli) in the education process;
- the application of innovative types of educational search and cognitive tasks that ensure active educational activity of students and contribute to the innovative

development of the educational field in the space of higher education;

- to provide the educational process with such a new innovative organizational form that is attractive to students;
- to create conditions for the innovative development of the educational field in the European space of higher education, which are not inherent in the educational process, which will lead to an increase in the self-esteem of students (Chubukova & Ponomarenko, 2018).

Since the innovative development of the educational field in the European space of higher education is not reduced to the performance of the proposed role, the teacher must be able to organize this activity and effectively direct it. In addition, teachers create a learning environment that helps students acquire the necessary competence. Thus, during the implementation of the innovative development of the educational field in the European space of higher education, based on the competence approach, teachers are assigned a leading role in the formation of professional individuality and the promotion of the professional development of the individual (Shunkov et al., 2022).

Fruitful educational activities with this approach will be as informal as possible. This is achieved under the condition that teachers use different teaching methods and skillfully adjust the content and teaching methods, taking into account the wishes and capabilities of the students. With this approach, the educational space maximizes lifelong learning and practical assimilation of knowledge, and acquisition of the necessary competence (Kotiash et al., 2022).

In the process of planning the educational space for the innovative development of the educational industry, you can use the following questions:

- diversity (what is the diversity of the environment related to?);
- stimulation of activity (under what conditions does stimulation of student activity in the educational environment take place?);
- resource provision (are the resources sufficient to ensure the stimulation and variety of activities of those who are studying?);
- the possibility for students to provide support (what opportunities does the environment have for assisting those seeking education?);

- the development of independent learning (is there stimulation of the environment during independent learning?);
- the possibility of education seekers monitoring the achievement of set tasks (how does the feedback mechanism work?). Let's note the characteristics of the human potential development index. According to the human potential development index, the UN compares the level of social and economic development of countries; determines the indicator of educational activity, which is one of the three main indicators in the integrated assessment of human development (Avshenyuk et al., 2014).

Conclusions

Since the innovative development of the educational field in the European space of higher education is not reduced to the performance of the proposed role, the teacher must be able to organize this activity and effectively direct it. In addition, teachers create a learning environment that helps students acquire the necessary competence. Thus, during the implementation of the innovative development of the educational field in the European space of higher education, based on the competence approach, teachers are assigned a leading role in the formation of professional individuality and the promotion of professional development of the individual.

The educational environment plays an important role in the innovative development of the educational sector in the European space of higher education, in the education of all categories of students. In particular, the physical environment (auditoriums, materials, equipment), emotional environment, and psychological environment are important. Therefore, the teacher responsible for the educational process and innovative development of the educational field must provide appropriate positive conditions so that students feel comfortable, freely ask about unclear educational positions, and express their ideas and opinions without being ashamed of their incompetence or the environment.

Fruitful educational activities with this approach will be as informal as possible. This is achieved under the condition that teachers use different teaching methods and skillfully adjust the content and teaching methods, taking into account the wishes and capabilities of the students. With this approach, the educational space maximizes lifelong learning and practical

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Bibliographic references

- Avshenyuk, N. M., Desyatov, T. M., Dyachenko, L. M., Postrygach, N. O., Pukhovska, L. P., & Sulima, O. V. (2014). A competent approach to the training of teachers in foreign countries: theory and practice: a monograph. Kirovohrad: Imex-LTD. (in Ukrainian).
- Ayzikova, L.V. (2012). The concept of lifelong learning in international documents and studies. *Pedagogy. Scientific works*, 1(48), 62–64. (in Ukrainian).
- Babushko, S. (2022). Challenges of distance learning in higher education. *Educational Space of the 21st Century: challenges and prospects: collection of scientific papers II Vseukr. science and practice Internet Conf. of young scientists and students of higher education (April 21, 2022, Kamianets-Podilskyi)*. Kamianets-Podilskyi: Institute of Higher Education "Podilskyi State University", 9-12. (in Ukrainian).
- Biletska, O., Kuchai, T., Kravtsova, T., Bidyuk, N., Tretko, V., & Kuchai, O. (2021). The Use of the Activity Approach in Teaching Foreign Languages in Higher Education Institutions. *The Romanian Journal for Multidimensional Education*, 13(2), 243-267. DOI: <https://doi.org/10.18662/rrem/13.2/420>
- Bykov, V.Yu. (2008). Models of organizational systems of open education: monograph. K.: Attica. (in Ukrainian).
- Bykov, V.Yu. (2012). Innovative development of means and technologies of open education systems. Modern information technologies and innovative teaching methods in training specialists: methodology, theory, experience, problems, 29, 32-40. (in Ukrainian).
- Chubukova, O.Yu., & Ponomarenko, I.V. (2018). Innovative technologies of augmented reality for teaching subjects in higher educational institutions of Ukraine. *Problems of innovation and investment development*, 16, 20-27. (in Ukrainian).
- Dyman, T. M., Bonkovskyi, O. A., & Vovkogan, A. G. (2017). The European area of higher education and the Bologna process: Educational and methodological guide. BNAU. Odesa: NU "OMA". (in Ukrainian).
- Kotiash, I., Shevchuk, I., Borysonok, M., Matviienko, I., Popov, M., Terekhov, V., & Kuchai, O. (2022). Possibilities of Using Multimedia Technologies in Education. *International Journal of Computer Science and Network Security*, 22(6), 727-732. <https://doi.org/10.22937/IJCSNS.2022.22.6.91>
- Kuchai, O., Skyba, K., Demchenko, A., Savchenko, N., Necheporuk, Y., & Rezvan, O. (2022). The Importance of Multimedia Education in the Informatization of Society. *International Journal of Computer Science and Network Security*, 22(4), 797-803. <https://doi.org/10.22937/IJCSNS.2022.22.4.95>
- Kuchai, O., Yakovenko, S., Zorochkina, T., Okolnycha, T., Demchenko, I., & Kuchai, T. (2021). Problems of Distance Learning in Specialists Training in Modern Terms of the Informative Society During COVID-19. *International Journal of Computer Science and Network Security*, 21(12), 143-148. <https://doi.org/10.22937/IJCSNS.2021.21.12.21>
- Kuzminskyi, A. I., Kuchai O. V., & Bida, O. A. (2018). Use of Polish experience in training computer science specialists in the

- pedagogical education system of Ukraine. *Information Technologies and Learning Tools*, 68(6), 206–217. <https://doi.org/10.33407/itlt.v68i6.2636>
- Marchuk, N. A., & Mushenyk, I. M. (2021). E-learning is a promising model of education in the information society. *Information technologies and automation - 2021: materials of the XIV international scientific and practical conference*. Odesa, October 21-22, 2021. Odesa: ONAKHT Publishing House, 153–154. (in Ukrainian).
- Paris Communiqué. (2018). Ministerial conference Paris, 2018. Retrieved from: <http://www.ehea.info/cid101765/ministerial-conference-paris-2018.html>
- Sbruyeva, A. A. (2019). Formation of the European dimension of higher education quality assurance in the context of the internationalization of the educational space: monograph. Sumy: Publication of the A. S. Makarenko Sumy DPU. (in Ukrainian).
- Shchyrbul, O., Babalich, V., Mishyn, S., Novikova, V., Zinchenko, L., Haidamashko, I., & Kuchai, O. (2022). Conceptual Approaches to Training Specialists Using Multimedia Technologies. *International Journal of Computer Science and Network Security*, 22(9), 123-130. <https://doi.org/10.22937/IJCSNS.2022.22.9.19>
- Shunkov, V., Shevtsova, O., Koval, V., Grygorenko, T., Yefymenko, L., Smolianko, Y., & Kuchai, O. (2022). Prospective Directions of Using Multimedia Technologies in the Training of Future Specialists. *International Journal of Computer Science and Network Security*, 22(6), 739-746. <https://doi.org/10.22937/IJCSNS.2022.22.6.93>
- Skotynyanska, A. (2022). Virtual communication and netiquette. The educational space of the 21st century: challenges and prospects: a collection of scientific works of the II All-Ukrainian University. science and practice Internet Conf. of young scientists and students of higher education (April 21, 2022, Kamianets-Podilskyi). Kamianets-Podilskyi: Institute of Higher Education "Podilskyi State University", 56-58. (in Ukrainian).
- Vasylchishen, O. (2022). Modern trends in the development of distance learning of students at universities. Educational Space of the 21st Century: challenges and prospects: a collection of scientific works II All-Ukrainian. science and practice Internet Conf. of young scientists and students of higher education (April 21, 2022, Kamianets-Podilskyi). Kamianets-Podilskyi: Institution of Higher Education "Podilskyi State University", 13-14. (in Ukrainian).

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Aesthetic education of personality development in the field of education

Естетичне виховання розвитку особистості в освітній галузі

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Abstract

The article highlights the essence of aesthetic education, which in the modern field of education is represented by a purposeful process that innovatively develops a modern, creative, socially active person who has a conscious life position formed on the examples of human values that exist forever and on high culture. The purpose of the article is to single out the main tasks of aesthetic education, analyze its content, show ways of implementing aesthetic education of students, reveal the meaning of self-education. In the article, the methodological concept reveals a complex of approaches: competence, personal-activity, interdisciplinary, systemic, acmeological, prognostic. The article reveals the content and shows the ways of realizing the aesthetic education of the students of education. The task of aesthetic education is defined (the formation of the ability of the individual to relate

Анотація

У статті висвітлено сутність естетичного виховання, яке у сучасній галузі освіти представлено цілеспрямованим процесом, який інноваційно розвиває сучасну творчу суспільно активну людину, яка має свідому життєву позицію, сформовану на прикладах людських цінностей, що існують вічно та на високу культуру. Метою статті є виокремити основні завдання естетичного виховання, проаналізувати його зміст, показати шляхи реалізації естетичного виховання здобувачів освіти, обґрунтувати систему інноваційного естетичного виховання молоді, розкрити значення самовиховання. У статті методологічна концепція розкриває комплекс підходів: компетентнісного, особистісно-діяльнісного, міждисциплінарного, системного, акмеологічного, прогностичного. У статті розкрито зміст та показано шляхи

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to the world aesthetically). Four historical periods of the development of aesthetic education of the young generation are distinguished. The system of innovative aesthetic education of youth, which should exist in the interrelationship of all its components, which are disclosed in the article, is substantiated. The structure of aesthetic consciousness (aesthetic perceptions, aesthetic judgments, aesthetic feelings, aesthetic ideal, aesthetic tastes) was studied.

Keywords: aesthetic education, educational sector, general development, personality, self-education.

Introduction

The socio-cultural sphere requires radical transformations of a person's orientation to his aesthetic development of the surrounding society, as the basis of successful socialization in this modern society. This approach enables the socio-cultural sphere to grasp the spiritual and material world and determine its place in it. The aesthetic principle, as the main element of culture, inherent in any person, is a universal and general property of the individual, as it contains the hidden human potential for the formation and education of a multifaceted personality. Recently, there has been an increased interest of scientists and practitioners in the study of the problems of aesthetic education and ways of improving such education in the younger generation, and its role in the harmonious development of the personality (Sirant, 2019). Aesthetic education helps each person develop their orientation in the world of aesthetic values at the same time and directs all the abilities of the individual to create aesthetic values in work, art, behavior, actions, and everyday life, contributing to the overall development of the personality (Zyazyun & Sagach, 1997).

To reveal the essence, to single out the main tasks of aesthetic education, to analyze its content, to show ways of implementing aesthetic education of education seekers, to substantiate the system of innovative aesthetic education of youth, to reveal the importance of self-education, to single out historical periods of the development of aesthetic education of the young generation.

реалізації естетичного виховання здобувачів освіти. Визначено завдання естетичного виховання (формування в особистості здатності естетично відноситись до світу). Виокремлено чотири історичні періоди розвитку естетичного виховання молодого покоління. Обґрунтовано систему інноваційного естетичного виховання молоді, що має існувати у взаємозв'язку всіх його складових, які розкриті у статті. Досліджено структуру естетичної свідомості (естетичні сприйняття, естетичні судження, естетичні почуття, естетичний ідеал, естетичні смаки). Виокремлено основні критерії загального та естетичного розвитку молодого покоління (творча активність, практична діяльність).

Ключові слова: естетичне виховання, освітня галузь, загальний розвиток, особистість, самовиховання.

Aesthetic education is the most important component of a person's spiritual likeness. Their intelligence, creative orientation, relationship to the world and other people depend on their presence and degree of development in a person.

The importance of the aesthetic development of the personality as the most important lever of social progress increases in transitional eras, which require a person to be more creative, to exert all his spiritual forces. The margin of safety during the implementation of reforms is determined by the aesthetic potential of society. It is this circumstance that makes the problem of formation extremely relevant

At the conceptual level, the aesthetic culture of an individual means the unity of aesthetic knowledge, beliefs, feelings, skills and norms of activity and behavior. A peculiar qualitative-quantitative amalgamation of these components in the spiritual structure of an individual expresses the degree of her mastering the aesthetic culture of society, while also determining the degree of possible creative dedication.

In the article, we reveal four periods of the history of the development of aesthetic education of youth; the components of the system of aesthetic education are highlighted as the main condition for the general development of the personality, which should function with a constant relationship. In the new socio-artistic reality, important changes are highlighted, in connection with which teachers revise the entire

system and specifics of the content of aesthetic education in the modern world. The structure of aesthetic consciousness is defined. The content and ways of implementing aesthetic education of students during their studies are substantiated.

The purpose of the article. To study the positive trends of innovative development of the educational sector in the European area of higher education.

Literature Review

V. Tomashevsky (2020) shows the methodological and theoretical foundations of the formation of the aesthetic culture of future specialists in institutions of higher education. Aesthetic culture is revealed as social, personal, and culturological categories, which are in close relationship with the socio-historical experience of mastering the world of beauty, and have subjective and objective determination. The structure, essence, and functions of the aesthetic culture of specialists are described, and conclusions are drawn that it is dynamically developing, the basis of which is the internal mechanism that exists when the most important components are interconnected: aesthetic activity, aesthetic consciousness, and aesthetic self-organization. The program and methodological support of the pedagogical system of aesthetic education in the field of education as the main condition for the general development of the individual was developed and substantiated, experimentally verified.

T. Kiridan, & L. Titorenko (2021) found the most effective ways of implementing aesthetic education in the educational field as the main condition for the general development of the personality, characterized the aesthetic education of youth as one of the main tasks of education, proposed the latest methods of solving the existing problems of aesthetic education of young people, which is necessary to ensure the development of a creatively active personality that can fully perceive the harmonious, beautiful, perfect in the environment. Pedagogical conditions that increase the level of aesthetic education of young people have been described.

O. Melnyk, S. Mulenko, & I. Shelyuko (2022) substantiated the importance of aesthetic education and showed its importance during the professional training of future specialists, offered their definition of the concept of "aesthetic education" (the process of interaction between the learner and the teacher through which formation is carried out: to love art, appreciate

beauty; aesthetic feelings; get pleasure from the process of educational activity and its final result, preserve the beautiful; bring beauty into the world of society, the ability to appreciate the beauty of relationships between people. The task of aesthetic education is substantiated and their implementation in the educational process is shown.

I. Palasevich (2019) substantiated the content of aesthetic education of teenagers, showed the main ways of forming personality abilities, and the feeling of beauty in the life of every person, and suggested treating beauty responsibly, to be able to create aesthetic values in various spheres of activity. The role of extracurricular educational work for expanding the educational opportunities of the modern educational space and ensuring the choice of content, methods, forms, and means of aesthetic development of the younger generation is shown.

O. Hudovsek (2020) showed modern approaches to the aesthetic education of younger schoolchildren using ethnopedagogy.

T. Batrak (2015) the content of modern aesthetic education of students of higher education institutions is covered by the means of foreign artistic culture and its features are shown.

L. Serikh (2020) in the context of aesthetic education of adolescents from the psychological and pedagogical direction characterized the main periods of individual mental development of the personality; the psychological characteristics of adolescents during aesthetic education are shown and the possibilities of their aesthetic education are revealed; forms of aesthetic culture of teenagers who interact in institutions of general secondary and out-of-school education are presented.

G. Kutuzova (2011) showed the aesthetic education of student youth from the side of the creation of aesthetic culture.

S. Vitvytska (2012) commented on how the subject environment is organized in the institution of higher education from the aesthetic direction.

T. Mochan (2011) substantiated the main tasks of the teacher (systematic and consistent formation of students of education in an emotional attitude to the aesthetic in the environment, to works of art, stimulation, and encouragement of students of education with the help of creative activities, to the ability to observe the world around them,

to develop visual perception, to fantasize, to the ability to analyze objects and phenomena of the surrounding world, to observe, to convey the mood and state of life (dynamic, calm, sad, joyful), to expand the concept of the connection between art and life, to give importance to creativity in society, to activate ingenuity, inquisitiveness, independence in the learning process.

Methodology

During the research, we used the following methods:

general scientific: historiographical, retrospective analysis made it possible to distinguish views on the problem of aesthetic education of the young generation, and to consider the theoretical aspect, which made it possible to clarify the essence, principles, and methods of aesthetic education in the field of education and to identify the main condition of human development; synthesis, generalization, comparison, systematization of scientific literature and periodicals;

historical-pedagogical: historical-structural is applied to justify the system of aesthetic education in the educational field and identify the main structural components;

search and bibliography made it possible to analyze historical and pedagogical literature, to study library and bibliographic publications that reveal the development of aesthetic education in the field of education, and to single it out as the main condition for the general development of the personality;

the method of terminological analysis based on the processing of primary sources contributed to the definition of individual terms by the phenomenon under study;

the study and generalization of educational and methodological support contributed to the identification of the main trends of aesthetic education in the educational field for conclusions and generalizations;

prognostic, which made it possible to outline promising directions for the development of aesthetic education in the educational field at the current stage. These methods complement each other.

The study of the theoretical and methodological foundations of aesthetic education of the young

generation requires the implementation of scientific research by methodological, theoretical, and prognostic-practical concepts.

The methodological concept reveals a set of approaches: competence-based, personal-active, interdisciplinary, systemic, acmeological, and prognostic.

The competence approach characterized the ways of harmonizing the theoretical and practical orientation of aesthetic education in the educational field as the main condition for the general development of the individual since the educational system has a positive experience.

The personal-activity approach made it possible to single out the features of aesthetic education in the educational field as the main condition for the general development of the individual.

An interdisciplinary approach is proposed for a thorough analysis of the theory and practice of aesthetic education in the field of education.

The systematic approach made it possible to characterize the scientific and practical approaches, structure, content, forms and methods of aesthetic education in the educational field as the main condition for the general development of the individual.

The acmeological approach to the study of the problem of aesthetic education in the educational field as the main condition for the general development of the personality made it possible to carry out a scientific and creative search for ways to optimize the education system, trends, and approaches to the educational process.

The prognostic approach made it possible to single out the leading trends of aesthetic education in the educational field, which is the basis for forecasting ways to optimize aesthetic education in the educational field as the main condition for the general development of the individual.

The theoretical concept of the research made it possible to reveal the conceptual provisions of optimization of aesthetic education in the field of education, which are laid as a basis for the general development of the personality, taking into account world trends and leading ideas of the educational process, taking into account the specifics of positive domestic experience, and also provides for the disclosure of the conceptual and categorical research apparatus.

The prognostic-practical concept of the research allows studying the approaches to aesthetic education in the educational field as the main condition of the general development of the personality, the condition of national characteristics.

This made it possible to carry out a comprehensive and systematic analysis of aesthetic education in the educational field as the main condition for the general development of the personality, which is a multi-level, structured, interconnected whole.

Results and Discussion

Modernity contributes to the development of the problem of aesthetic education of the personality, and now it has received a new impetus. The development of processes in the educational field using innovative technologies, and the study of pedagogical experience, served as the basis for a comprehensive presentation of the problem of aesthetic education of young people with the obligatory consideration of modern trends in the development of pedagogical science and society as a whole (Sirant, 2019).

The philosophical discipline of aesthetics, the subject of which is the form of any sphere of reality, is the theoretical basis of aesthetic education. In 1735, in his work "Philosophical Reflections on Some Questions Regarding a Poetical Work," the scientist described the existence of "a science that directs the lower cognitive ability (ability), or the science of sensory knowledge of something." Podnizh defined aesthetics as "the art of thinking beautifully" (Batrak, 2015).

V. Bitayev (2004) reveals the essence of aesthetic education as the formation of "a universal worldview of a person, which combines both artistic and moral, thus revealing the unity of truth, goodness, and beauty of human existence" and notes that "aesthetic education, which is based on art, strives to develop a person universally, transferring the experience of experience to the individual, and through him - the collective experience of human existence. In this way, the process of creating a person proceeds, his ability to think is activated, and a sensual culture is formed."

L. Levchuk (1991) considers aesthetic education to be a process that takes place continuously and continues constantly in a person's life. Such a process eliminates the contradiction: the inconsistency between the possession of culture

by a person in each specific period of his life and the level of aesthetic culture of mankind. The most optimal form of acquiring skills, the ability to create and perceive beauty, to convey the aesthetic experience of the individual using the purposeful activity of the society is aesthetic in a person.

According to N. Myropolska (2011), aesthetic education is close to the reality of being, it takes place in the process of life, its movement. Knowing the world of artistic reality, a person goes beyond it in works of art and life, and can aesthetically evaluate the sublime, beautiful, ugly, low, etc.

S. Honcharenko (1997) describes aesthetic education as a component of the entire educational process, which is aimed directly at the education of aesthetic tastes, feelings, judgments, and abilities of the individual, at the development and formation of his ability to transform, perceive reality as it is in its beauty. The goal of aesthetic education is the education of humanistic interests, qualities, and love of life in a person.

S. Myropolsky gave aesthetic education one of the important, main values for the system of human education. He believes that aesthetic education gives a person the opportunity to: appreciate works of art, get involved in the world of beauty, and helps to understand and feel everything beautiful in the life around him. Therefore, the goal of aesthetic education is to serve goodness, beauty, and truth (Rzaev, 1997).

V. Ortynsky & Ryashko (2010) defines aesthetic education as the main condition for the general development of the personality, as the process of forming an understanding of the beautiful in art, a holistic perception of the surrounding world and reality, as the ability for creative self-expression inherent in a person.

Four periods can be distinguished in the history of the development of aesthetic education of youth:

- the first period (XVIII century - end of the XIX century) - in this period we do not observe research on the problem of aesthetic education of the personality;
- the second period (the first half of the 20th century) - we observe the theoretical study of individual elements of the aesthetic education of a person;
- the third period (second half of the 20th century) - restoration, improvement, and

- expansion of research on the theory of aesthetic education of a person;
- the fourth period (the beginning of the 21st century - to the present) - a comprehensive study of the possibilities of aesthetic education as the main condition for the general development of the personality.

A holistic theory of aesthetic education as the main condition of general personality development, based on the achievements of modern pedagogical science, provides qualitatively new opportunities for the creation and implementation of a system of aesthetic education as the main condition of general personality development in broad educational practice, is of primary importance (Sirant, 2019). Emphasizing the need for aesthetic education, Vytkovskaya N. S., Shcherbo A. B., Zhola (1985) consider the formation of the ability to relate to the world aesthetically in a person as the main task of aesthetic education: to be able to evaluate and see the great, beautiful, tragic, comic, to multiply the beauty of the environment through one's activity. Aesthetic education concerns everything that an individual does in material society, moral relations in a team, political relations in society, and scientific knowledge, that is, there is no limitation to any one sphere of reality.

The system of aesthetic education as the main condition for the general development of the personality must function with the constant interrelationship of the components:

- firstly, aesthetic education as the main condition of the general development of the personality, as part of the general process of human formation, is inextricably linked with any direction of the education of a young person. Aesthetic education will be effective and efficient only with a comprehensive approach;
- secondly, aesthetic education as the main condition for the general development of the personality should be aimed at the formation of the worldview of this personality. This function is carried out in the individual through the constant development of the emotional and sensory spheres;
- thirdly, aesthetic education as the main condition for the general development of the personality covers all areas of human activity, such as behavior, everyday life, technical and artistic creativity, work, communication with works of art, sports, etc.;

- fourthly, aesthetic education contributes to the individual's desire for self-education: the development of spiritual needs, and moral self-improvement (Mochan, 2011).

The involvement of a person in creative activity is one of the most important components of his aesthetic education and contributes to the overall development of the personality. With this approach, the individual has the opportunity for self-development, self-expression, and spirituality; a person shows inclinations to creativity, manifests talents and feels a desire for self-improvement during life, observes the development of creative thinking, manifests a creative attitude to reality, and creative imagination. Only with the help of such an approach is possible the general development of the personality and the upbringing of an extraordinary personality who will think creatively, and create a world around him that will correspond to personal aesthetic ideals (Batrak, 2015).

The organization of aesthetic education for overall personality development in a higher education institution considers the creation of an aesthetic atmosphere in the educational environment a mandatory stage when studying professional subjects from all disciplines of professional direction when conducting extracurricular work with student youth. Relationships between the members of the teaching staff of the entire educational institution and the collectives of student groups and departments are important in aesthetic education for the general development of the personality; as well as relations between the students themselves and the teaching staff (Vitvytska, 2012).

Creative activity forms an aesthetic attitude to art, reality, nature, and work, activates the development of the student's inner world, which contributes to the general development of the personality, his aesthetic education, develops creative imagination, the culture of feelings, the ability to perceive and create beauty in all spheres of life. Through aesthetic education, the teacher with the aim of general personality development, involves students in the world of beauty, the main indicators of which are: art, fiction, nature, social activities, and communication (Zyazyun & Sagach, 1997).

Rapid changes in society lead to changes in priorities in aesthetic education, art, and the value system. In the new socio-artistic reality, we will single out important changes, in connection with which teachers are revising the entire system and

specific content of aesthetic education in the modern world:

- replacement of monostylistic artistic culture (socialist realism) by pluralistic, polystylistic artistic culture;
- updating and improving the system of criteria for evaluating artistic creativity;
- constant modernization of the subject of creativity, which leads to the mandatory transformation of the subject of art;
- expansion, renewal, and innovative approach to the structure of genres of artistic creativity;
- contradictory influence of Westernized culture on the needs and tastes of the modern generation;
- the spread of low-quality artistic products, increasing the gap between elite, mass, and artistic culture, which leads to a decrease in the educational influence of art;
- development of various directions of artistic direction, and creation of innovative creative schools;
- definition of the artistic originality of subcultures, which are constantly growing;
- change in the hierarchy of the functions of art, the transformation of its functioning, strengthening of the entertainment and relaxation character.

In this connection, the character of aesthetic socialization of youth is changing, new artistic needs are appearing in different groups of people (Semashko, 2008). Therefore, the preparation of the individual to enter social life is carried out within the radius of the culture that has constantly surrounded the child since birth (Zyazyun, 2008). Therefore, a necessary condition for aesthetic education, as the main condition for the general development of the personality, which meets the requirements of today and the development of society, is education with the help of vivid examples of the lives of contemporary artists and the analysis of their creativity. Studying modern research on the content of aesthetic education and considering aesthetic education as the main condition for the general development of personality, T. Batrak (2015) claims that aesthetic education in higher education at the current stage is "a purposeful process designed to develop a modern socially and creatively active person with a conscious life position formed on the examples of eternal human values and high culture, capable of critically perceiving reality and bringing beauty to the process and result of life in all its manifestations".

In the conditions of the psychological formation of the personality, adolescence itself is transitional (younger school age - younger adolescence), that is, it is considered the beginning of the transition from childhood to youth. In adolescence, we observe: the flow of emotions is turbulent; changes in emotional states, moods, and experiences are sudden, the mood changes from elation to intemperance; noise, changes in behavior from excessive mobility to calmness and even indifference to everything. Such spontaneous changes in the mood of teenagers, which depend on various factors (disappointment in a friend, a bad evaluation, disregard for the interests and feelings of the individual, a defiant attitude of adults, a rude way of interfering with the emotional life of a child), require aesthetic activity, constant tolerant communication where teenagers are allowed to reassess one's values and to treat oneself in a new way, strive to reveal the best qualities of behavior in oneself.

The most difficult period in a child's development is early adolescence. It is in him that qualitative sharp changes are observed in all spheres of personality functioning: the child grows up: social and ethical, rapid mental and physical development, increased impulsivity, and excitability in the child are observed. In this period of the child's life, hobbies come to the fore, which take up all the child's time, harming school activities. At this age, children's interests become conscious and purposeful. Therefore, with successful interaction in aesthetic education, the development of perceptual skills and aesthetic preferences is possible, which is important for overall personality development (Sierykh, 2020).

It is important that in the process of aesthetic activity and the interaction of educational institutions, adolescents develop individual characteristics associated with the development of the activity, independent thinking, and a creative approach to solving problems, which is an important condition for the overall development of the personality. During communication, using literature, dictionaries, the Internet, and the computer, teenagers independently acquire knowledge, learn to see the world aesthetically, interact with each other, the world, and art, actively act creatively and get pleasure from creative aesthetic activity. Adolescents achieve success and acquire aesthetic tastes, interests, and preferences (Sierykh, 2020).

Aesthetic consciousness, which is the main component of aesthetic education in the field of education, which leads to the general development of the personality, is considered a form of social consciousness, which, through aesthetic feelings, judgments, perceptions, ideals, tastes, provides an artistic and emotional mastering of reality and is manifested in artistic creativity and aesthetic looks.

Let's analyze the structure of aesthetic consciousness. Its components are:

- The aesthetic ideal, which reflects the idea of beauty, is a kind of model for the ability to evaluate the objects of reality and the phenomena of the surrounding world as a person.
- Aesthetic feelings are experienced by a person when perceiving everything beautiful in the surrounding reality, works of art, primarily the feeling of pleasure.
- Aesthetic perceptions that reflect the inner and outer beauty of a phenomenon, object, or process, allow feeling joy from what has been discovered or seen and are manifested in the ability to notice the most essential, observational personality.
- Aesthetic tastes, related to individual perception and vision, have a subjective, selective character and appear as an emotional and evaluative attitude towards a beautiful personality (Levchuk et al., 1997).

Through aesthetic education, aesthetic consciousness is formed (Andrushchenko, 2010).

We will substantiate the content and ways of implementing the aesthetic education of students during their studies, which consist of:

- involvement of education seekers as creators in various types of art; study of curriculum subjects: singing and music, literature, visual arts;
- the impact of aesthetic education on the desire to study the artistic values of society, the formation of aesthetic needs in the field of art, which leads to the development of the personality of the student of education;
- development in the process of aesthetic education in students: the ability to see beauty everywhere: in music, in art, in nature, in life; artistic perception;
- the formation of high artistic tastes in students, which affect the general development of the personality and are connected with the perception of beauty and

the possibility of feeling for others and sympathizing with them; teaching students to feel the harmony of a work of art, the beauty of nature and show aesthetic demands towards others, their culture of behavior in society and their behavior in nature;

- involvement of students in the development of talent, and abilities in music, visual arts, literature, and artistic creativity;
- the direction of aesthetic education to reveal the ideological side of art for the general development of the personality, the formation of ideological conviction, and morality in a person (Ostroverkhova, 2015).

The main criteria for the aesthetic and general development of young people are practical activity (during which new spiritual and material values are created) and creative activity of the individual (the creation of a new means of action, a new aesthetic element, a new means of an application takes place) (Mochan, 2011).

When it comes to aesthetic education in the field of education, which affects the overall development of the personality, it always assumes a desired goal to which we strive, a certain ideal. This, at the level of interpersonal relations in the collective, contributes to professional activity, and the formation of a culture of human feelings. Aesthetic education is manifested in the creative approach of an individual to his position in life, in the light of culture, nature, and professional abilities. Then, when a person is interested in his aesthetic development, he reaches the appropriate level of development. Aesthetic education is a component of the aesthetic formation of the individual, which is both a consciously organized process of changes in the content and structure of the aesthetic culture of the individual and spontaneous, carried out under the influence of subjective factors and objective conditions. Consciously organized changes include not only the process of aesthetic education but also the process of aesthetic self-education. These processes are interconnected. Self-education expresses a certain stage of self-awareness and personality maturity. Aesthetic self-education is a purposeful human activity aimed at improving one's aesthetic culture (Kutuzova, 2011).

Conclusions

Society changes and with it the system of values, art, and priorities in aesthetic education. Therefore, changes in the social and artistic reality have been determined, with the help of

which teachers update the content and the entire system of aesthetic education at the current stage of the development of society. The content of aesthetic education of education seekers is revealed and the ways of its implementation are shown.

The task of aesthetic education is defined as the formation of a person's ability to relate aesthetically to modern society.

The periods of the history of the development of aesthetic education of the personality are singled out.

The system of aesthetic education in the educational field is shown, which affects the overall development of the personality and should function in the interrelationship of the components presented in the article.

The organization of the aesthetic environment in the institution of higher education is revealed, and the structure of aesthetic consciousness is shown (aesthetic ideals, aesthetic tastes, aesthetic judgments, aesthetic perceptions, aesthetic feelings). Creative activity and practical activity are the main criteria of aesthetic education in the field of education that affects the general development of the personality. The process of aesthetic education and the process of aesthetic self-education are classified as consciously organized changes.

We can see the ways of further research in the study of the process of aesthetic self-education.

Bibliographic references

- Andrushchenko, T.I. (2010). The problem of aesthetic education in Ukrainian cultural discourse in the period of globalization and information revolution. *Gilead Philosophical Sciences*, 42, 305-312. (In Ukrainian)
- Batrak, T. V. (2015). Aesthetic education of students using foreign artistic culture as an interdisciplinary problem. *Proceedings. Series: pedagogy*, 1, 195-201. http://nbuv.gov.ua/UJRN/NZTNPU_ped_2015_1_34
- BitaeV, V. A. (2004). Aesthetic education and humanization of the person: autoref. (dis... Dr. Philos. Sciences). Luhansk, 37. Eastern Ukrainian National University named after Volodymyr Dahl.
- Honcharenko, S. U. (1997). *Ukrainian pedagogical dictionary*. K.: Lybid.
- Hudovsek, O. (2020). Modern approaches to the aesthetic education of younger schoolchildren using ethnopedagogy. *Innovations in Education*, 12, 132-137. (In Ukrainian)
- Kirdan, T., & Titorenko, L. (2021). Aesthetic education of senior school students through English extracurricular activities. *Ars Linguodidacticae*, 7, 44-52. <https://doi.org/10.17721/2663-0303.2021.7.05>
- Kutuzova, G. I. (2011). Aesthetic education as a means of creating an aesthetic culture of student youth. *Scientific Bulletin of Lesya Ukrainka Volyn National University. Section I. Philosophical anthropology and philosophy of culture*, 24, 40-44. (In Ukrainian)
- Levchuk, L., Kucheryuk, Yu., & Panchenko, V. (1997). *Aesthetics*. K.: Higher school.
- Levchuk, P. T. (1991). *Aesthetics: Studies a manual for humanities students*. Faculty of Higher Education K.: Higher school.
- Melnyk, O.F., Mulenko, S.M., & Shelyuk, I.O. (2022) Aesthetic education in the process of professional formation of future pharmacists. *New learning technologies: collection of scientific papers*, 96, 92-98. (In Ukrainian)
- Mochan, T.M. (2011). Aesthetic education of student youth in the process of creative activity. *Scientific Bulletin of the Uzhhorod National University. Series "Pedagogy, social work"*, 20, 86-88. http://nbuv.gov.ua/UJRN/Nvuuped_2011_20_34
- Myropolska, N.E. (2011). Architecture of the textbook on artistic culture. *Personal spirituality: methodology, theory and practice*, 1(42), 120-126 http://nbuv.gov.ua/UJRN/domtp_2011_1_14
- Ortynsky, V. L., & Ryashko, V. I. (2010). Aesthetic education of cadets of higher educational institutions of the Ministry of Internal Affairs of Ukraine: education. method. Manual. Lviv: LvDUVS.
- Ostroverkhova, N. M. (2015). *Theoretical foundations of organizational mechanisms implementation of state standards of general secondary education: Monograph*. K.: Pedagogical thought. https://lib.iitta.gov.ua/707299/1/Ostroverkhova_NM_monog_KLM_ISBN_5_07_17.pdf
- Palasevich, I. (2019). Content and means of aesthetic education of teenagers in extracurricular work. *Humanities studies. Series "Pedagogy"*, 41, 177-188. (In Ukrainian)
- Rzaev, Sh. R. (1997). The system of aesthetic education of S.I. Myropolskyi. S. I. Myropolskyi: scientist, teacher, methodologist: coll. of science works Series "Pedagogy and Psychology", 3, 58-65. (In Ukrainian)



- Semashko, O. M. (2008). Aesthetic education in the conditions of the new social aesthetic reality in Ukraine. Collection of scientific works of Berdyan State Pedagogical University named after V. G. Korolenko, 5, 5–11. (In Ukrainian)
- Serikh, L. V. (2020). Aesthetic education of teenagers: psychological and pedagogical aspect. Science and Education a New Dimension. Pedagogy and Psychology, VIII (95), 52-55. (In Ukrainian)
- Sierykh, L. V. (2020). Psychological and pedagogical features of teenagers in the context of aesthetic education. «PNAP». Scientific periodical of the Polish Academy of Sciences, 40, 3. (In Ukrainian)
- Sirant, N. (2019). Problems of the aesthetic upbringing of children in historical retrospect. Youth and the market, 1(168), 111-116. (In Ukrainian)
- Tomashevsky V. V. (2020). Theoretical and methodological principles of the formation of the aesthetic culture of future designers in institutions of higher education (dissertation. ... doctor of pedagogy Sciences: specialist). Khmelnytskyi, 792. Khmelnytskyi Humanitarian and Pedagogical Academy.
- Vitvytska, S.S. (2012). Aesthetic education of the future teacher in the context of the ideas of V.O. Sukhomlynskyi. Aesthetic education of children and youth: theory, practice, development prospects: a collection of scientific papers. Zhytomyr: Publication of ZhDU named after I. Franka, 142-150. (In Ukrainian)
- Vytkovskaya, N. S., Shcherbo, A. B., & Zhola, D. N. (1985). Formation of aesthetic culture of junior schoolchildren: from experience. K.: Rad. school.
- Zyazyun, I. A. (2008). Aesthetic principles of pedagogical skill. Collection of scientific works of Berdyan State Pedagogical University named after V. G. Korolenko, 5, 5–11. (In Ukrainian)
- Zyazyun, I.A., & Sagach, H.M. (1997). The beauty of pedagogical action. K.: Ukr.-Fin. Institute of Management and Business.

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The role of inclusive education in the personal growth of a child with special educational needs

Роль інклюзивної освіти в особистісному зростанні дитини з особливими освітніми потребами

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Abstract

The article shows the role and proves the importance of inclusive education in the personal growth of a child with special educational needs. Definition of concepts: "inclusive education", "inclusive learning", "inclusion", "integration", "special needs". The goal of educational inclusion is written. The conditions under which training should be carried out in an integrated environment are defined. The main principles of inclusive education are highlighted. The content of the concept of inclusive education and its main democratic ideas are considered. The need for education in inclusive educational institutions is shown: for children with special educational needs, for other children, family members, and society. The need to introduce ICT in the education of children with disabilities has been

Анотація

В статті показано роль та доведено важливість інклюзивної освіти в особистісному зростанні дитини з особливими освітніми потребами. Дано визначення понять: «інклюзивна освіта», «інклюзивне навчання», «інклюзія», «інтеграція», «особливі потреби». Виписано мету освітньої інклюзії. Визначено умови, за яких має здійснюватися навчання в інтегрованому середовищі. Виокремлено основні принципи інклюзивного навчання. Розглянуто зміст концепції інклюзивної освіти та її основні демократичні ідеї. Показано необхідність навчання в інклюзивних освітніх закладах: для дітей з особливими освітніми потребами, для інших дітей, членів родин, суспільства. Доведено необхідність впровадження ІКТ в освіту дітей з інвалідністю

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proven to help modernize and innovate the learning process, which will enable the educational process to become effective, high-quality and interesting, and help the teacher create equal conditions for every child in the classroom. The main ways of using ICT in inclusive education are outlined. The fundamental principle of inclusive education has been clarified. The main characteristic of an inclusive school is singled out - the ability to meet the educational needs of all students, that is, to be effective.

Keywords: inclusive education, inclusive learning, personal growth, the child with special educational needs, teacher's pedagogical skills.

Introduction

Currently, the education of children with disabilities is one of the topical and debatable problems of modern education. Obstacles to children receiving a quality education are numerous restrictions, one way or another related to the social inequality of disabled people. The existing system of special educational institutions for children with disabilities is currently undergoing major changes and in many respects is on the verge of its reduction. Most likely, the growing trend to eliminate the differences between the general education and the special school will prevail. In this regard, the role of inclusive education is increasing, which can significantly reduce the processes of marginalization of children with disabilities and contribute to the expansion of access to education for them. Thus, such children will be created more favorable conditions for their social adaptation.

In connection with the declaration of a clear goal of the social development of the individual - the creation of a "society for all", the development of modern society requires respect from humanity for human diversity, compliance with the principles of security and solidarity, which leads to the protection and full inclusion in society of all layers of the population, and in particular persons with health disabilities (Kolupaeva, 2014). Therefore, today the problem of education of children and youth with special needs is gaining wide relevance. The system of inclusive education is aimed the implementation of the principles of an individual approach to all participants of the educational process in a sustainable system of education, democracy, humanism, justice, especially the increased interest in children.

для допомоги осучаснення і інноваційності процесу навчання, що дасть можливість освітньому процесу стати ефективним, якісним та цікавим, допоможе вчителю створити рівні умови для кожної дитини у класі. Накреслено основні шляхи використання ІКТ в інклюзивній освіті. З'ясовано фундаментальний принцип інклюзивної освіти. Виокремлено головну характеристику інклюзивної школи – здатність задовольняти освітні потреби всіх учнів, тобто бути ефективною.

Ключові слова: інклюзивна освіта, інклюзивне навчання, особистісне зростання, дитина з особливими освітніми потребами, педагогічна майстерність педагога.

The modern global development of education for children with special needs is characterized by the personal growth of a child with special educational needs and the dynamic development of an inclusive form of education. The problem of increasing the role of inclusive education in the personal growth of a child with special educational needs is constantly at the center of attention of the world, the state, and scientists who take care of the educational problems of children and youth with psychophysical disorders (Golyuk, 2018).

The system of inclusive education is a complex but effective process that requires patience, awareness and common interest from society. The result of the implementation of this system is the realization of human rights, raising the social level of the country.

In the article, we considered the following main questions:

1. Professional competence of the teacher for the development of inclusive education
2. Ideology of inclusive education
3. Conditions of inclusion for the highest possible results for all education seekers
4. Conditions under which the personal growth of a child with special educational needs should be carried out, his education in an integrated environment.
5. The main ways of using ICT in inclusive education for the personal growth of a child with special educational needs
6. Advantages of inclusive education

Literature Review

O. Pashchenko, I. Hrytsenok, & N. Sofiy (2012) proposed conceptual aspects of inclusive education and analyzed laws related to issues of the international legal field on ensuring inclusive education in the educational space of all strata of the population of this category of educators. They revealed the importance of the role of the leader in the organization and implementation of inclusive education in an educational institution. Developed practical recommendations for all participants of the educational process to facilitate the creation and development of an inclusive educational environment in an educational institution.

V. Babii (2018) proved that the basis of inclusive education is the principle of ensuring the right of all children to education and the right to receive educational services at their place of residence. Therefore, the goal of an inclusive school is to provide inclusive education as a system of educational services, while adapting the physical environment, involving parents, using the resources available in education, creating educational programs and plans, improving methods and forms of education, attracting specialists according to the needs of each child to provide special services, to ensure tolerant relations in the educational environment.

A. Kolupaeva (2009) made a theoretical and methodological justification of inclusive education and developed its conceptual foundations. Proved that the education of children with special needs is based on pedagogical principles, aimed at meeting the needs of children, clarified the role of inclusive education, which is a necessity for society and ensures a high level of learning in education.

N. Hlavatska (2018) proved that the use of information and communication technologies plays a large and necessary role in the introduction of inclusive education can become a positive factor in significant changes in the education of children with special needs.

The purpose of the article: to show the role of inclusive education in the personal growth of a child with special educational needs.

Methodology

The following research methods were used to achieve the goal:

- general scientific (analysis, synthesis, generalization, comparison) - to characterize the source base of the researched problem, to clarify the terminological field of research;
- theoretical - for conceptualization of philosophical and psychological-pedagogical scientific literature; study of documents in the field of education, Internet resources, work experience of leading scientists;
- systematization, interpretation of philosophical-pedagogical, psychological, methodological sources - to clarify the essence of key concepts;
- comparison and generalization to highlight the conditions under which inclusive education should be implemented in an integrated environment.

During the implementation of the specified research methods, we were guided by the following methodological principles and provisions:

- the principle of the unity of external influences and internal conditions, based on which the directions of development of a child with special educational needs are determined by transferring the methods of cognitive activity from the plan of social consciousness to the plan of individual one;
- the principles of the development of creative thinking, which is necessary for the development of inclusive education in the personal growth of a child with special educational needs, for improving the quality of education and the development of a teacher;
- general psychological and pedagogical principles of the functioning of the inclusive education system: the unity of the universal and national, democracy, humanism, humanitarianization, and creativity to ensure the creative freedom of the individual in social activities;
- the principle of determinism, according to which the psyche of a person in an inclusive environment;
- provisions and principles of development of critical thinking;
- theories of social groups for the study of the problem of functioning in society, the community, social groups of inclusive education, and the environment, taking into account the following criteria: personal qualities, nationality, gender, age, culture and language, economic level, lifestyle, place of residence, social relations, interests, needs, etc.;

- provisions regarding the activity and development of inclusive education;
- the concept of cultural and historical development, the central position of which is the formation of the psyche in the process of activity;
- the theory of internalization is responsible for the individual's assimilation of the social experience of social methods of development of inclusive education, the activity of an individual in the process of ontogenetic development of a person, where the psychological characteristics of an individual are formed;
- conceptual approaches to the development of the personality of a child with special educational needs in the process of socialization and the inclusive space of education, as a subject of his life activity;
- theories of the development of personal needs;
- conceptual principles of the system of continuous modern inclusive education;
- theories of professional training of specialists that contribute to the development of inclusive education in the personal growth of a child with special educational needs;
- the provision of the competence approach in the system of training specialists, which contributes to the development of inclusive education in the personal growth of a child with special educational needs;
- provisions on the content and structure of competence of a child with special educational needs;
- theories of media education for the development of inclusive education;
- theories of the development of the professional competence of teachers in the system of methodical work at the level of an educational institution;
- the project of human activity, pedagogical and psychological structure of a teacher's activity, model of socio-pedagogical activity, and system-role model of the development of inclusive education in the personal growth of a child with special educational needs.

Results and Discussion

1. Professional competence of the teacher for the development of inclusive education

The main link in the organization of inclusive education, in the development of inclusive education, is the teacher. To work with such a

category of children with special educational needs, it is necessary to carry out a diagnosis of the child's needs and capabilities, to competently evaluate and write individual training programs aimed at the development of inclusive education, and to abandon collective methods. To carry out such work, a teacher must know teaching methods in inclusive education aimed at a child with special educational needs, possess deep knowledge of all disciplines and also know methods of working with children with special psychophysical development. The professional competence of a teacher for the development of inclusive education involves the formation of an active life position of this category of persons, their adaptation, readiness for continuous education, etc. The inclusive approach includes opportunities to change the educational situation, to promote the development of inclusive education, and to create new ways and forms of organizing the educational process, taking into account the individual differences of children. In particular, the teacher must acquire a set of professional qualities that will allow him to contribute to the development of inclusive education, to implement inclusive practice (Kuchai et al., 2019).

To be a highly competent teacher, one must have a high level of competence, which means possessing professional skills, abilities, and knowledge, as well as navigating difficult situations and making optimal decisions regarding the improvement of the development of inclusive education, where primary importance should be given to professional and civil responsibility. Therefore, the personal growth of a child with special educational needs depends on the teacher and his professional readiness to work in an inclusive environment. The pedagogical skill of the teacher is also of inestimable importance, which depends not only on the quality of the learned material of a child with special educational needs but also on the comfort of the individual's stay in an inclusive environment (Kuchai et al., 2019a).

For the success of inclusive education, conceptual, that is, the most important conditions for admission to it are taken into account. The competence of a teacher in the field of inclusive education, the development of inclusive education, knowledge, and abilities that are important for effective innovative activities as an organizer and executor of inclusive education programs for children with special educational needs, as well as ways of thinking, civic qualities, moral and ethical values, worldview and professional values, which determine the

teacher's ability to carry out professional activities at a certain level of the child's education. The process of inclusive education contributes to the development of inclusive education and gives relevance and necessity to the formation of the competence of a teacher of an inclusive class (Golyuk, 2018).

In the educational sphere, an important quality of educational equality is the introduction of inclusion. This is a necessary issue for creating inclusive societies and ensuring high-quality education (Kuchai & Kuchai, 2019).

Inclusion in education by scientists on an international scale is often considered as the content of the educational process of children with special educational needs, which takes place in the general education system; as a reform that encourages and supports the work of student groups.

The goal of educational inclusion is to eliminate the child's social isolation and support a child with special educational needs in personal growth.

2. Ideology of inclusive education

The ideology of inclusive education is based on:

- elimination of discrimination against education seekers with special educational needs;
- creation of appropriate conditions for obtaining quality education for such children.

Inclusive education:

- provides opportunities for all children to learn fully, especially taking into account their characteristics, which are perceived by peers with respect. Ordinary peers who are participants in the educational process gain educational experience for themselves and are assistants in the educational space for children with special needs;
- provides a flexible response to the needs of students;
- provides equal opportunities for obtaining quality education in all educational institutions;
- is a process of the continuous search for better ways of educational activity;
- called to coexist tolerantly and learn qualitatively together in a group with children with special needs and learn endurance and mutual help from them;

- aimed at collecting, evaluating, and summarizing information to plan positive changes for improving practical skills and updating the policy of their application (Budnykv et al., 2022).

3. Conditions of inclusion for the highest possible results for all education seekers

Inclusion creates conditions for the highest possible results for all students of education:

- conditions of participation (participation means the quality of the transfer of experience in the educational institution, which requires listening and taking into account the opinions of the students of education);
- conditions of a presence (presence means the place of educational space for education seekers, regularity of visiting the educational institution);
- achievement conditions (achievement refers to the results of monitoring activities, in particular: tests, exams, and carrying out an effective educational process based on educational plans, and programs) (Boychuk et al., 2021).

Inclusion pays special attention to those students who are at risk of exclusion from educational activities or low success. Therefore, with such an approach, it is necessary to conduct monitoring observations of groups of children who, according to the results of monitoring studies, most belong to the "risk groups". For such categories of education seekers, there is a need to apply measures to ensure their presence in the educational environment, participation in the educational process, achievements in the education system, and personal growth of a child with special educational needs (Pashchenko et al., 2012).

- personal growth of a child with special educational needs;
- development of the child's abilities;
- normal development, which is not a generally accepted "norm";
- a functional approach to training and treatment;
- participation of parents in the education and treatment of children;
- creation of a support system;
- meeting special needs (Kolupaeva, 2012).

Therefore, inclusive education creates an educational society that meets the capabilities

and needs of each individual, regardless of psychophysical development; provides a flexible, individualized system of education for children with special psychophysical development. If necessary, training to ensure of a child with special educational needs is provided with "medical-social and psychological-pedagogical support" and takes place according to an individual curriculum (Kolupaeva, 2012).

When implementing an inclusive approach it is worth considering that the individual should not adapt to social, public, and economic relations, and to meet the special needs of each individual, society should create appropriate conditions.

Let's consider the concept of inclusive education, which is the main one in the modern model of personal growth of a child with special educational needs, and education of children with special psychophysical development. Inclusive education promotes recognition that normal development is not a generally accepted "norm"; participation of parents in the treatment and education of their children; development of the child's abilities; meeting special needs; functional approach to treatment and training; creation of a support system. Inclusion is a policy and process that enables, and participation in all educational programs. We improve society to consider people's individual needs, and their adaptation to society, and not the other way around. The concepts of "inclusion" and "integration" are considered as antonyms to "segregation" and mark the corresponding progress in the development of the system of education for persons with disabilities (Lemeshchuk et al., 2022).

4. Conditions under which the personal growth of a child with special educational needs should be carried out, his education in an integrated environment.

Let's highlight the conditions under which the personal growth of a child with special educational needs should be carried out, his education in an integrated environment. This is, first of all:

- the responsibility, the education of the disabled in integrated structures should be entrusted to the bodies of general education;
- education in ordinary schools for the child with special educational needs involves the provision of appropriate support services, additional staff;
- it is necessary to involve organizations of the disabled, and parents' communities in the

process of learning at all levels (Kolupaeva, 2014).

The concept of inclusive education is based on the main democratic idea: all children are active and valuable members of society. Learning in inclusive educational institutions is beneficial both for children with special educational needs and for other children, family members, and society as a whole. Here, the main attention is paid to the interaction of a child with special educational needs with healthy children, which contributes to the social, physical, cognitive, speech, and emotional development of children with special educational needs. At the same time, children with a typical level of development demonstrate appropriate models of behavior for children with special educational needs. This approach aims to promote the personal growth of children with special educational needs, and relationships in the team motivate them to purposefully use new knowledge and skills. Interaction between students with special educational needs and other children in inclusive classes contributes to the realization of tolerant, moral, and friendly relations between them (Babii, 2018).

Today is impossible without the use of information and communication technologies, which open wide opportunities for improving the quality of education, its accessibility, and therefore, without them, there cannot be positive changes in the education of children with special needs. The introduction of ICT in the education of children with disabilities helps to realize the child with special educational needs, helps to make ordinary education high-quality and interesting, more effective, and helps the teacher to create equal conditions for every child in the class (Nikolaesku et al., 2021).

5. The main ways of using ICT in inclusive education for the personal growth of a child with special educational needs

Let's outline the main ways of using ICT in inclusive education for the personal growth of a child with special educational needs, in particular:

- to realize the personal growth of a child with special educational needs, to create compensatory opportunities for children with disabilities (ICT is used for support, technical assistance, replacement of missing natural functions, and partial compensation, which allows students with special needs to fully communicate and interact);

- to create communication projects (software, auxiliary devices, alternative forms of communication that facilitate communication of each type of functional limitation);
- to implement the didactic goal (contribute to inclusion in the educational and social environment, the satisfaction of individual needs, differentiation, personal development of children with special needs, full inclusion (Zaporozhchenko, 2013).

Working with each category of children with special educational needs using ICT can be presented as follows (Khanzeruk et al., 2010).

- in the learning process for children with hearing impairment, it is necessary to speak while controlling facial expressions and gestures, duplicate information on the multimedia board, when explaining the material, additionally accompany it with a display on the screen or computer monitor;
- when analyzing the educational process of children with speech disorders, it should be taken into account that many students have impaired balance and coordination of movements, such children complain of dizziness, nausea, and headaches. Children are prone to emotionally unstable reactions to others, and excessive irritability, and therefore, when using ICT tools, it is necessary to take into account the individual development indicators of each child when choosing exercises, so as not to provoke an unpredictable reaction;
- when working with children with intellectual disabilities, it is necessary to take into account the importance of learning about the surrounding world through perception and feeling, therefore, it is necessary to take into account the insufficient differentiation of visual perception, that is, the images, the exercises that are demonstrated should be carefully selected. Such students remember individual fragments, bright, saturated, unusual images;
- the educational activities of children with musculoskeletal disorders deserve to take into account the pronounced disproportionality and unevenly disturbed pace of development, when using ICT, it is necessary to select appropriate exercises for use and accompaniment of the lesson, etc. (Hlavatska, 2018).

We will group the main principles of inclusive education that contribute to the personal growth

of a child with special educational needs: all children, regardless of differences in capabilities, or communication difficulties that exist between them, should study together in all cases; schools should recognize and take into account the possibilities of their students, applying different paces of learning and types of their activities; ensuring quality education thanks to appropriate educational and methodological provision for all categories of children, use of resources and partnership relations with their communities, development of a teaching strategy, application of organizational measures; children with special educational needs, which is necessary to ensure the success of the educational process (Kolupaeva et al., 2010).

The fundamental principle of inclusive education is the need to appreciate the diversity of the human community. When inclusive education fully enters our lives and we do not think that to contribute to social life, every child must become normal. We aim to educate all children to feel that they are the main and necessary part of the whole (Canadian Center for Disability Research, 2012).

The main characteristic of an inclusive school is to promote the personal growth of a child with special educational needs, and the ability to meet the educational needs of all participants in the educational process, that is, to be effective. To implement inclusion in educational practice, teachers must improve and change, understand new ways of organizing the educational process, a new educational paradigm, update the development of educational and methodological support for the educational process, apply modern methods of personally oriented teaching, differentiated adapting education to the individual needs of each student with special educational needs. Cooperation and collegiality are effective and implement inclusive practices. At the same time, teachers are determined to improve, experiment, and take responsibility for the results of their work (Kolupaeva & Taranchenko, 2016).

6. Advantages of inclusive education

Let's emphasize the advantages of inclusive education.

Students with special educational needs achieve better academic results compared to their peers in a segregated environment, grow personally, and fully realize their potential in education (Stepanova et al., 2020).

If the presence of children with special educational needs does not affect the improvement of the knowledge of other students, then their academic performance improves. At the same time, the use of various innovative technologies, teaching methods, additional resources for the teacher and assistant teacher, etc., is of great importance. In an inclusive environment, students with special educational needs have the opportunity for personal growth, the development of social, communicative skills, and other forms of adaptive behavior, which gives students with special educational needs more chances for employment and receiving higher wages. Inclusion is more cost-effective than a segregated model of education and helps to reduce the costs of providing support in the community.

Therefore, inclusion is:

- provision of the right to education, provision of education in a non-discriminatory manner;
- the way of personal growth of a child with special educational needs;
- providing educational institutions and all places of education with the status of innovation in providing education by the basic principles of human rights for all children and adults;
- a continuous process of education based on the belief that all people can learn: those with special educational needs, disabilities, ethnicity, geographic location, HIV / AIDS disease, etc.).

Inclusion involves:

- a wide range of actions to ensure the child with special educational and learning needs in formal and other educational environments;
- identification and removal of barriers to ensure participation and learning;
- changes in the innovative educational environment, its modifications in the content and teaching methods, in strategies and plans;
- seeing differences not as problems in education, but as a resource (Pashchenko et al., 2012).

Conclusions

The process of introducing inclusive education into the educational spectrum of the environment contributes and actualizes the problem of the formation of a teacher's competence in an

inclusive classroom because the quality of the learned material and the comfort of students in an inclusive environment depend on his pedagogical skill and professional readiness.

Definition of concepts: "inclusive education", "inclusive learning", "inclusion", "integration", and "special needs". The goal of educational inclusion is written.

The main positions in inclusive approaches regarding society's ability to create conditions for meeting the special needs of each individual, and promoting individual adjustment to social, public, and economic relations are highlighted.

The conditions and learning in an integrated environment should be carried out have been determined. The main principles of personal growth of a child with special educational needs are highlighted. The role of the concept of inclusive education, which reflects the main democratic idea of the entire society, is revealed: all children are valuable and active members of society.

The necessity of introducing ICT in the education of children with disabilities, which helps the teacher and his assistant to create equal conditions for each child in the classroom. The main ways of using ICT in inclusive education are outlined.

The fundamental principle of inclusive education has been clarified. The ability and the necessity of a teacher to satisfy the educational needs of all students, i.e. to make an effective educational system, which is the main characteristic of an inclusive school, are highlighted. The advantages of inclusive education are shown.

Further research is needed to consider the implementation of ICT in the education of children with disabilities and their impact on the personal growth of a child with special educational needs.

Bibliographic references

Babii, V. (2018). Inclusive education as a form of socialization of children with special educational needs. Inclusive education as an individual trajectory of personal growth of a child with special educational needs: a collection of materials of the 2nd All-Ukrainian scientific and practical conference with international participation (Vinnytsia, VDPU named after Mykhailo Kotsyubynskyi, November 08-09, 2018).

- Vinnytsia: Mercury-Podillia, 1, 26-28. (In Ukrainian).
- Boychuk, Y., Kazachiner, O., & Khliebnikova, T. (2021). Managing teacher's inclusive culture development. *Amazonia Investiga*, 10(44), 207-219. <https://doi.org/10.34069/AI/2021.44.08.20>
- Budnyk, O., Rembierz, M., Arbeláez-Encarnación, T. F., Rojas-Bahamón, M. J., Arbeláez-Campillo, D. F., Chinchoy, A., & Matveieva, N. (2022). Formation of tolerance in the inclusive environment of an educational institution. *Amazonia Investiga*, 11(56), 305-319. <https://doi.org/10.34069/AI/2022.56.08.29>
- Canadian Center for Disability Research (2012). Inclusive education. A guide for parents. Canada's experience: guide. The compiler of the material is the non-governmental organization "Community Living" (Manitoba, Canada). K.: Palivoda A.V. <https://acortar.link/gTRBaW> (In Ukrainian).
- Golyuk, O. (2018). Formation of inclusive competence of future teachers. Inclusive education as an individual trajectory of personal growth of a child with special educational needs: a collection of materials of the 2nd All-Ukrainian scientific and practical conference with international participation (Vinnytsia, Mykhailo Kotsyubynsky State University of Applied Sciences, November 8-09, 2018). Vinnytsia: Mercury-Podillya, 1, 42-46. (In Ukrainian).
- Hlavatska, N. (2018). Use of information and communication technologies (ICT) in working with children with disabilities. Inclusive education as an individual trajectory of personal growth of a child with special educational needs: a collection of materials of the 2nd All-Ukrainian scientific and practical conference with international participation (Vinnytsia, VDPU named after Mykhailo Kotsyubynskyi, November 08-09, 2018). Vinnytsia: Mercury-Podillia, 1, 46-49. (In Ukrainian).
- Khanzeruk, L. O., Torba, L. S., & Godovaniuk, N. P. (2010). Programs and recommendations for the distribution of program material of general educational institutions for grades 5-10 of special general educational institutions for children with musculoskeletal disorders. Kyiv: Polygraph book. (In Ukrainian).
- Kolupaeva, A. (2009). Inclusive education: realities and prospects: monograph. K.: Summit - Book. (In Ukrainian).
- Kolupaeva, A. (2014). Inclusive education as a model of social organization. Inclusive education — education for all "A special child: education and upbringing", 2, 7-18. (In Ukrainian).
- Kolupaeva, A. A. (2012). Basics of inclusive education: educational and methodological manual. K.: A.S.K. (In Ukrainian).
- Kolupaeva, A. A., Sofiy, N. Z., & Naida, Yu. M. (2010). Inclusive school: peculiarities of organization and management: educational and methodological manual. 2nd edition, stereotypical. K.: FOP Parashin I.S. (In Ukrainian).
- Kolupaeva, A. A., & Taranchenko, O. M. (2016). Inclusive education: from basics to practice: monograph. K.: ATOPOL LLC. (In Ukrainian).
- Kuchai, O. V., Shynkaruk, V. D., Bida, O. A., & Kuchai, T. P. (2019). The current state of inclusive education in the countries of the European Union. *Educational space of Ukraine. Scientific journal of Vasyl Stefanyk Pre-Carpathian National University*, 1(17), 19-23. (In Ukrainian).
- Kuchai, O. V., & Kuchai, T. P. (2019). Study of the US experience in the field of inclusive education. *Scientific notes*, 178, 40-43. (In Ukrainian).
- Kuchai, O. V., Shynkaruk, V. D., & Bida, O. A. (2019a). Theoretical principles of inclusive education in Ukraine. *Collection of scientific works: Scientific notes. Series: Pedagogical Sciences*, 182, 32-34. (In Ukrainian).
- Lemeshchuk, M., Pisnyak, V., Berezan, V., Stokolos-Voronchuk, O., & Yurystovska, N. (2022). European practices of inclusive education (experience for Ukraine). *Amazonia Investiga*, 11(55), 80-88. <https://doi.org/10.34069/AI/2022.55.07.8>
- Nikolaesku, I., Budnyk, O., Bondar, V., Tepla, O., & Berezovska, L. (2021). Pedagogical Management in Inclusive Process of the Educational Institution. *Amazonia Investiga*, 10(39), 76-85. <https://doi.org/10.34069/AI/2021.39.03.7>
- Pashchenko, O. V., Hrytsenok, I. A., & Sofiy, N. Z. (2012). Inclusive education in the conditions of a vocational and technical educational institution: Educational and methodological manual. K.: Art Economy. (In Ukrainian).
- Stepanova, T., Shapochka, K., Vdovychenko, R., Babaian, Y., & Ivanets, N. (2020). Formation of inclusive values as development of democratic values. *Amazonia Investiga*, 9(29), 107-115. <https://doi.org/10.34069/AI/2020.29.05.13>
- Zaporozhchenko Yu. G. (2013). Use of ICT tools to improve the quality of inclusive education. *Information technologies in education*, 15, 138-145. (In Ukrainian)

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The role of psychological factors in improving health, activity and longevity

Роль психологічних факторів у покращенні здоров'я, активності та довголіття

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Abstract

In recent years, many socio-economic and political factors have caused an increased psycho-emotional stress in society. Determining the impact of psychological factors on health and longevity will contribute to the improvement of a person's subjective well-being and the efficiency of his/her life. The aim of the study is to identify the impact of psychological factors on the quality of life of young higher school teachers. The research was conducted using standardized, reliable and valid psychometric tools. Descriptive statistics and linear regression analysis were used in the course of processing the results. The study established that the young higher school teachers have high indicators of physical ($M=50.84\pm 0.97$) and psychological health ($M=42.38\pm 1.06$). A relationship between quality of life and self-regulation ($r=0.886$, $p\leq 0.001$), assertiveness ($r=0.684$, $p\leq 0.001$), stress resistance ($r=0.689$, $p\leq 0.001$) was found. Regression analysis revealed that self-regulation has the greatest impact on

Анотація

В останні роки багато соціально-економічних і політичних факторів спричинили підвищення психоемоційного напруження суспільства. Визначення впливу психологічних факторів на здоров'я та довголіття сприятиме покращенню суб'єктивного благополуччя людини та ефективності її життя. Мета дослідження – виявити вплив психологічних факторів на якість життя молодих викладачів вищої школи. Дослідження проводилося з використанням стандартизованих, надійних і валідних психометричних інструментів. Під час обробки результатів використовували описову статистику та лінійний регресійний аналіз. Дослідженням встановлено, що молоді викладачі вищої школи мають високі показники фізичного ($M=50,84\pm 0,97$) та психологічного здоров'я ($M=42,38\pm 1,06$). Виявлено зв'язок між якістю життя та саморегуляцією ($r=0,886$, $p\leq 0,001$), асертивністю ($r=0,684$, $p\leq 0,001$), стресостійкістю ($r=0,689$, $p\leq 0,001$). Регресійний аналіз показав, що

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physical ($\beta=1.94\pm 0.18$) and psychological health ($\beta=2.06\pm 0.14$). The significant role of self-regulation, assertiveness and stress resistance as psychological factors in optimizing health and longevity was established. Teachers with high quality of life are self-confident, determined and persistent, capable of self-control, emotionally resistant to negative influences. The obtained results can be used for the purpose of creating a psychological training programme for the development of self-regulation, assertiveness, and stress resistance.

Keywords: self-regulation, assertiveness, stress resistance, quality of life, well-being, physical health, mental health.

Introduction

In recent years, the proportion of healthy population of Ukraine has decreased dramatically. Current information progress causes a state of passivity among the population, when activity decreases, usual duties are replaced by various gadgets, the availability of information reduces the need for its active search. All this leads to an imbalance of personal qualities and deteriorated health.

The most worrying are health problems caused by social, professional or personal factors. Psychological factors that are a background for an optimal health and longevity (Wimmelmann et al., 2020), as they determine the stability of psycho-emotional reactions (Balashov, 2022), constructive behaviour, and the desire to maintain a healthy lifestyle (Griffin et al., 2013). According to some statements, quality of life is a significant indicator of a person's longevity, as it reflects satisfaction with all areas of life (Yorgason et al., 2018). It is also indicated that negative personal qualities lead to socio-psychological maladaptation (Lev-Ari et al., 2021), have a significant impact on stability and longevity (Fry & Debats, 2010). Longevity depends on the state of health, which is strongly influenced by subjective well-being (Ailshire & Crimmins, 2011) and personality traits (Heblich et al., 2023). In other words, psychological factors determine the value of a person's health for himself/herself. The higher this value, the better the health and longevity. Therefore, there is a need to develop such psychological qualities that would allow optimal interaction with the modern environment, improving one's health, activity and longevity. These psychological factors are self-regulation, assertiveness, and stress resistance.

саморегуляція найбільше впливає на фізичне ($\beta=1,94\pm 0,18$) та психологічне здоров'я ($\beta=2,06\pm 0,14$). Встановлено значну роль саморегуляції, напористості та стресостійкості як психологічних факторів в оптимізації здоров'я та довголіття. Педагоги з високою якістю життя впевнені в собі, рішучі та наполегливі, здатні до самоконтролю, емоційно стійкі до негативних впливів. Отримані результати можуть бути використані з метою створення програми психологічного тренінгу з розвитку саморегуляції, асертивності, стресостійкості.

Ключові слова: саморегуляція, самовпевненість, стресостійкість, якість життя, самопочуття, фізичне здоров'я, психічне здоров'я.

Researchers studied the importance of the emotional sphere (Maalouf et al., 2022), self-regulation (Balashov, 2022), assertiveness (Paezy et al., 2010), stress resistance (Amrit et al., 2019) in the formation of subjective well-being and health. In particular, it is proved that assertiveness is the key to full healthy functioning (Parfanovych et al., 2022), and the ability to survive multiple stresses is the basis of longevity (Dues et al., 2019). These studies prove that psychological factors, in particular positive personality traits, are predictors of a person's health and longevity. Taking into account the considered approaches, it should be noted that there are many recent studies on the impact of psychological factors on health and longevity. However, the issue of identifying the importance of personal psychological traits in optimizing health and longevity, which characterize the quality of life of a person, remains poorly studied.

The aim involved for the fulfilment of the following research objectives:

- 1) study the level of physical and psychological components of the quality of life of young teachers;
- 2) diagnose the severity of psychological factors in the studied teachers: self-regulation, assertiveness and stress resistance;
- 3) identify the relationship between the quality of life and personal psychological factors;
- 4) establish the psychological factors which determine the quality of life of the studied teachers most of all.

The following working hypothesis was advanced in order to achieve the aim and objectives of the research: psychological factors of the personality

influence the optimization of the health, activity and longevity of young teachers: the higher the self-regulation, assertiveness, stress resistance, the better the physical and psychological health of the respondents.

Literature Review

In 1982, R.M. Kaplan proposed the term “health-related quality of life” (HRQOL). In 1984, the WHO formulated the concept of health based on this interpretation: “Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity” (World Health Organization, 2023). Since then, the term “quality of life” has been increasingly used to describe the concept of complete health. Quality of life is an individual’s ability to fully function in society and enjoy it. In modern conditions, the quality of life describes the state of physical and mental health, subjective well-being, longevity, adaptive life activity.

It is appropriate to pay attention to the concept of longevity, which also reflects the quality of a person’s life. Researchers distinguish two factors of longevity: internal (genetic, individual-typological) and external (ecology, social status, lifestyle). Fernández-Ballesteros and Sánchez-Izquierdo (2019) draw attention to the importance of psychological factors in longevity processes. The authors include such factors as cognitive functioning, self-control and self-regulation, lifestyle, resistance to stress. Quality of life and life satisfaction are components of general well-being and longevity, which are influenced by personality traits and emotional states (Wimmelmann et al., 2020).

Lev-Ari et al., (2021) note that positive personal traits are predictors of health and longevity, and destructive negative states deteriorate health. It is also noted that despite the fact that the personality type is innate, personality traits can be developed throughout life, which can improve the quality of life, health and longevity (Maalouf et al., 2022). Long-term exposure to acute crisis or stressful situations adversely affects a person’s physical health and can increase susceptibility to psychological diseases such as anxiety and depression (Zhang et al., 2023). And psychological factors combined with social factors provoke symptoms of depression, which adversely affects physical health (Park & Seo, 2023). Therefore, the ability to control one’s emotions and behaviour, to be decisive and confident, resistant to the negative effects of stress is the key to high-level well-being and health.

Internal factors — self-regulation, assertiveness, and stress resistance — are distinguished among the many psychological factors capable of influencing personal health, longevity, and effective activity. We believe that these characteristics reflect an individual’s ability to control his/her psycho-emotional state in stressful situations, the ability to find a way out of a crisis situation, and ensure the body’s stability and resource balance. In turn, this affects health and longevity.

Self-regulation is a way of managing one’s own states and activities, which ensures optimal functioning of the body, adaptation to external circumstances (Sharbafshaer, 2019). Mental self-regulation enables one to manage one’s behaviour, control one’s emotional state in tense or stressful situations (Singh & Sharma, 2018), engage in physical and mental activities effectively, and improve various skills (Peleg & Peleg, 2023). Hofer et al., (2011) considers self-regulation as a factor in the development of an achieved social identity, which is a condition for personal well-being. It is noted that self-regulation is the core of the full functioning of the body, it is becoming increasingly important for social stability and longevity (Billore et al., 2022).

Assertiveness is considered the next factor of health and longevity. Assertiveness is a significant indicator of personality maturity (Speed et al., 2017). Skolota (2020) notes that the developed assertiveness of an individual has a positive effect on his/her socio-psychological adaptation and normal functioning, while underdevelopment or lack of assertiveness leads to social incompetence, disharmony and maladaptation. Assertiveness provides personal potential and is a prerequisite for successful self-actualization, helps to reduce anxiety and fear, encourages to defend one’s rights and express feelings (Parfanovych et al., 2022). Assertive behaviour affects the optimal learning of cognitive patterns of interaction that accumulate and contribute to social integration (Vagos & Pereira, 2016).

Stress resistance as a factor of personal health and longevity expresses the degree of resistance to stress and is an important element of the personality structure. It involves a combination of personality traits and the ability to resist stressful situations (Yang et al., 2021). Stress resistance ensures longevity, as it enables a person to successfully overcome crisis situations, effectively express negative emotions, and resolve conflicts effectively (Amrit et al., 2019).

It affects the individual's ability to maintain optimal performance under tension and in extreme conditions (Halian et al., 2021). In turn, others claim that stress resistance is a necessary element of successful adaptation of an individual to the influence of environmental factors (Teptiuk, 2018). There is an opinion that stress resistance provides the ability not only for socio-psychological adaptation, but also contributes to self-realization, achievement of life goals, preservation of work capacity and health (Dues et al., 2019).

Methods

Research design

The study was conducted during 4 months from November 2022 to February 2023, and was divided into several stages. The first stage involved the theoretical and methodological substantiation of the issue under research, the identification of the main scientific approaches and provisions that consider health and longevity of the individual. The second stage provided for a selection of valid and reliable psychodiagnostic tools, which corresponds to the aim of the study, followed by sampling. The third stage involved quantitative and statistical data processing, as well as the presentation of the obtained results in graphic and tabular forms. The fourth stage provided for a data analysis, interpreting of the obtained results, and correlating them with previously conducted research. The fifth stage provided for the justification of the obtained results, limitations and shortcomings of the research were outlined, and prospects were determined.

The research design was implemented in an individual form in natural conditions for the respondents, without creating special research influences. Respondents were given test forms to complete within a certain time. The duration of the diagnosis is optimal for achieving the aim and testing the advanced hypothesis.

Sampling

A representative sample population of 258 respondents (116 female and 142 male) aged 25 to 44 was selected for the diagnostic purposes. All respondents are employees of higher education institutions (HEIs) of Ukraine. In particular: 74 teachers of the Department of Psychology of Activity under Special Conditions of the National University of Civil Defence of Ukraine; 59 teachers of the Department of Aviation Psychology, Faculty of Linguistics and

Social Communications of the National Aviation University; 63 teachers of the Department of Psychology of the Academy of Labour, Social Relations and Tourism; 62 teachers of the Department of Psychology of the Humanities and Pedagogical Faculty of the National University of Life and Environmental Sciences of Ukraine.

Age restrictions, as well as teaching practice were the inclusion criteria. As age can have a significant impact on a person's health and well-being, the age range was chosen to cover young respondents. According to WHO periodization, young age is 25-44 years. This age category is characterized by a conscious attitude to health, striving for its maintenance and stabilization. Therefore, respondents with such age restrictions were chosen. It is also appropriate to note that labour is also a factor of personal health, therefore, employees of the same pedagogical field of activity –higher school teachers — were selected.

Methods

The 36-Item Short Form Health Survey (SF-36) was used in order to diagnose the well-being of the subjects. This questionnaire was developed in 1992 to evaluate the components of the quality of life, including health-related. The structure of the questionnaire includes 11 sections (a total of 36 questions), the results are evaluated in points, a higher score on each scale indicates a better quality of life. The technique evaluates the quality of life on 8 scales: Physical Functioning (PF), Role-Physical (RP), Bodily Pain (BP), General Health (GH), Vitality (VT), Social Functioning (SF), Role-Emotional (RE) and Mental Health (MH). Two components of the quality of life — physical health and mental health — express the index on 8 scales.

The test-questionnaire “The study of volitional self-regulation” proposed by Zverekov and Eidman (2019) was used in order to identify the level of self-regulation of the subjects. The test is aimed at determining the general level of self-regulation, which consists of two scales: persistence and self-control. The structure of the test includes 30 questions to which the subject must answer “yes” or “no”. There are 6 masking statements in the questionnaire, so the total score ranges from 0 to 24, the “persistence” subscale — from 0 to 16 points, and the “self-control” subscale — from 0 to 13 points.

The Perceived Stress Scale (PSS-10) developed by Cohen et al., (1983) was chosen for diagnosing stress resistance. The questionnaire

consists of 10 questions with offered answer options “never”, “almost never”, “sometimes”, “quite often”, “very often”. The obtained results were processed by calculating points for the selected answers. The obtained indicator determine the level of stress resistance, which can be low, medium or high.

Assertiveness test by Capponi and Novak (1995) was used to diagnose assertiveness. The purpose of the questionnaire is to determine the level of assertiveness of the individual in general and such criteria as confidence, self-reliance; independence, autonomy; social desirability in particular. The technique consists of 24 statements; 3 scales are distinguished in its structure: persistence, determination, and social desirability (sincerity, truthfulness). Depending on the obtained results, the subjects were attributed to one of the groups according to the levels: 0-3 points (low level), 4-6 points (medium level), 7-8 (high level of assertiveness).

All calculations for the techniques were carried out in Microsoft Excel 2016 and SPSS 22.0. The

analysis of the average values of the respondents for the techniques was carried out on the basis of descriptive statistics. The role of psychological factors in optimizing the quality of life of the respondents was determined through regression analysis, which established the significance of the factors, as well as the correlation between the variables.

Ethical criteria of the research

In order to comply with the ethics of the study, all respondents received informed consent for the diagnosis. They were introduced into the purpose of the research, informed about the confidentiality of the obtained results.

Results

Processing the results of the SF-36 survey gave grounds to assess the respondents’ quality of life, their general well-being, and the degree of satisfaction with those aspects of life that affect their health (Table 1).

Table 1.
Indicators of the quality of life of the surveyed teachers

Scales	MIN	MAX	Mean	SD	σ
Physical Functioning (PF)	11.00	30.00	21.87	0.36	34.11
Role-Physical (RP)	4.00	8.00	6.14	0.10	2.46
Bodily Pain (BP)	2.00	11.00	6.96	0.18	8.60
General Health (GH)	4.00	24.00	15.87	0.39	39.96
Vitality (VT)	4.00	23.00	14.63	0.39	40.10
Social Functioning (SF)	2.00	10.00	6.10	0.16	6.42
Role-Emotional (RE)	3.00	6.00	4.47	0.07	1.14
Mental Health (MH)	5.00	29.00	17.19	0.49	60.73
Physical component of health	24.00	71.00	50.84	0.97	240.40
Psychological component of health	15.00	66.00	42.38	1.06	290.14

(Developed by the author)

The data in the table indicate that the respondents have a pronounced average Physical Functioning ($M=21.87\pm 0.36$), which reflects the ability to perform physical exercises. These indicators show that the physical activity of the respondents in general is not limited by their state of health. Role-Physical functioning is expressed at a sufficient level ($M=6.14\pm 0.10$), which indicates a completely normal life activity of the respondents, which is determined by the physical condition. Slightly increased indicators are observed ($M=6.96\pm 0.18$) for the Bodily Pain scale, which reflects the lack of influence of pain sensations on the ability to engage in daily activities. The General Health scale is

represented by indicators above the medium ($M=15.87\pm 0.39$), which indicates the satisfaction of the subjects with their state of health. The Vitality of the surveyed teachers is also represented by the medium-level indicators ($M=14.63\pm 0.39$), which indicates a sufficient level of vitality and a sense of energy. The Social Functioning of the respondents ($M=6.10\pm 0.16$) shows that their physical and emotional state does not limit social activity and interpersonal interaction. The Role-Emotional functioning ($M=4.47\pm 0.07$) reflects the absence of restrictions in the performance of daily work caused by the deteriorating emotional state. Such respondents have a completely stable emotional

state, positive emotional well-being. According to the Mental Health scale ($M=17.19\pm0.49$), the subjects have positive emotions, a good mood, and they do not have anxious and depressive experiences.

Integral indicators indicate a high level of physical health ($M=50.84\pm0.97$) and mental

health ($M=42.38\pm1.06$). Such data reflect the positive state of health of the subjects. They have a high quality of life indicator.

Diagnostics of self-regulation showed a predominance of subjects with a high level of self-regulation (Table 2).

Table 2.

Indicators of self-regulation of the surveyed teachers

Scales	MIN	MAX	Mean	SD	σ
Persistence	3.00	15.00	8.75	0.22	12.45
Self-control	2.00	13.00	10.36	0.24	15.04
Self-regulation	5.00	28.00	18.12	0.45	51.64

(Developed by the author)

The research found a medium level of respondents' persistence ($M=8.75\pm0.22$), which indicates their ability to achieve a goal, be confident in their actions, and work hard for a result. A high level of self-control ($M=10.36\pm0.24$) is found. This speaks of high self-management of the studied teachers, their ability to maintain balance under any circumstances. The general level of teachers' self-regulation was high among the subjects

($M=18.12\pm0.45$). Subjects with a high level of self-regulation are able to effectively engage in professional activities, are inclined to self-development and self-improvement, and have a pronounced social positive orientation.

The level of stress resistance of the studied teachers was identified in the course of the research (Table 3).

Table 3.

Indicators of stress resistance of the surveyed teachers

Scale	MIN	MAX	Mean	SD	σ
Stress resistance	6.00	39.00	2.86	0.60	92.13

(Developed by the author)

According to the table, the surveyed teachers have a high level of stress resistance ($M=2.86\pm0.60$). The respondents have high emotional stability, self-control, and self-regulation. In extreme and stressful situations,

they show high self-control and determination in their actions.

The conducted research established the level of assertiveness of the surveyed teachers (Table 4).

Table 4.

Indicators of assertiveness of the surveyed teachers

Scales	MIN	MAX	Mean	SD	σ
Independence	0.00	8.00	6.14	0.15	6.03
decisiveness	1.00	8.00	7.26	0.14	5.16
Social desirability	1.00	8.00	4.40	0.15	5.90
General level of assertiveness	3.00	24.00	18.77	1.13	5.21

(Developed by the author)

It was found that the respondents have a high level of independence ($M=6.14\pm0.15$), a high level of decisiveness ($M=7.26\pm0.14$) and a medium level of social desirability. The obtained results indicate that the surveyed teachers are

active, decisive in making important decisions. The general level of assertiveness of the subjects is high ($M=18.77\pm1.13$), so they are confident, independent and decisive.

A correlation analysis was used to identify the relationship between psychological factors (self-regulation, assertiveness and stress resistance) with indicators of the quality of life of the studied

teachers. It established the dependence between the variables. A correlation between indicators of quality of life and self-regulation was established (Table 5).

Table 5.

Correlation analysis of the relationship between quality of life and self-regulation, assertiveness, and stress resistance (N=258)

Factors	Components of emotional intelligence		
	Self-regulation	Assertiveness	Stress resistance
Physical health	0.886**	0.684**	0.689**
Mental health	0.719**	0.722**	0.718**

Note: ** - correlation coefficients for $p \leq 0.001$

(Developed by the author)

High direct correlation coefficients were found between physical health and self-regulation ($r=0.886$, $p \leq 0.001$), assertiveness ($r=0.684$, $p \leq 0.001$), stress resistance ($r=0.689$, $p \leq 0.001$). Such connections indicate that the higher the psychological factors, the better the mental health. The ability to manage one's condition, behaviour and actions contributes to full physical functioning. At the same time, confidence in one's actions ensures their purposefulness, and high stress resistance contributes to the optimal use of the body's resources.

A direct high correlation was found between mental health and self-regulation ($r=0.719$, $p \leq 0.001$), assertiveness ($r=0.722$, $p \leq 0.001$), stress resistance ($r=0.718$, $p \leq 0.001$). This indicates that the respondents with high self-control, persistence and confidence, high stress resistance have high indicators of mental health.

A linear regression analysis was conducted to determine the importance of psychological factors in optimizing health and longevity (Table 6).

Table 6.

Regression analysis of the relationship between quality of life and personal psychological factors of teachers

Symptoms of PTSD	β	SD	R	R ²	F	P
Physical health						
self-regulation	1.94	0.18	0.864	0.746	248.80	0.000
assertiveness	1.58	0.12				
stress resistance	0.86	0.03				
Mental health						
self-regulation	2.06	0.14	0.923	0.851	484.4	0.000
assertiveness	1.25	0.08				
stress resistance	0.56	0.06				

(Developed by the author)

Regression analysis showed that personal psychological factors influence the respondents' health. It was established that 75% of physical health is explained by psychological factors ($R^2=0.746$), in particular, self-regulation is of the greatest importance ($\beta=1.94 \pm 0.18$), assertiveness has a slightly less effect on physical health ($\beta=1.58 \pm 0.12$), and stress resistance has the least effect on physical health ($\beta=0.86 \pm 0.03$). Such data indicate that physical health and longevity depend on psychological factors, on the ability of an individual to control his/her behaviour, on the

ability to be decisive and confident, on the ability to maintain balance in stressful situations.

Mental health is 85% explained by psychological factors ($R^2=0.851$). Self-regulation has the greatest impact on mental health ($\beta=2.06 \pm 0.14$), assertiveness has a little less influence ($\beta=1.25 \pm 0.08$), stress resistance has the least impact on mental health ($\beta=0.56 \pm 0.03$). The obtained indicators prove that mental health and well-being depend on self-regulation, confidence, and stress resistance.

The conducted research showed that psychological factors such as self-regulation, assertiveness and stress resistance play a significant role in optimizing physical and mental health. The more developed these factors are, the better a person's health, activity potential and longevity prospects.

Discussion

It was established that the surveyed young higher school teachers have a high level of quality of life, physical and mental health. High quality of life indicators are a prerequisite not only for a healthy personality, but also a longevity factor (Ailshire & Crimmins, 2011). Batsylyeva et al., (2018) obtained similar results in their study, who found that the subjects with a high level of psycho-emotional stress showed low quality of life. In other words, an increased level of psycho-emotional stress contributes to a decreased quality of life of the respondents in terms of physical and psychological components. Yorgason et al., (2018) also indicate the impact of satisfaction with the quality and life on physical health and longevity.

Young teachers have a high level of self-regulation, a high level of stress resistance, and a high level of assertiveness. The obtained results reflect their ability to control their actions, behaviour, ability to manage their emotions, thoughts and mood, as well as adjust their behaviour to achieve long-term goals. They are self-confident, determined, persistent, able to effectively interact with others to achieve their goals. Billore et al., (2022) studied the impact of self-regulation on well-being and proved that self-regulation provides functional stability and longevity. The stress resistance of such persons provides emotional stability in stressful and crisis situations, the ability to quickly make decisions with the least loss of resources (Tasneem & Panwar, 2022). Amrit et al., (2019) confirmed the obtained results in their study and found that the ability to consciously manage one's actions, states and motivations affects physical health and well-being.

Correlation analysis found a relationship between self-regulation, assertiveness, stress resistance and health of the surveyed teachers. This proves that psychological factors affect the health and longevity of the surveyed teachers. The higher the listed factors, the better the respondents' health. The same results were obtained in other studies on the impact of self-regulation on mental health (Rodríguez et al., 2022), the relationship between stress resistance

and physical health of adults (Zhang et al., 2023), the importance of emotional regulation in subjective well-being (Maalouf et al., 2022), the correlation between self-regulation and well-being (Sharbafshaaer, 2019), the impact of effective self-regulation on psychological well-being (Heblich et al., 2023). Paezy et al., (2010) also found that assertiveness provides a subjective feeling of well-being, a high quality of life.

Regression analysis showed that there is a significant role of psychological factors in physical and mental health. Such indicators prove that health and longevity depend on personal psychological factors. Fry and Debats (2010) obtained similar results, who established through a regression analysis that psychosocial resources and psychological personality traits affect health and longevity.

The conducted research proved the role of psychological factors in improving health, activity and longevity. It was established that such personality qualities as assertiveness, self-regulation and stress resistance have a positive effect on the quality of life and well-being. Self-regulation has the greatest impact, which indicates its important role in improving health and longevity.

Conclusions

The conducted research gives grounds to state that teachers with a high level of quality of life are characterized by the stability of the emotional sphere, a sense of subjective well-being, satisfaction with their position, and the ability to satisfy their needs and interests. A positive quality of life is a guarantee of longevity, a prerequisite for a healthy personality. Subjects with high self-regulation, assertiveness and stress resistance have high indicators of quality of life in terms of physical and psychological components of health. The ability to regulate one's actions and behaviour, to be decisive and confident, to be emotionally resistant to stressful situations, to maintain self-control ensure stability of health and longevity.

The limitations of the conducted research include the influence of situational, genetic and external factors on the health and well-being of the respondents. Quality of life indicators can change under the influence of temporary health restrictions, or as a result of hereditary diseases, or due to socio-economic changes. All these factors cannot be controlled by a person, so they

can be used as additional criteria in further studies.

Research prospects include the creation of a programme for the development of psychological factors affecting the improvement of health and longevity, as well as the study of additional psychological determinants of attitudes toward health among young people.

Bibliographic references

- Ailshire, J. A., & Crimmins, E. M. (2011). Psychosocial Factors Associated with Longevity in the United States: Age Differences between the Old and Oldest-Old in the Health and Retirement Study. *Journal of Aging Research*, 2011, 530534. <https://doi.org/10.4061/2011/530534>
- Amrit, F., Naim, N., Ratnappan, R., Loose, J., Mason, C., Steenberge, L., McClendon, B., ... & Ghazi, A. (2019). The longevity-promoting factor, TCER-1, widely represses stress resistance and innate immunity. *Nature Communications*, 10(1), 1234567890. <https://www.nature.com/articles/s41467-019-10759-z>
- Balashov, E. (2022). Psychological well-being as cognitive-emotional component of student self-regulated learning. *International Journal of Cognitive Research in Science, Engineering and Education (IJCRSEE)*, 10(2), 101-109. <https://doi.org/10.23947/2334-8496-2022-10-2-101-109>
- Batsylyeva, O., Puz, I., & Hresko, I. (2018). Features of Attitudes to the Health of Young People with Different Levels of Psycho-Emotional Stress. *Psychological journal*, 16(6), 167-183. <http://dx.doi.org/10.31108/1.2018.6.16.12>
- Billore, S., Anisimova, T., & Vrontis, D. (2022). Self-regulation and goal-directed behavior: A systematic literature review, public policy recommendations, and research agenda. *Journal of Business Research*, 156, 113435. <https://doi.org/10.1016/j.jbusres.2022.113435>
- Capponi, V., & Novak, T. (1995). How to do things your own way, or assertiveness in life. *Sant Petesburg*, (p. 182).
- Cohen, S., Kamarck, T., & Mermelstein, R. (1983). A global measure of perceived stress. *Journal of Health and Social Behavior*, 24(4), 385-396. <https://psycnet.apa.org/doi/10.2307/2136404>
- Dues, D. J., Andrews, E. K., Senchuk, M. M., & Van Raamsdonk, J. M. (2019) Resistance to Stress Can Be Experimentally Dissociated from Longevity. *The Journals of Gerontology: Series A*, 74(8), 1206-1214. <https://doi.org/10.1093/gerona/gly213>
- Fernández-Ballesteros, R., & Sánchez-Izquierdo, M. (2019). Are Psycho-Behavioral Factors Accounting for Longevity? *Frontiers in Psychology*, 10, 2516. <https://doi.org/10.3389/fpsyg.2019.02516>
- Fry, P., & Debats, D. (2010). Psychosocial resources as predictors of resilience and healthy longevity of older widows. In P. Fry & C. Keyes (Eds.), *New Frontiers in Resilient Aging: Life-Strengths and Well-Being in Late Life* (pp. 185-212). Cambridge University Press. <http://dx.doi.org/10.1017/CBO9780511763151.009>
- Griffin, B., Loh, V., & Hesketh, B. (2013). A mental model of factors associated with subjective life expectancy. *Social Science & Medicine*, 82, 79-86. <https://doi.org/10.1016/j.socscimed.2013.01.026>
- Halian, A., Halian, I., Popovych, I., Zavatskyi, Y., Semenov, O., & Semenova, N. (2021). Stress Resistance in the Situation of Uncertainty as a Factor of Development of Adaptive Ability of Medical Personnel. *BRAIN. Broad Research in Artificial Intelligence and Neuroscience*, 12(1), 251-264. <https://doi.org/10.18662/brain/12.1/181>
- Heblich, B., Terzidis, O., González, M. M., Kuschel, K., Mukadam, M., & Birkenbach, M. (2023). Living well: Empirically developed structural equation model for healthy and effective self-regulation. *International Journal of Clinical and Health Psychology*, 23(4), 100375. <http://dx.doi.org/10.1016/j.ijchp.2023.100375>
- Hofer, J., Busch, H., & Kärtner, J. (2011). Self-Regulation and Well-Being: The Influence of Identity and Motives. *European Journal of Personality*, 25, 211-224. <https://doi.org/10.1002/per.789>
- Lev-Ari, S., Novak, A. M., Zemer, A., Gerber, Y., Goldbourt, U. (2021). Reaching 80 Years of Age: Clinical, Behavioral, and Psychosocial Related Risk Factors in a Large Cohort of Israeli Working Men. *Journal of Clinical Medicine*, 10(23), 5706. <https://doi.org/10.3390/jcm10235706>
- Maalouf, E., Hallit, S., & Obeid, S. (2022). Personality traits and quality of life among Lebanese medical students: any mediating effect of emotional intelligence? A path

- analysis approach. *BMC Psychology*, 10, 28. <https://doi.org/10.1186/s40359-022-00739-2>
- Paezy, M., Shahraray, M., & Abdi, B. (2010). Investigating the impact of assertiveness training on assertiveness, subjective well-being and academic achievement of Iranian female secondary students. *Procedia - Social and Behavioral Sciences*, 5, 1447-1450. <https://doi.org/10.1016/j.sbspro.2010.07.305>
- Parfanovych, I., Kyrychenko, V., Petrochko, Zh., Necherda, V., Koropetska, O., & Lavrentieva, I. (2022). Peculiarities of Assertiveness Development and Ways of Socialization of Personality in Adolescence. *BRAIN. Broad Research in Artificial Intelligence and Neuroscience*, 13(4), 163-181. <http://dx.doi.org/10.18662/brain/13.4/381>
- Park, G. R., & Seo, B. K. (2023). Multidimensional housing insecurity and psychological health: how do gender and initial psychological health differentiate the association? *Public Health*, 214, 116-123. <https://doi.org/10.1016/j.puhe.2022.11.014>
- Peleg, M., & Peleg, O. (2023). Personality and Family Risk Factors for Poor Mental Well-Being. *International Journal of Environmental Research and Public Health*, 20(1), 839. <http://dx.doi.org/10.3390/ijerph20010839>
- Rodríguez, S., González-Suárez, R., Vieites, T., Piñeiro, I., & Díaz-Freire, F. M. (2022). Self-Regulation and Students Well-Being: A Systematic Review 2010-2020. *Sustainability*, 14(4), 2346. <https://doi.org/10.3390/su14042346>
- Sharbafshaer, M. (2019). Correlation between dimensions of psychological well-being with life satisfaction and self-regulation. *Fundamentals of Mental Health*, 21(3), 160-166. <http://dx.doi.org/10.22038/JFMH.2019.13401>
- Singh, S., & Sharma, N. R. (2018). Self-regulation is a correlate of psychological well-being. *Indian Journal of Health and Well-being*, 9(3), 441-444.
- Skolota, E. (2020). Formation of Assertive Behavior in Adolescence. *Habitus*, 14, 212-216. <https://doi.org/10.32843/2663-5208.2020.14.35>
- Speed, B., Goldstein, B., & Goldfried, M. (2017). Assertiveness Training: A Forgotten Evidence-Based Treatment. *Clinical Psychology: Science and Practice*, 25(1). <http://dx.doi.org/10.1111/cpsp.12216>
- Tasneem, S. A., & Panwar, N. (2022). Emotion Regulation and Psychological Well-being as Contributors Towards Mindfulness Among Under-Graduate Students. *Human Arenas*, 5, 279-297. <https://doi.org/10.1007/s42087-020-00144-4>
- Teptiuk, Y. (2018). Psychological conditions of development of stress tolerance of the personality in adulthood. *Visnyk Taras Shevchenko National University of Kyiv. Military-Special Sciences*, 1(38), 44-47. <http://dx.doi.org/10.17721/1728-2217.2018.38.44-47>
- Vagos, P., & Pereira, A. (2016). A cognitive perspective for understanding and training assertiveness. *European Psychologist*, 21(2), 109-121. <https://doi.org/10.1027/1016-9040/a000250>
- Wimmelmann, C. L., Mortensen, E. L., Hegelund, E. R., Folker, A. P., Strizzi, J. M., Dammeyer, J., & Flensburg-Madsen, T. (2020). Associations of personality traits with quality of life and satisfaction with life in a longitudinal study with up to 29-year follow-up. *Personality and Individual Differences*, 156, 109725. <https://doi.org/10.1016/j.paid.2019.109725>
- World Health Organization. (2023). Health and Well-Being. <https://acortar.link/9KbnXj>
- Yang, Y., Li, Y., & Yu, J. (2021). The influence of personal factors on adolescents' physical and mental health: from the perspective of sports commitment. *Journal of Sport Psychology*, 30(4), 96-104. <https://www.rpd-online.com/index.php/rpd/article/view/591>
- Yorgason, J. B., Draper, T. W., Bronson, H., Nielson, M., Babcock, K., Jones, K., ... & Howard, M. (2018). Biological, Psychological, and Social Predictors of Longevity Among Utah Centenarians. *The International Journal of Aging and Human Development*, 87(3), 225-243. <http://dx.doi.org/10.1177/0091415018757211>
- Zhang, H., Wang, Z., Wang, G., Song, X., Qian, Y., Liao, Z., ... & Xia, Y. (2023). Understanding the Connection between Gut Homeostasis and Psychological Stress. *The Journal of Nutrition*, 153(4), 924-939. <https://doi.org/10.1016/j.tjnut.2023.01.026>
- Zverekov, A., & Eidman, E. (2019). Study of volitional self-regulation. Questionnaire test. http://ni.biz.ua/11/11_12/11_126856_test-oprosnik-av-zverkova-i-ev-eydmana.html



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Strategic public policy providers in the context of european integration

Провайдери стратегічної державної політики в контексті європейської інтеграції

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Abstract

The media system, public and volunteer organizations are a powerful “weapon” under martial law, which protects the people and the Armed Forces of Ukraine from the influence of Russian propaganda and misinformation in the course of informational and psychological warfare. The war and European integration processes cause a number of changes in the activities of public policy providers. In this regard, the aim of the article is to study the transformation of activity of public policy providers under martial law and European integration, as well as their impact on social processes. The main methods of the article are doctrinal approach and statistical methods. The conducted research established that “social provider” is an apt brand of a modern socially beneficial public organization. The important role of the changes made to the existing legislation regarding public policy providers after the full-scale invasion was noted, especially in the context of the harmonization of the national legal framework with the EU legal

Анотація

Система ЗМІ, громадські та волонтерські організації є потужною «зброєю» в умовах воєнного стану, яка захищає народ і Збройні Сили України від впливу російської пропаганди та дезінформації в ході інформаційно-психологічної війни. Війна та євроінтеграційні процеси викликають низку змін у діяльності провайдерів державної політики. У зв'язку з цим метою статті є дослідження трансформації діяльності суб'єктів публічної політики в умовах воєнного стану та євроінтеграції, а також їх впливу на суспільні процеси. Основними методами статті є доктринальний підхід та статистичні методи. Проведене дослідження встановило, що влучним брандом сучасної суспільно корисної громадської організації є «соціальний провайдер». Було відзначено важливу роль змін, внесених до чинного законодавства щодо виконавців публічної політики після повномасштабного вторгнення, особливо в контексті гармонізації національної правової

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framework. Some indicators of the consumption of mass information were analysed. The further research may focus on an in-depth analysis of the influence of manipulations on public views using the example of one of the leading online media channels.

Keywords: public policy providers, mass media, public organizations, martial law, European integration, propaganda.

Introduction

The powerful influence of the media system — public policy providers, public and volunteer organizations — on the level of public awareness, public sentiment and the level of trust in the country's defence during the war cannot be underestimated. The main tasks of public policy providers are to deliver current information about important events to the population, without violating the security of Ukraine's national interests, exerting influence on state authorities, in particular with the aim of observing and ensuring public interests, conducting campaigns to improve media literacy for the population, etc. There is no doubts that journalistic standards and the work of public organizations during the war undergo changes and are influenced by the requirements imposed by wartime. Besides, their activities are significantly influenced by European integration processes (Sologoub, 2022), corresponding changes in the legislative framework (Shmalenko & Matvienkiv, 2022), as well as the global trend towards digital transformation (Yoo & Yi, 2022; Gomez-Trujillo & Gonzalez-Perez, 2022; Yuan et al., 2023), leading to the transition of many public policy providers to the online environment. The important role of public policy providers in the life of the population in combination with modern transformational processes determines the high relevance of the issue under research.

Moreover, the role of public policy providers is not reduced to delivering certain information to the public and interacting with government agencies. Along with the invasion of the sovereign territory of Ukraine, the aggressor conducts an informational and psychological war against the state (Kalynovska, 2022; Dunayeva, 2022; Oleinik, 2023; Gryshchenko et al., 2021). Therefore, one of the main tasks of public policy providers is to counter manipulation and propaganda.

So, the aim of the article is to study the transformation of the activity of public policy providers under martial law and in the context of

бази з правовою базою ЄС. Проаналізовано деякі показники споживання масової інформації. Подальші дослідження можуть бути спрямовані на поглиблений аналіз впливу маніпуляцій на суспільні погляди на прикладі одного з провідних онлайн-медіа.

Ключові слова: провайдери публічної політики, ЗМІ, громадські організації, воєнний стан, євроінтеграція, пропаганда.

European integration, and their impact on social processes. The aim involved the fulfilment of the following research objectives:

- Provide the definition of public policy providers and strategic public policy providers and determine their goals;
- Study the current legislation and changes in the legislative framework regarding the activities of public policy providers, in particular mass media and public organizations, in the context of military operations and European integration processes;
- Analyse indicators of media consumption by the population of Ukraine, in particular, assess the level of trust in social institutions, satisfaction with the information received, as well as the level of media literacy of the population, and determine the main sources of information.

According to the tasks set in the article, the main research questions of the work should be defined as follows:

- Which organizations act as public policy providers, what are their goals, and which are the leading providers of public policy operating in Ukraine?
- What laws govern public policy providers, and how have they changed since the full-scale invasion?
- How can the impact and effectiveness of public policy providers be assessed, and what key indicators can be used in such an assessment?

Literature Review

Certain aspects of public policy coverage as a special sphere of interaction and dialogue between the authorities and civil society are a relevant topic for Ukrainian and foreign researchers. Kurgat and Jerop (2023) study the impact of mass media as key providers of public

policy on society. The researchers note the significant influence of mass media on citizens, as the latter need relevant and current information. In their study, the researchers present several views on the relationship between mass media and citizens. Soroka and Wlezien (2019) deal with the public policy coverage by mass media. The researchers rightly point out that citizens often do not directly feel the government's policy, learning about its decisions through the media. Therefore, the way the mass media covers information affects both public opinion and politics itself.

Many studies deal with the changing influence of public policy providers on the state and society in the era of digital transformation. The importance of this issue is determined by the threats generated by the Internet sphere, which influence the formation of public opinion and are actually beyond control. The work of Habermas (2022) is worth noting among the studies on the mutual influence of mass media and digitalization. Studying the structural transformation of the political and public sphere, the researchers reveal the impact of digitalization on mass media, which consists in reducing the role of classic mass media, displacing newspaper and magazine publishing, as well as in the emergence of a number of certain threats to the traditional role of the public sphere. Baum and Potter (2019) deal with the aspects of media, public opinion, and foreign policy in the age of social media. Researchers established that the advent of the Internet caused fundamental changes in mass media and politics. One of the consequences of such changes is the disposition of voters to reflexive and long-term support for the elected leaders and disapproval of the opposition. McGregor (2019) examines how journalists use social media to represent public opinion. The researchers established that social media, on the one hand, expand the idea of public opinion, while representing a more fragmented sense of the public on the other hand.

Important achievements of researchers taken into account in this article are studies on the spread of misinformation and propaganda in the information sphere, and countering it by social providers. Konstankevych et al. (2022) examine the issue of media manipulation as a means of information warfare. In their work, scientists reveal typological signs, linguistic markers and methods of fact checking. The researchers note that these communication technologies are used not only for propaganda, but for the Russian "war of meanings" against Ukraine. Arroyave and Romero-Moreno (2022) study the impact of

misinformation spread through digital media (social networks) on the course of the conflict in Colombia. The researchers established the significant role of propaganda and manipulation through Twitter, which contributed to the rejection of the peace agreement. Schmitt (2021) considered the attitude of the public in the EU to relations between the EU and China, India, and the Russian Federation. In general, the work focuses on the influence of Twitter on the public opinion and EU foreign affairs, as well as the attitude of the population of EU countries to pro-Russian propaganda.

Some studies cover the importance of public organizations as one of the main providers of public policy. Vozniuk (2021) examines the role of public organizations in protecting the information space of Ukraine. The study focuses on countering cyberattacks, but other measures of public associations' struggle against the aggressor are also noted. Some works are focused on shortcomings in the interaction of public organizations and the state. Thus, Prykhodko and Dokalenko (2020) study the role of interaction between public authorities and civil society institutions in Ukraine. The researchers established a number of problems in the mechanism of their interaction. Among other things, the researchers note that the public organizations are insufficiently effective, and sometimes hinder the normal functioning of the government.

This study takes into account the work of researchers on the influence of public policy providers on society and the state. In particular, the following areas are distinguished: identification of the most influential public policy providers for the public opinion, legislative support for their activities, as well as the study of indicators of information consumption in terms of digitalization.

Methods and Materials

Research design

As follows from the aim of the article, the research is based on the analysis of the activity and the influence of public policy providers on socio-political processes. For this purpose, the first stage of the research provided for the definition of public policy providers (or social providers), as well as strategic public policy providers at using general scientific research methods, in particular methods of analysis, synthesis, classification. The list of the most influential (strategic) public policy providers was

determined and classified into three main categories: public organizations, television channels, and Internet sources.

The second stage of the research involved the study of the current legislation of Ukraine related to the activities of public policy providers using the doctrinal approach. The main provisions of the legislative acts adopted after the large-scale invasion, as well as related to the need to harmonize the legal framework with European standards and norms were studied.

The third stage provided for determining the influence of public policy providers on the public opinion by researching individual indicators of media consumption. The analysis took into account the level of trust of the population in social institutions, the level of satisfaction with the information provided, the level of media literacy of the population, and also the main sources citizens receive information from. At this stage, statistical analysis of the results of two publicly available surveys was applied. The first survey (Omnibus) is designed to study the dynamics of trust in social institutions in 2021-2022 (Figure 2). The survey was conducted by the Kyiv International Institute of Sociology (KIIS) using computer-assisted telephone interviews (CATI) based on a sample of random mobile phone numbers. The survey involved a total of 995 adult (over 18 years old) respondents who live in all regions of Ukraine, except Crimea and territories that were not under the control of Ukraine before the beginning of the invasion. The sample did not include citizens who left the territory of the country after the invasion (February 24, 2022). The second survey — Ukrainian Media, Attitude and Trust in 2022 — (Figures 3-5) was carried out by InMind on behalf of the international organization Internews and was conducted at home. The survey involved 3,200 respondents living in cities with more than 50,000 inhabitants (USAID-Internews, 2022).

Information background

The information background of the research is academic periodicals of Ukraine and other countries, the results of public surveys Dynamics of Trust in Social Institutions in 2021-2022 and Ukrainian Media, Attitude and Trust in 2022 (USAID-Internews, 2022), as well as laws of Ukraine and other regulatory acts. They include, in particular Law of Ukraine “On Public Associations”, Law of Ukraine “On State Support of Mass Media and Social Protection of Journalists”, Law of Ukraine “On Information”, Law of Ukraine “On Media”, Law of Ukraine

“On National Security of Ukraine”, Decision of the Council of National Security and Defence of Ukraine “On Information Security Strategy”, Decree of the Cabinet of Ministers of Ukraine “On approval of the Strategy for Communication of the European Integration of Ukraine 2026” (Law 4572-VI, 2013; Law 2469-VIII, 2018; Decision n0080525-21, 2021; Order 1155-2022-p, 2022; Law 2657-XII, 2023; Law 2849-IX, 2023).

Results

The essence, purpose and main representatives of strategic public policy providers

Which organizations act as public policy providers, what are their goals, and which are the leading providers of public policy operating in Ukraine?

The phrase “social provider” or “strategic public policy provider used in the article is an apt brand of a modern socially beneficial public organization whose activities are aimed at providing individual (individual citizens) and group (amalgamated territorial communities) social services. The term comes from the English noun “provider”. So, a social provider is a public socially beneficial organization, which is a provider of any social services.

The main social providers are mass media (mass media), public and volunteer organizations — that is, everyone who influences the sentiments of society, in particular through the distribution of news and other socially important information. Accordingly, the main goal of public policy providers under martial law is to provide and cover relevant reliable information for the population, while avoiding damage to Ukraine’s strategic plans on the way to full independence of its territories and the course of the war. When positioning themselves as a social provider, public organizations assume certain ethical and professional responsibilities and must adhere to the classic democratic criteria of public management relations. Among other things, this implies that such organizations must work legally, act publicly, and be open to society and the state. In such a case, the public organization ensures its constitutional status as a public institution independent of the state, created by citizens to realize their interests and ensure democratic rights and freedoms.

Given that a social provider can be any organization or media, it is advisable to reveal the meaning of the concept “strategic public policy

providers” in more detail. The term “strategic” indicates a higher impact and scale of audience coverage by such providers. Strategic public policy providers are a kind of a “bridge” between the state and the population. Their purpose of a long-term communication between all social institutions. Such providers should have an appropriate reputation, an established audience, as well as a clearly defined goal. In the author’s opinion, it should primarily take into account the

country’s national interests. Figure 1 presents some of the most influential strategic providers.

Formulation of the definition, purpose and list of the most influential strategic public policy providers of Ukraine is the basis for further research. The activities of strategic public policy providers undergo significant changes in the context of war and European integration, so it is first of all advisable to examine the current legislation that enshrines such changes.

NGOs	Television channels	Internet resources
<ul style="list-style-type: none"> • The Academy of Ukrainian Press • Donbas Public Television • Detector Media • Donetsk Institute of Information • Institute of Regional Press Development • Internews-Ukraine • Informatsiyni Sprotyv • Maidan Monitoring Information Center • Digital Security Laboratory • The National Union of Journalists of Ukraine • Digital Human Rights Partners • Ukrainian Cyber Troops • Communication and Content Security Center • InformNapalm 	<ul style="list-style-type: none"> • STB • ICTV • Ukraina • Inter • UA: Pырshyi • 1+1 • 112/Pershyi Nezaleznyi • 5 Channel 	<ul style="list-style-type: none"> • Social networks • Facebook • YouTube • Telegram • Viber • Instagram • Web sites • 1+1 / TCH (1plus1.ua / tsn.ua) • UNIAN (unian.net) • Ukrainska pravda (pravda.com.ua)

Figure 1. The main strategic providers of public policy in Ukraine (Vozniuk, 2021; Detector Media, 2022; Holitsyn & Frolova, 2023)

The legislative framework for the activities of public policy providers in the context of ensuring information security and countering propaganda in context of war and European integration

What laws govern public policy providers, and how have they changed since the full-scale invasion?

Ensuring transparent and legal activities of non-government organizations (NGOS) requires appropriate regulation by the state. The legal framework of Ukraine includes a number of laws and other acts that are directly or indirectly related to the activities of mass media, public organizations, as well as ensuring information security and countering propaganda. Given that the issue under research comprises a large number of regulatory legal acts, it is appropriate to consider the main ones (Figure 2).

The legal framework for the activities of mass media, NGOs, as well as ensuring information security and countering propaganda	Law of Ukraine "On Information" of 2 October 1992
	Law of Ukraine "On State Support of Mass Media and Social Protection of Journalists" of 23 September 1997.
	Law of Ukraine "On Public Associations" of 2013
	Law of Ukraine "On National Security of Ukraine" of 21 June 2018
	Decree of the President of Ukraine on the Decision of the National Security and Defence Council of Ukraine of 15 October 2021 "On Information Security Strategy"
	Decree of the Cabinet of Ministers of Ukraine "On the Approval of the Communication Strategy on European Integration of Ukraine 2026", 2022
	Law of Ukraine "On Media" of 2023

Figure 2. Legal framework regarding media, ensuring information security, access to information and other related fields

The Law of Ukraine “On National Security” (Law 2469-VIII, 2018) states that the national security and defence policy should be aimed, among other areas, at ensuring information and cyber security of Ukraine. The National Security and Defence Council of Ukraine must inform the public about its activities through its official website or mass media. The duty of informing the population through the mass media about the national security objectives is also assigned to local executive bodies. Article 10 Public Oversight of this Law states that mass media should inform society about the state of protection of Ukraine’s national interests. The task of counterintelligence protection of cyber security and information security is assigned to the Security Service of Ukraine. Besides, a special government body — the State Service for Special Communications and Information Protection of Ukraine — operates in Ukraine to ensure, among other things, the protection of critically important information, as well as the functioning and development of telecommunications.

The Law of Ukraine “On Information” (Law 2657-XII, 2023) states that ensuring information security of Ukraine is one of the main directions of the state information policy in the country. Article 6 of this Law states that the right to information is ensured by the obligation of subjects of power to inform the public and mass media about their activities and decisions made. Mass media are defined in the Law as one of the sources of legal information. The entire Section 3 of the Law fully deals with the activities of journalists, mass media and their

employees, including the prohibition of interference in their activities, guarantees of activities, etc. Article 24(2) determines that control over the content of information disseminated by the mass media is prohibited, including that it is not possible to prevent the mass media from disseminating (not disseminating) certain information, criticizing political figures, forcing the concealment of information important to society, etc. (except for cases provided by law).

The Law of Ukraine “On State Support of the Mass Media and Social Protection of Journalists” (Law 540/97-BP, 2023) establishes the specifics of the organization of financial, economic and other state support for the mass media, and also regulates the issue of preventing monopolization of markets in the field information activity, regulates the aspects of privatization in the field, and also establishes the equality of mass media of different forms of ownership.

The Information Security Strategy (Decision n0080525-21, 2021) defines key national and global challenges in the information sphere. The key global challenges include the growing number of global campaigns aimed at spreading misinformation in society, the information policy of the Russian Federation, the influence of social networks, and the low level of media literacy of the population. National challenges in the information sphere are primarily connected with the propaganda of the Russian Federation — the information influence of the aggressor on the people of Ukraine, its informational dominance in the temporarily occupied territories,

ineffective response to misinformation campaigns, inappropriate structure of the strategic communications system, ineffective regulation of relations in the field of information and protection of journalists, manipulation of public consciousness regarding European and Euro-Atlantic integration, etc. In response to these challenges, the Information Security Strategy defines a list of strategic goals aimed at countering propaganda, developing media culture, improving media literacy of the population, etc.

In the context of the study, more recent documents relating directly to the activities of social providers and European integration, harmonization of national legislation with European legislation, and establishment of relevant communications should be considered separately. The first is the Law of Ukraine “On Media” (Law 2849-IX, 2023b) developed by Ukrainian specialists in cooperation with the international partners and business representatives in the media field. The scope of this law extends to the entire media sphere — from printed publications, radio and television to Internet media. The law is aimed at counteracting the information policy of the aggressor and preventing the restriction of freedom of speech, and is also consistent with the norms and requirements of the EU.

Another important document is the Strategy for Communication of European integration for 2018-2021 (hereinafter — the Strategy). This document provides that the state information space is formed by state communication resources, Ukrainian politicians, EU institutions, analytical and research centres, mass media, and public associations. The activities of the latter are regulated by another legislative act mentioned above — the Law of Ukraine “On Public Associations” (Law 4572-VI, 2013). The Strategy notes that Ukrainians’ perception of European integration depends not only on the

national information system, but also on the negative influence of Russian propaganda. The main factor in the process of planning communication activities should be the level of understanding and attitude of the population towards European values and readiness to act. It is also important to take into account socio-demographic characteristics, as well as indicators of mass information consumption.

The effectiveness of the current legislative acts, the amendments thereto made after the beginning of the large-scale invasion, as well as the information policy in general can be analysed by evaluating the indicators of mass information consumption. The next subsection analyses some indicators of mass information consumption, which demonstrate the level of public trust in strategic public policy providers, quality of information, main sources, etc.

Mass information consumption indicators

How can the impact and effectiveness of public policy providers be assessed, and what key indicators can be used in such an assessment?

The analysis of mass information consumption indicators will be used to assess the impact and effectiveness of strategic public policy providers in the context of war and European integration. The most important indicators in this study are the level of trust of the population in social institutions, the main sources of information, the assessment of the quality of media materials, and the level of media literacy of the population. These indicators demonstrate the level of efficiency of social providers, while demonstrating the population’s attitude towards them. The indicator of the level of media literacy gives grounds for a more objective interpretation of the obtained results. Figure 3 shows the results of a survey on the level of trust of Ukrainian citizens in certain social institutions.

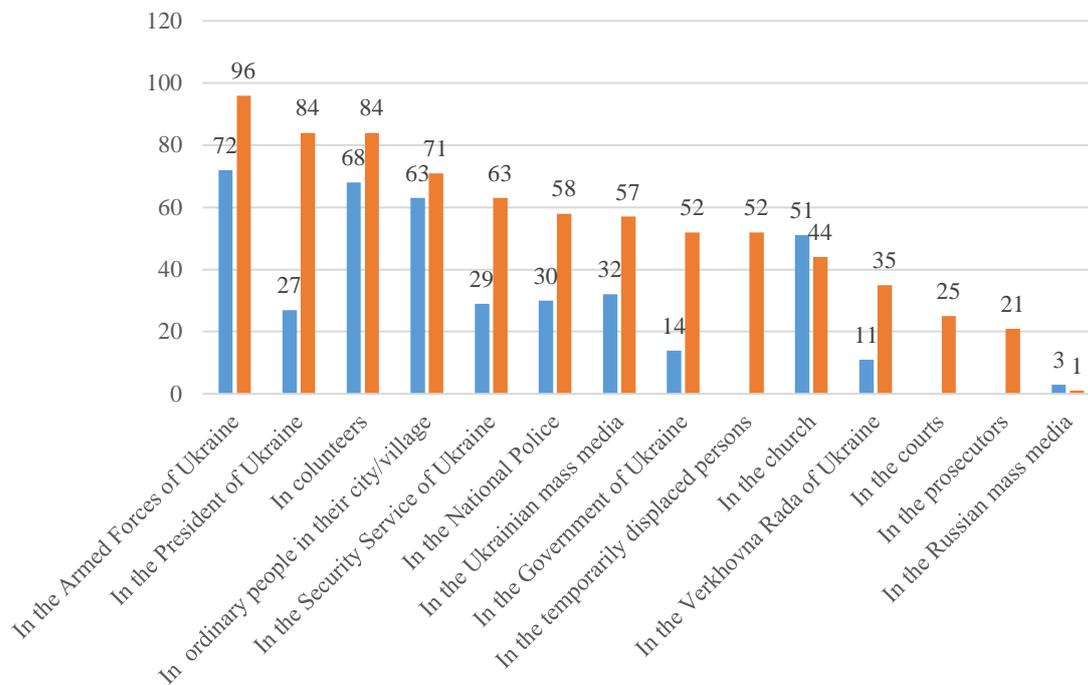


Figure 3. Dynamics of trust in social institutions, % trust (Hrushetskyi, 2023)

The data in Figure 3 indicate an increased trust of Ukrainians in all social institutions in 2022 compared to 2021, except for the church and the Russian mass media. Among other things, this result demonstrates the effectiveness of social providers. In 2022, the trust in mass media increased by 25%, more than half of surveyed Ukrainians trust mass media. A positive shift is the decreased trust in the Russian mass media,

which shows the effectiveness of state policy and the activities of social providers in the field of countering propaganda and misinformation, which is defined as a strategic goal in many legislative acts to ensure the security and development of the information sphere. Figure 4 shows the sources from which Ukrainians get current information.

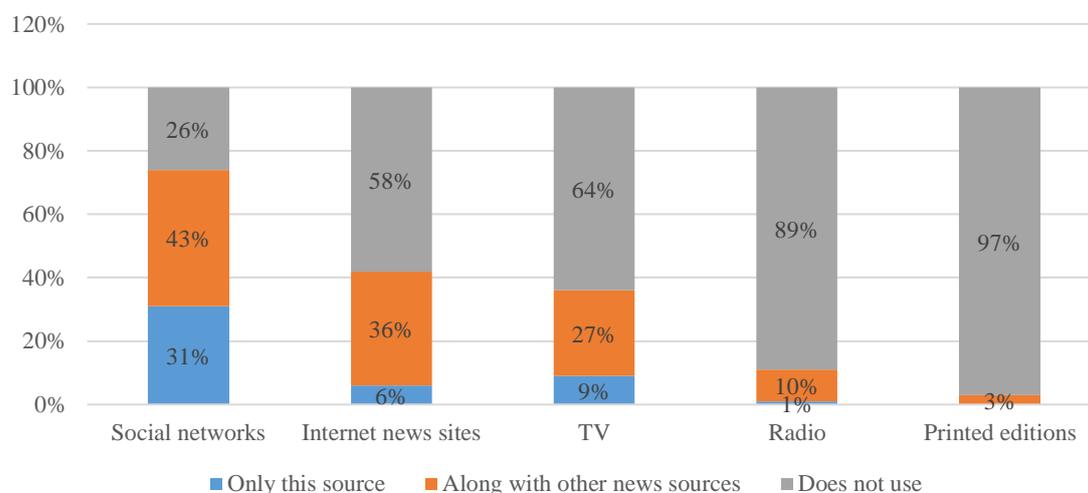


Figure 4. Use of media for reading news during the month (USAID-Internews, 2022)

Therefore, we can note the further growth of the influence of social networks as a source of current information and news for Ukrainians (about 74% of respondents use them). Less than half of the respondents also use Internet news

sites and TV as sources of information (42% and 36%, respectively). The popularity of radio and print editions is significantly lower (11% and 3%, respectively). Figure 5 shows how Ukrainians evaluate the received information.

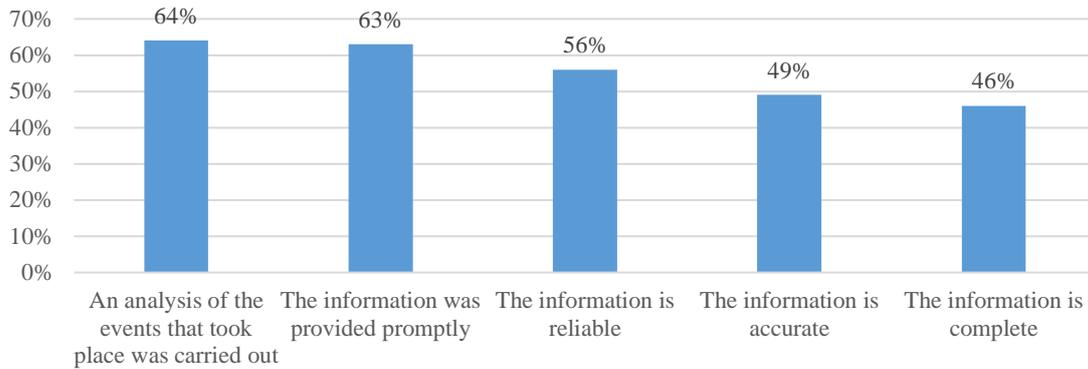


Figure 5. Assessment of the quality of materials about the course of the war (USAID-Internews, 2022)

Therefore, more than half of Ukrainians believe that they receive an appropriate analysis of the events, and the information is prompt and reliable. More than half of the respondents have doubts that the provided information is accurate and complete. It can be concluded that respondents' satisfaction with the quality of information provided by public policy providers is medium. Figure 6 supplements the analysis of survey results with a study of the criteria for media literacy of the population.

As can be summarized from Figure 6, some criteria of media literacy of the population do not differ in stable decreasing or increasing trends. A positive factor is a relatively stable increase in the share of respondents paying attention to the source of news. However, in 2022, the share of

respondents who take into account whether different points of view are presented in the source in their judgments reduced. It can be assumed that during the war, the point of view on events is determined primarily by considerations regarding the national security of Ukraine and countering the aggressor, which is supported by the majority of social providers. Therefore, many Ukrainians do not consider other points of view, which may indicate increased national unity of Ukrainians in opposing the aggressor. The second chart shows the indicators that show the insufficient media literacy awareness of the population. The trends of these indicators are more prone to fluctuations than the trends in the first chart, but the share of respondents who do not know how to distinguish trustworthy information most predictably decreases.

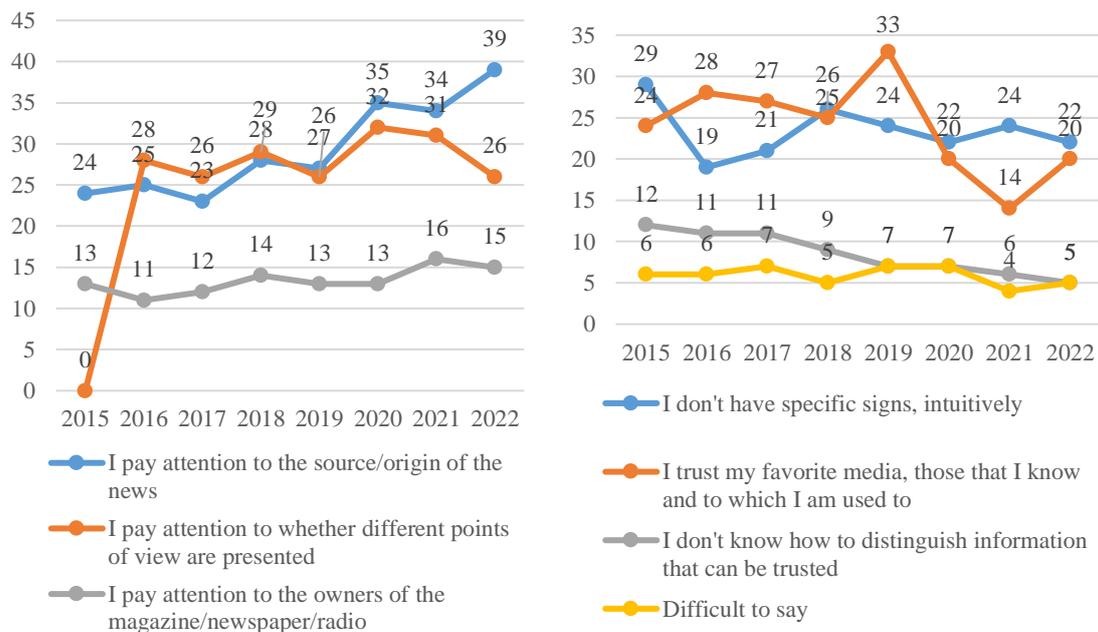


Figure 6. Evaluation of media literacy (USAID-Internews, 2022)

Discussion

The analysis carried out in the article gives grounds to conclude that strategic public policy providers have a significant influence on the information policy of the state. In turn, information policy shapes the mood of the population and is the main weapon in the psychological and information war waged by the aggressor country. The study of legislative changes and the assessment of the mass information consumption by the population of Ukraine provides the basic framework of the activities of strategic public policy providers. On the one hand, they should function within the limits of the law and have appropriate regulation. On the other hand, they meet the needs of the population in terms of ensuring access to relevant and timely information, protect the interests of the Armed Forces and the country as a whole.

It is important to note the work of Kurgat and Jerop (2023) in the context of the study. The researchers study different views regarding the relationship between mass media and society. On the one hand, mass media can be considered as an important source of information for people, and therefore they significantly influence people's behaviour and their decisions. On the other hand, some approaches note that society influences the mass media to the extent that the latter are perceived as the voice of the people. So, mass media can both influence public opinion and be a means of its reflection. The research conducted in the article does not demonstrate such relationships, and it is difficult to judge from its results whether public policy providers are the voice of the population or influence the opinions themselves. However, the state of war significantly strengthened the national unity. So, it can be assumed that the sentiments of Ukrainians coincide with the main theses of national public policy providers and have a mutual influence.

The study found that modern users mostly receive information through online media. A number of studies identify the threats associated with this trend. Soroka and Wlezien (2019) established that the issue of public policy coverage by mass media is particularly important in the era of digitalization. The researchers established that in modern democratic countries, the mass media can both inform and mislead the population for a specific purpose. Baum and Potter (2019) noted that modern changes in media and politics associated with the development of Internet technologies can

contribute to increased instability in foreign policy, causing unexpected and destabilizing changes in public sentiments. McGregor (2019) notes the narrowing and distortion of the nature of the state system among the negative consequences of the emergence and development of social networks. For journalists, using social media for studying public opinion, extends opportunities and also gives marginalized voices easier access to elites. On the other hand, the public sentiments created by social media are not comprehensive and representative. That is, while social media can help expand journalistic understanding of public opinion, it is important to interpret it contextually, taking into account other sources of information about public opinion. Habermas (2022) notes that the consequences of digitalization regarding the role of mass media in the public sphere can lead to the expansion and fragmentation of this sphere, as well as the transformation of almost any of its participants into a potential author. The researchers prove that the spread of digital mass media decreases the role of classic mass media, and also poses threats to the traditional role of the public sphere in terms of the formation of discursive opinion and will. This is explained by the development of digital media outside the commercial sphere, and the low control of communications on the Internet. As a result, this threatens shaping public opinion of an increasingly large share of the population in a rational way.

A study by Arroyave and Romero-Moreno (2022) analyses how the spread of misinformation and manipulation through digital media caused the rejection of the 2016 peace agreement in Colombia. For this purpose, the researchers analysed Twitter accounts using multimodal and sentiment analysis. It was determined that similar manipulations were adapted and used in digital media as in traditional media, but greater penetration of such manipulations and weaker control worsened the situation. As a result, Twitter contributed to the rejection of the peace agreement by citizens, in which propaganda played not the least role. Studying information on Twitter regarding the attitude of the population of the EU countries to the relations between the EU and China, India and the Russian Federation, Schmitt (2021) established that the interest of citizens in this problem is growing. EU citizens express the least positive attitude towards the EU's relations with the Russian Federation. With regard to the Russian Federation, the EU is ready to use more decisive and firm language, as well as to discuss issues in the field of conflicts with Ukraine,

Syria, and Iran. Besides, the spread of propaganda and misinformation by the Russian Federation is often mentioned. Konstankevych et al. (2022) study the use of “simulacra” as an element of the informational struggle of the Russian Federation against Ukraine. The researchers define this term as images of things that do not exist in reality. The examples may include anti-Ukrainian “simulacra” regarding “Nazis in Ukraine”, “fascists in Kyiv”, “crucified children”, “atrocities of punitive battalions” and “Ukraine’s use of prohibited weapons”. The aim of using these “simulacra” is to change the perceptions of the nature of the conflict in the target groups for the aggressor’s needs.

These works mostly focus on the threats posed by digitalization in the context of the public policy providers, in particular, destabilization of the relationship between the state and society through misinformation and propaganda. The analysis carried out in the article confirms this opinion — the influence of pro-Russian propaganda through all communication channels, including digital ones, is destabilizing and threatens national interests. The study also noted positive trends for the case of Ukraine — the growth of the public trust in the Ukrainian mass media and other national institutions, the development of the legislation to regulate and support public policy providers, etc. Digitization also plays not the last role in these processes, as it penetrates into all spheres of public relations more and more deeply, and digital channels are leading for obtaining information.

Mass media can be defined as the main providers of public information, however, public organizations are closely related to mass media, can disseminate information through media resources, and also own them. Therefore, the work takes into account the studies that reveal the peculiarities of the activities of public organizations along with mass media. Vozniuk (2021) emphasizes the important role of public organizations in the protection of Ukraine’s cyberspace. The researcher notes that public and volunteer organizations, without coercion or calls from the state authorities, independently resist information threats, as well as record videos (including in Luhansk and Donetsk), reveal information about the movement of Russian troops, refute fakes and misinformation. Besides, public organizations influence the state authorities, forcing them to settle certain issues of information protection of state authorities, disseminate information on the appropriate use of social networks and increase media literacy of the population.

Cooperation of state bodies with such organizations in information protection, optimization of communication in other states, disclosure of the mechanism of pro-Russian forces on EU society, the budget of public organizations, etc. remain problematic aspects of the activities of public organizations. Prykhodko and Dokalenko (2020) identified a number of problems that exist in the interaction between public authorities and civil society institutions in Ukraine. Imperfect and/or lack of legislative regulation of certain issues of interaction was noted among such shortcomings, which may result in reluctance to cooperate. Moreover, there are cases when individual representatives of public organizations could abuse their position and even oppose the organization to the authorities, which interferes with the work of the authorities. Some public organizations are only formal and do not have real leverage (for example, there are a large number of anti-corruption public organizations, but their effectiveness remains low). Another problem is the isolation of the authorities, which can cause the inconsistency of some of their decisions with the interests of the public. Civil society could become the basis for the development of the country, but the non-acceptance of reforms by many citizens and their satisfaction with the state’s paternalistic attitude towards them becomes an obstacle thereto. So, public organizations can bring significant benefits, in particular, for ensuring information security and informing the population. However, their activities require increased attention, appropriate regulation with respect to the rights of such associations, as well as stimulation of their socially beneficial activities.

Conclusions

The world experience proves that the role of public policy providers – traditional and digital media, public and volunteer organizations – can be decisive in making decisions that directly and significantly affect public life and national security. They influence the public opinion, inform the public about current events and government decisions, improving the information literacy of the population, protecting the rights of citizens, ensuring information security, and combating misinformation. The research found that the state authorities of Ukraine attach great importance to the development and support of public policy providers, especially in the context of improving the legislative framework. The government of Ukraine adopted a number of regulatory legal acts on the activity of public policy providers

after the full-scale invasion. They concerned, in particular, harmonization of their activities with the norms and standards of the European Union. The analysis of the results of public surveys confirms the effectiveness of the activities of social providers by increasing the trust of the population in social institutions. The medium level of satisfaction with the information provided among the population was also established. Most of the respondents get up-to-date information online. No significant changes in the trends of media literacy indicators of the population were found. The results of the study can be applied by government representatives and public policy providers to improve their efficiency in the context of choosing the optimal sources for information coverage, as well as identifying aspects to which attention should be strengthened. In particular, this is the quality of information provided, as well as the level of media literacy of the population. Further research may focus on a detailed analysis of the impact of manipulation, misinformation and propaganda on the public opinion during the war and in the context of European integration using the example of one of the leading online media channels.

Bibliographic references

- Arroyave, J., & Romero-Moreno, M. (2022). Peace, Public Opinion and Disinformation in Colombia: Social Media and Its role in the 2016 Plebiscite. In: K. Fowler-Watt & J. McDougall (Eds.) *The Palgrave Handbook of Media Misinformation* (pp. 63-77). Springer International Publishing. https://doi.org/10.1007/978-3-031-11976-7_5
- Baum, M. A., & Potter, P. B. (2019). Media, Public Opinion, and Foreign Policy in the Age of Social Media. *The Journal of Politics*, 81(2), 747-756. <https://doi.org/10.1086/702233>
- Decision n0080525-21. On Information Security Strategy. Verkhovna Rada of Ukraine, 2021. Retrieved from <https://zakon.rada.gov.ua/laws/show/n0080525-21#Text>
- Detector Media. (2022). NewsBoard. <https://detector.media/page/newsboard/>
- Dunayeva, L. (2022). Disinformation challenges during the Russian-Ukrainian war: political analysis. *Politicus*, 5, 73-78. <https://doi.org/10.24195/2414-9616.2022-5.11>
- Gomez-Trujillo, A. M., & Gonzalez-Perez, M. A. (2022). Digital Transformation as a Strategy to Reach Sustainability. *Smart and Sustainable Built Environment*, 11(4), 1137-1162. <https://doi.org/10.1108/SASBE-01-2021-0011>
- Gryshchenko, I. M., Denysova, A. V., Ovsianikova, O. O., Buha, H. S., Kiselyova, & E. I. (2021). Means for control over the activities of public authorities by Civic Democratic Institutions: the conceptual framework analysis. *Cuestiones Politicas*, 39(69), 796-813. <https://doi.org/10.46398/cuestpol.3969.49>
- Habermas, J. (2022). Reflections and Hypotheses on a Further Structural Transformation of the Political Public Sphere. *Theory, Culture & Society*, 39(4), 145-171. <https://doi.org/10.1177/02632764221112341>
- Holitsyn, A., & Frolova, V. (2023). Trends in media consumption in Ukraine in the wartime. *Marketing and Digital Technologies*, 7(1), 128-139. Retrieved from <https://www.mdt-opu.com.ua/index.php/mdt/article/view/294>
- Hrushetskyi, A. (2023). Dynamics of trust in social institutions in 2021-2022 ("Omnibus" public opinion survey). KIIS. Retrieved from <https://kiis.com.ua/?lang=ukr&cat=reports&id=1174&page=1>
- Kalynovska, I. (2022). Language at War: Recent russian Propaganda Aggravation in Mass Media. Collection of scientific papers «LOGOS». Paris, France, 90-91. <https://doi.org/10.36074/logos-11.11.2022.24>
- Konstankevych, I., Kostusiak, N., Shulska, N., Stanislav, O., Yelova, T., & Kauza, I. (2022). Media Manipulation as a Tool of Information Warfare: Typology Signs, Language Markers, Fact Checking Methods. *Ad Alta*, 12(2, Spec. Iss. XXIX). Retrieved from <https://evnuir.vnu.edu.ua/handle/123456789/22040>
- Kurgat, K., & Jerop, C. (2023). The Mass Media and Cultural Change. In: W. S. Nasong'o, M. N. Amutabi, & T. Falola (Eds.) *The Palgrave Handbook of Kenyan History* (pp. 177-185). Springer International Publishing. https://doi.org/10.1007/978-3-031-09487-3_15
- Law 2469-VIII. On National Security of Ukraine. Verkhovna Rada of Ukraine, 2018. Retrieved from <https://zakon.rada.gov.ua/laws/show/2469-19#Text>
- Law 2657-XII. On Information. Verkhovna Rada of Ukraine, 2023. Retrieved from <https://zakon.rada.gov.ua/laws/show/2657-12#Text>
- Law 2849-IX. On Media. Verkhovna Rada of Ukraine, 2023. Retrieved from



- <https://zakon.rada.gov.ua/laws/show/2849-20#Text>
- Law 4572-VI. On Public Associations. Verkhovna Rada of Ukraine, 2013. Retrieved from <https://zakon.rada.gov.ua/laws/show/4572-17#Text>
- Law 540/97-BP. On State Support of the Mass Media and Social Protection of Journalists. Verkhovna Rada of Ukraine, 2023. Retrieved from <https://zakon.rada.gov.ua/laws/show/540/97-bp#Text>
- McGregor, S. C. (2019). Social Media as Public Opinion: How Journalists Use Social Media to Represent Public Opinion. *Journalism*, 20(8), 1070-1086. <https://doi.org/10.1177/1464884919845458>
- Oleinik, A. (2023). War propaganda effectiveness: a comparative content-analysis of media coverage of the two first months of Russia's invasion of Ukraine. *Atlantic Journal of Communication*, 1-19. <https://doi.org/10.1080/15456870.2023.2187801>
- Order 1155-2022-p. On Approval of the Communication Strategy on European Integration of Ukraine for the period until 2026. Verkhovna Rada of Ukraine, 2022. Retrieved from <https://zakon.rada.gov.ua/laws/show/1155-2022-p#Text>
- Prykhodko, I., & Dokalenko, V. (2020). The role and place of interaction of public authorities and institutions of civil society in Ukraine. *Public Administration and Regional Development*, 9, 752-770. <https://doi.org/10.34132/pard2020.09.04>
- Schmitt, L. (2021). What's in a tweet?: Twitter's impact on public opinion and EU foreign affairs. *Documents CIDOB*, 11, 1-16. <https://doi.org/10.24241/docCIDOB.2021.11>
- Shmalenko, Iu., & Matviienkiv, S. (2022). Legislative regulation of the media sphere in Ukraine as important step for Ukraine to join the EU. *Politicus*, 4(2), 136-142. <https://doi.org/10.24195/2414-9616.2022-spec.20>
- Sologoub, I. (2022). Ukraine's EU Integration: A Long Way Home. *Intereconomics*, 57(4), 218-224. <https://doi.org/10.1007/s10272-022-1066-1>
- Soroka, S., & Wlezien, C. (2019). Tracking the Coverage of Public Policy in Mass Media. *Policy Studies Journal*, 47(2), 471-491. <https://doi.org/10.1111/psj.12285>
- USAID-Internews. (2022). Ukrainian media, attitude and trust in 2022. Retrieved from <https://internews.in.ua/wp-content/uploads/2022/11/Ukrainski-media-stavlennia-ta-dovira-2022.pdf>
- Vozniuk, Ye. (2021). Public Associations on The Protection of The Information Space In Ukraine. *International Relations, Public Communications and Regional Studies*, 3(11), 48-61. <https://doi.org/10.29038/2524-2679-2021-03-48-61>
- Yoo, I., & Yi, C. G. (2022). Economic Innovation Caused by Digital Transformation and Impact on Social Systems. *Sustainability*, 14(5), 2600. <https://doi.org/10.3390/su14052600>
- Yuan, Y. P., Dwivedi, Y. K., Tan, G. W. H., Cham, T. H., Ooi, K. B., Aw, E. C. X., & Currie, W. (2023). Government Digital Transformation: Understanding the Role of Government Social Media. *Government Information Quarterly*, 40(1), 101775. <https://doi.org/10.1016/j.giq.2022.101775>

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Implementation of teaching technology in the process of future specialists' professional development

Впровадження технології наставництва у процес професійного розвитку майбутніх фахівців

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Abstract

The technology of mentoring and the possibilities of its implementation in the process of professional development of future specialists are considered. The functions of mentors (advisory, socio-pedagogical, spiritual) and criteria of mentoring (democratic, social orientation, originality, research, dialogue, leadership, cooperation) were analyzed. Assertiveness, fascination, attraction of the mentor's personality, spiritual constants, and moral and ethical maxims of behavior are considered. The task of the mentor is written. The factors that influence the effectiveness of mentoring and the characteristic features of the mentors' style are singled out. To increase the effectiveness of pedagogical mentoring, the need for principles is substantiated. The types of mentoring (religious, based, industrial,

Анотація

Розглянуто технологію наставництва та можливості її впровадження у процес професійного розвитку майбутніх фахівців. Проаналізовано функції наставників (консультативну, соціально-педагогічну, духовну) та критерії наставництва (демократичність, соціальна спрямованість, самобутність, дослідництво, діалогічність, лідерство, співробітництво). Розглянуто асертивність, фасцинація, атракція особистості наставника, духовні константи, морально-етичні максими поведінки. Виписано завдання наставника. Виокремлено фактори, від яких залежить ефективність наставництва та характерні ознаки індивідуального стилю наставників. Для підвищення ефективності педагогічного наставництва обґрунтовано необхідність принципів. Подано типи

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professional) are given. The importance of a remote form of support for young professionals - telementoring - is shown, which is necessary with the rapid development of Internet communications.

Keywords: mentoring technology, professional development, future specialists, telementoring, partnership.

Introduction

The development of modern society suggests changes in the system of professional improvement of scientific and pedagogical workers. At the same time, the following conditions are taken into account: integration of the country into the world and European educational community, a socially oriented economy. Nowadays, we observe a discrepancy between the existing level of readiness of teachers for professional activity and the challenges of our time. And this position is extremely acute today in all spheres of educational society (Shapovalova et al., 2020).

One of the main tasks of the policy of most developed countries is to improve and update the quality of education, informatization and intercultural dialogue, internationalization, as well as its new socio-economic realities by global trends. The teacher, who acts as a model of the educational process, its improvement, and the initiator of his continuous professional development, plays the main role in the implementation of such tasks. High-quality professional training in a higher educational institution does not always guarantee the competitiveness of a graduate. For the adaptation to be successful, and the professional development to be clear and significant, the further professional development of the young teacher always took place, a clearly planned and scientifically based system of methodical and individual socio-psychological support is necessary. Such a system of support for young teachers is effective, the core of which is mentoring (Zembytska, 2015).

The main indicator by which the level of development of each country is measured is the level of quality education, which is carried out throughout life. Mentoring, including scientific mentoring, is considered one of the main factors that significantly affect the quality of continuing education. It is a technology that allows us to understand the role of scientists as bright personalities, bearers of a certain subculture, and

наставництва (релігійне, базоване, виробниче, професійне). Показано важливість дистанційної форми підтримки молодих фахівців – теленаставництва (telementoring), що є необхідним при стрімкому розвитку інтернет-комунікацій.

Ключові слова: технологія наставництва, професійний розвиток, майбутні фахівці, теленаставництво, партнерство.

their role in reforming the modern education sector based on Europeanness and cultural relevance.

Changes in education, socio-economic realities, and the development of various industries allow to consider mentoring technology as a form of interaction on a socio-personal basis (Semenog & Vovk, 2016).

Literature Review

Yu. Zaporozhtseva (2020) specified the essence of the concepts of "mentoring", and "supervision", justified the strategies of supervision (cycles and functions) in the activities of educational institutions, proved the favorable approach of reflection in the professional activity of a teacher and showed the standardization of the quality of the work of an educational institution.

O. Shapovalova, V. Butenko, M. Boychenko (2020), the justification was made and the need to introduce mentoring technology into the process of professional development of future teachers of preschool education institutions was shown.

O. Semenog (2017), the micro-pedagogy of scientific mentoring and its open environment is considered, the renewal of the education system is shown by the world trends of globalization of the quality of education.

Zh. Savych (2021) developed a workshop for all educational institutions, where the task of developing a system of working with personnel is urgent.

O. Bida, N. Mukan, V. Honcharuk (2020) considered mentoring as one of the forms of adaptation, one of the main and progressive types of training, as an effective type of professional training of a specialist, an important link of training in the organization of educational space.

The purpose of the article. To consider the technology of mentoring and the possibilities of its implementation in the process of professional development of future specialists.

Methodology

To check the goal and solve the tasks, we used theoretical methods of scientific research: analysis of psychological and pedagogical literature; analysis and generalization of collected information; classification, induction, deduction, construction of analogies, modeling, and comparison of research results.

The leading idea of the study is the provision that mentoring technology and the possibilities of its implementation in the process of professional development of future specialists are provided:

- implementation of the developed interactive synergistic complex aimed at intensifying the content of professional development of teachers due to the integration of innovative educational technologies, in-depth study of disciplines, and the use of ICT in the process of professional development of teachers;
- modernization of the research component during practices;
- improving the educational environment of higher education institutions;
- subject-subject interaction, creative pedagogical interaction of teachers and specialists;
- using methods of self-control and management of self-learning;
- using interactive learning technologies;
- a personally oriented approach to education and upbringing of students in educational institutions, taking into account the individual characteristics of students;
- professional health care competence of teachers;
- a complex interdisciplinary approach, which involves the integration of competencies, skills, knowledge, and abilities during educational activities in educational institutions.

During the determination of modern trends in mentoring technology and the possibility of its implementation in the process of professional development of future specialists, the focus was on the position of the concept of continuous human education:

- about the continuous development of a person as an individual, a subject of goal realization and goal setting throughout life;

- continuity of the educational process using the categories of continuity and gradualness, integrity and purposefulness, flexibility and dynamism;
- continuous education as an organizational and pedagogical principle;
- continuous education as a single complex of non-state and state educational institutions of various purposes and levels.

The set of trends in mentoring technology and the possibilities of its implementation in the process of professional development of future specialists can be imagined at the state, institutional and personal levels.

The following methodological approaches are defined as the methodological basis for substantiating the technology of mentoring and the possibility of its implementation in the process of professional development of future specialists: structural-systemic, integrative, polysubject, competence-based, andragogical, procedural-active, individual-personal, axiological-cultural:

- structural-system provides an opportunity to determine and substantiate the importance of mentoring technology and the possibility of its implementation in the process of professional development of future specialists, which is carried out with the help of involvement in the general culture and the formation of readiness to perform professional activities;
- integrative approach ensures the creation of tolerant conditions for effective interaction of specialists in the conditions of the information society, development of cooperation abilities, disclosure of the intellectual and spiritual potential of the communication personality;
- the polysubject approach involves the polysubject interaction of the subjects of the educational environment in the context of integrative unity and ensures the process of acmeological self-development;
- the competency-based approach promotes the acquisition of professional, social-personal, and academic competencies, correlation of individual characteristics, ensuring personal uniqueness during mentoring;
- the andragogic approach carries out: the development of socially significant qualities of an adult with the help of mentoring technology and the possibility of its implementation in the process of professional development of future

specialists; mastering the competencies, skills, knowledge, skills, value orientations, and qualities necessary to perform the role of a teacher during classes; organization of the educational process taking into account the emotional and volitional sphere and peculiarities of thinking;

- the procedural and activity approach provides: mastering the structure of activity, mentoring, and the process of professional development of future specialists, starting from the awareness of the purpose, and motives of activity, to obtaining results and monitoring;
- an individual and personal approach makes the pedagogical process more effective, implies respect for the subject, recognition of intellectual and moral freedom, and the uniqueness of the individual;
- axiological-cultural creates conditions for the formation of a creative personality, new integration qualities, stimulates learning, and reflects the specificity of the subject, his needs, and values.

A set of complementary methodological approaches provides an opportunity to learn about the researched phenomenon of mentoring technology and the possibility of its implementation in the process of professional development of future specialists.

Results and Discussion

In our time, there are different opinions about the forms, methods, and content of youth education, sometimes education and education lose their humanistic spirit, and therefore the importance of supporting a mentor who has a high level of national self-awareness, who fills individuals with respect for other people, tolerance, and spirituality, is actualized, teaches a person to be a Man.

Researchers single out in an open environment the micro-pedagogy of a teacher-mentor in which a specialist with acquired experience broadcasts examples of the assimilation of cultural values and norms, helps to form examples of models of behavior, personal position, conveys the value attitudes of science in the formation of a scientific style of thinking in a student. Personal and professional development, self-realization, and self-development of the personality of a graduate student, student, student depends on the personal qualities of the teacher-mentor, who guides, accompanies, and leads the process of adaptation to professional requirements, to the self-development and self-knowledge of

individuals as successful specialists in the national and global space.

The multifaceted activity of a mentor in the educational field is characterized by:

- the intellectual and ethical system of values,
- academic culture,
- the culture of high spirituality and morality, behavior, and communication of people;
- pedagogically adapted experience of cognitive scientific activity;
- high-quality labor indicators;
- responsibility for performance (Semenog, & Vovk, 2016).

We agree with O. Samsonova (2016) about the fact that taking on the responsibilities of a mentor, a teacher has several advantages:

- satisfaction from communicating with students and colleagues;
- expanding the arsenal of skills and abilities;
- development of one's professional career;
- professional development;
- mastering modern learning technologies;
- the opportunity to share one's own experience with younger colleagues and learn from them;
- a sense of the need to find prospects in the field of professional activity;
- striving for self-improvement.

The mentor provides pedagogical support for young specialists within the educational space of the educational institution. He can be motivated by an experienced authoritative worker, coordinator, or consultant for the personal and professional growth of young workers. Its activities are aimed at mutual professional development based on partnership.

In the conditions of the educational institution, we will classify the forms of mentoring of future specialists according to the following characteristics:

- vector of developmental action: mutual, collegial, reciprocal;
- number of process participants: group, individual, team;
- mentoring tools: informative, electronic, traditional;
- duration and intensity of the mentoring program: situational, planned, corrective;
- by content: subject-thematic, complex;
- by the method of influence: indirect, direct;

- by the person providing guidance: an experienced employee of the institution.

Individual mentoring is the most common form of pedagogical mentoring. Individual mentoring is manifested in the cooperation of a mentor with a young teacher, with joint work and agreed development of an individual mentoring plan. Joint work is based on the results and monitoring of the performed diagnostics.

In modern educational society, the role of electronic mentoring is increasing (Osypova, 2016).

The three most important characteristics are singled out based on the analysis of the essence of the concept of "mentor":

- 1) the mentor is considered a wise person with extensive experience who has the desire to help a young specialist;
- 2) the mentor manages the young specialist, provides assistance, advises, directs training and development;
- 3) there is respect, trust, and an emotional connection between the mentor and the young specialist, which contributes to the process of professional development of future specialists (Zembytska, 2011).

The competitiveness of a young specialist in the modern labor market largely depends on the quality of continuing education. The quality of education, self-development, self-realization, and personal and professional development of the personality of a graduate student, student, student depends on the personality of the teacher-mentor, who skillfully directs the educational process to self-development, self-knowledge of individuals as self-sufficient and successful (Giles et al., 2020).

Today, mentoring is constantly changing, improving, and computerized.

Important among the functions of mentors are spiritual, socio-pedagogical, and consultative. Mentoring criteria are defined as cooperation, social orientation, democracy, originality, leadership, dialogue, and research. The attraction, assertiveness, and fascination of the mentor's personality are important.

Characteristic features of the individual style of mentors are scientific integrity, selflessness, intelligence, truthfulness, a high level of empathy, an honest attitude to scientific results, and selfless activity for society (Semenog, 2017).

Mentoring for human development is an important and successful method, the process of transferring skills from management to subordinates; it is a system of tolerant relations, a system of innovative processes, the purpose of which is to help management at the workplace, provide qualified advice to young professionals, and promote the formation of relationships in a new team.

Let's define the mentor's task:

- encouragement and support of a new employee;
- transfer of knowledge, determination of norms of behavior, and rules adopted in the organization;
- revealing the potential of a new employee.

The mentor's motivation to fulfill the duties assigned to him to train new employees is increased by the very experience of mentoring, as a result, the mentor's authority in the team is strengthened, and the mentor's professional and personal achievements are recognized by the management team. And the mentoring process itself contributes to the mentor's self-development and also contributes to personal satisfaction due to the successful performance of new functions. As a result of his mentoring mission, the mentor acquires new skills, abilities, and knowledge while performing his functions, and this approach systematizes professional experience (Pamuk, & Thompson, 2009).

Mentoring is a form in which individual work is carried out with an employee regarding his introduction to the profession, or consulting a mentor when changing an employee's position, providing him with support, assistance in socio-cultural adaptation in a new team, in professional development.

From the mentor's work, the organization develops and improves its work. Thanks to mentoring, a team of specialists is formed, who influence the creation of a positive image of the educational institution, perform their duties well, transfer their knowledge and professional skills, are carriers of corporate culture, and spread team spirit and corporate values in the team.

Let's list the factors on which the effectiveness of mentoring depends:

- development of professional instructions, algorithms, and provisions, with the help of which the introduction of a new employee

into the organization's position is organized and implemented;

- positive motivation of the worker, his voluntary cooperation with the mentor, understanding of the need for mentoring;
- flexibility, voluntariness, and innovativeness of the system of introduction of a new employee, taking into account the capabilities and individual characteristics of the employee;
- the mentor's professionalism, based on his competence in the profession.

The mentoring system is an effective modern method of training employees and adapting them to clearly defined tasks and goals (Edouard, 2023).

The constant and purposeful work of the mentor's activities for the final result consists in the adaptation of a new employee who has started working at the workplace, the indicators of which are productive activity, the clear performance of assigned tasks, development of professional qualities, building effective professional relationships with team members.

Adaptation of novice workers in educational institutions is the main direction of the work of units responsible for quality work, which leads to the professionalism of the worker and authorized persons (Savych, 2021).

Based on mentoring, in the conditions of an educational institution, the process of successful implementation of professional development technology by future teachers takes place, which can be divided into four stages: operational-technological, analytical-prognostic, reflective-corrective, and problem-searching. Such stages adjust the levels of professional development of young teachers: from stabilization, critical, to perfect and normative (Shapovalova et al., 2020). Let's list the principles, provided they are followed, the effectiveness of pedagogical mentoring increases:

- an individual and differentiated approach, which allows raising the scientific level of a young teacher, aspirations, professional training, hopes, character, and temperament;
- systematicity and systematicity of pedagogical mentoring, which makes it possible to provide professional assistance to young specialists, to systematically conduct consultations;
- stimulation of self-education and self-education, which provides an opportunity to learn throughout life;

- a comprehensive approach includes the following areas of work: various methods and forms of work, psychological-pedagogical, general scientific, and methodical areas of work;
- a combination of such forms of work with young teachers as group, individual, frontal work: participation in methodical work at school, method combination, consultations, school of pedagogical skills, individual conversations, school of young teachers, mutual attendance of lessons.

Let's consider the formal and informal aspects of pedagogical mentoring.

The formal side of mentoring is carried out in an educational institution within the framework of general methodical work, is legally regulated by various instructions, proposed by official documents, and supported by methodical materials. Professionally, a mentor's work plan for the competent training of a young specialist is drawn up, and various activities are held, such as conversations on individual sections of pedagogy, mutual attendance of classes, discussion of the scientific content of the subject, updating of interactive teaching methods; consultations are held on individual issues of the methodology of conducting classes, the mentor makes a report on his work regarding the readiness of the young specialist for work, prepares a conclusion on the achievements and compliance of the young specialist with the performance of professional duties, on the changes that have taken place in his professional development (Gunuc, 2015).

The informal side is manifested in trusting relations, and friendly professional relations, between a young specialist and a mentor. Such a relationship of friendly, professional relations creates a positive emotional background, with the help of which positive motivational aspects of the professional activity of a novice specialist are formed, and a constant desire to improve arises. With such an approach based on the formal side, all instructions and guidelines are not imposed authoritarian and take on the character of consultations, advice, and recommendations.

The most common methods of work when working with young specialists are directives, analysis of wrong, erroneous actions, approval, observation of their work, showing, demonstration, recommendations, advice, encouragement, awards, and thanks. All of them awaken a critical attitude towards themselves in a young specialist, allowing them to

professionally involve beginners in innovative methods and methods of work. So, we prove that mentoring provides interaction between a young specialist and an experienced one, ensures partnership, and cooperation. Together, they achieve the set goal of improving the quality of education while forming the skills of a young specialist (Lyakh, 2016).

Let's distinguish the main types of mentoring, depending on the field of application: religious; based; industrial, and professional.

Recently, corporate mentoring has been gaining tremendous development, turning into a familiar tool that promotes the development of leaders in the company.

Let's highlight the signs that clearly emphasize the specifics of mentoring tasks:

- a) Strategic: contribute to the formation of a culturally integrated personality, its competence and stem from the general goal of mentoring.
- b) Tactical: during the adaptation of future specialists to the organization of work methods of a certain unit, conditions, content, and current tasks are provided.
- c) Operative: appear in practical activity before the mentor. That is why, in institutions of higher education, the training of future specialists should be based on competence-oriented training (Denysenko, & Smirnov, 2016).

The modern mission of mentoring is ensured by:

- the main goal - which is represented by socio-pedagogical assistance while ensuring high-quality innovative professional training of future specialists for a certain profession;
- the main task - in which the necessary indicator is the formation of socially significant qualities and professional competencies in the student within the framework of the educational and professional program of training a specialist in higher education, based on the main requirements of the educational and qualification characteristics, as well as the transfer and transformation of key corporate competencies of a certain profession.

The rapid development of Internet communication and scientific progress in the field of education contributed to the emergence of telementoring, a remote form of support for young professionals. Telementoring (also

"online mentoring" - ementoring, "electronic mentoring") is possible over a long period - from one to several years with the help of communication and innovative activities between mentors and wards, with the help of e-mail, professional blogs, forums, using video conferencing.

Telementoring does not involve regular meetings of its participants, so it is difficult to achieve a sufficiently high level of closeness in the relationship between the mentor and the mentee. If we consider mentoring in a virtual environment, then the implementation of its main function here is unlikely. It requires purposeful copying of work skills and observation of the mentor's behavior and work. Let's highlight the potential risks of telementoring:

- the possibility of some misunderstanding and the inconvenience of teamwork between the process participants,
- the inconvenience of forming close interpersonal relationships,
- less sense of attachment and mutual obligation.

Let's list the advantages of telementoring compared to traditional forms: spontaneity, flexibility, availability, insignificant time costs, low cost, and absence of psychological, ethnic, gender, and age barriers (Zembytska, 2014).

The final result of a specific organization is achieved with the effective cooperation of its members. Training is successful when the intern solves competitive tasks under the guidance of a highly qualified mentor. With this approach, attention is emphasized on the practical component (Bida et al., 2020).

M. Zembytska (2015) the mentoring programs of young teachers in the USA were analyzed, the peculiarities of their implementation were highlighted, and the positive impact of mentoring on the psycho-emotional state of the mentor was proven. This approach is strengthened by the fact that in the process of mentoring, the teacher regenerates professionally and psychologically, is allowed to feel his need, fulfill the functions of transferring experience to the future generation, gains recognition and authority, and be involved in the professional development of a young competitive specialist.

When the mentor is completely or partially released from educational activities, the type of activity changes and the focus of subject-object relations with students of education changes to

partnership creative cooperation with the mentee, i.e. subject-subject interaction. During the mentoring professional activity, pedagogical reflection is stimulated, which provides an opportunity for a higher level of professional competitive development and prevention of professional stagnation of the teacher. Individuals who have had the opportunity to work under the guidance of mentors during their careers are inclined to be mentors to young professionals. Therefore, mentoring is considered a self-reproducing system. Foreign scientists consider mentoring to be a process of learning adults, giving special importance to the andragogic approach (development of support programs for young professionals, mentoring programs).

British researcher R. Rice (2007), considers mentoring as an interaction between two adults. Training even experienced teachers (if they do not have experience teaching adults) to perform the functions of a mentor causes difficulties. Here, an adult is considered a psychologically, physiologically, morally, and socially mature person with a level of self-awareness and life experience. Educators differ from novice specialists in that they have professional views, beliefs, knowledge, professional interests, abilities, and skills and act as initiators of professional development and their own learning throughout life.

Research by the American scientist R. Stanulis (2009) justifies the importance of building a relationship between a mentor and a pupil. At the same time, the principles of adult education and the most important tasks facing the mentor are taken into account:

- monitoring the work of a young specialist and methodically helping him in working with the class;
- ensuring a suitable working atmosphere and feedback during work;
- monitoring the work of education seekers, joint development of lessons and their content,
- selection, production, and analysis of the use of teaching and methodical materials for the lesson;
- promotion of professional growth, determination of ways to improve qualifications;
- joint justification of ways to solve problems;
- professional assistance to achieve the success of education seekers.

Such tasks provide an opportunity to fully

implement the ways of high-quality professional intervention of the mentor, who must be andragogically competent, friendly, tolerant, empathetic, communicative, and correct. At the same time, it is worth carrying out andragogic diagnostics to identify the cognitive style, level of competence of novice specialists, psychological individual characteristics, and professional needs. The results of andragogic diagnostics are used for forecasting and monitoring the professional development of specialists. Carrying out methodical work with young specialists should be oriented towards diagnostics, compliance with the principles of joint activity, the actualization of results, development of educational needs and pedagogical reflection, systematicity, and development. When organizing mentoring work, the andragogic approach involves:

- work in a favorable atmosphere of cooperation: the rejection of criticism of young specialists, their democracy, encouragement of specialists to develop creativity, and free expression of opinions;
- application of the principles of motivated learning (invitational learning) (Purkey, 1996). The principles of motivated learning assist students who have untapped potential and are responsible, valuable individuals. The teacher has the task of promoting the professional and personal development of students, and mentoring helps in this, which requires an experienced specialist not only to encourage and teach a beginner but also to promote active participation in the life of the organization.

American educator M. Knowles, 1970 first proposed the term "andragogy" and proved the need for a clear motivation for learning, empiricism, and a problem-based approach for high-quality professional mentor intervention. He proposes six principles of adult learning, according to which adult learners:

- are self-directed when working in an atmosphere of respect, cooperation, trust, and openness;
- take into account the best experience in the educational space;
- realize the need for quality education and study throughout their life;
- prone to problematic learning;
- see the possibility of applying the acquired knowledge during life in work and skills;
- apply sufficient self-motivation when learning knowledge (Early & Weindling, 2004).

The following factors affect the effectiveness of a young specialist's training with the high-quality professional intervention of a mentor:

- motivation of a young specialist under the guidance of a mentor;
- level of availability of material, competence approach, and perception of learning tasks and goals;
- learning conditions that contribute to an effective educational process that takes place in an informal and non-authoritarian atmosphere;
- the level of preparation of a specialist under the guidance of a mentor;
- the choice of educational methods for the effectiveness of the educational process of students;
- taking into account the mentor's life experience and applying his knowledge and skills in practical activities.

In the USA, mentoring programs are focused on the pedagogical interaction of a young specialist with a mentor, the discussion of practical situations of professional orientation, and the use of modern pedagogical technologies. Conditions are created for independent search for knowledge throughout life, and the development of personal reflection. At the same time, the principles of andragogy are taken as a basis.

The andragogical model of organizing the educational process of a young specialist assumes that the main driving force of learning is the young specialist, while the mentor plays the role of coordinator of the educational process, and applies effective methods and forms of information delivery to the young specialist. In particular, for a mentor, these are seminars, discussions, presentations, master classes, webinars, trainings, and online conferences. The teacher demonstrates:

- competence-based approach to understanding the specifics of training young professionals;
- taking into account the characteristics of a young specialist as a subject of educational activity;
- possession of learning technologies that take into account the peculiarities of the position of a young specialist;
- interaction based on the partnership of a mentor and a young specialist.

Traditional education has a didactic orientation. When a mentor interacts with a young specialist, the following is inherent: a clear practical

orientation, the applicability of practical situations in the specialist's professional activity, a focus on self-realization and self-knowledge in professional activity (Zembytska, 2015).

Conclusions

The technology of mentoring was considered to find out the possibility of its implementation in the process of professional development of future specialists.

The forms of mentoring of future specialists in the conditions of an educational institution were analyzed according to the following characteristics:

- vector of developmental action: mutual, collegial, reciprocal;
- number of process participants: group, individual, team;
- mentoring tools: informative, electronic, traditional;
- duration and intensity of the mentoring program: situational, planned, corrective;
- by content: subject-thematic, complex;
- by the method of influence: indirect, direct;
- by the person providing guidance: an experienced employee of the institution.

Individual and electronic mentoring are defined as the most common forms of pedagogical mentoring.

Important among the functions of mentors are socio-pedagogical, consultative, and spiritual. Research, leadership, originality, orientation, cooperation, democratic, dialogical, and social are defined as mentoring criteria. Attraction, assertiveness and fascination of the mentor's personality, spiritual constants, and moral and ethical maxims of behavior are important. The task of the mentor is written. Characteristic features of the individual style of mentors are singled out. The factors on which the effectiveness of mentoring depends are singled out. The principles under which compliance increases the effectiveness of pedagogical mentoring are analyzed.

Types of mentoring are distinguished: religious, based, industrial, and professional. The development of Internet communication has led to the emergence of the now necessary remote form of support for young professionals - telementoring, which is disclosed in the article.

We see the prospects for further research in the disclosure of the factors on which the effectiveness of mentoring depends.

Bibliographic references

- Bida, O., Mukan, N., & Honcharuk, V. (2020). Training of future specialists in the conditions of competence-oriented mentoring. *Scientific Notes*, 189, 14–19. (In Ukrainian)
- Denysenko, N. G., & Smirnov, S. V. (2016). Competency-oriented mentoring as a means of innovative training of future reserve officers in higher education institutions. *Young Scientist*, 12.1(40), 413–415. (In Ukrainian)
- Early, P., & Weindling, D. (2004). *Changing discourse: from management to leadership. Understanding school leadership*. London: Paul Chapman Publishing.
- Edouard, G. (2023). Why and How Colleges and Universities Should Leverage Technology Mentoring to Maximize Faculty's Technology Integration Efforts. *Techtrends*, 67(1), 124-132. DOI: 10.1007/s11528-022-00769-y
- Giles, M., Baker, S.F., & Willis, J.M. (2020). Pre-service teachers' peer mentoring experience and its influence on technology proficiency. *Mentoring & Tutoring*, 28(5), 602-624. DOI: 10.1080/13611267.2020.1859329
- Gunuc, S. (2015). Implementation and Evaluation of Technology Mentoring Program Developed for Teacher Educators: A 6M-Framework. *Qualitative research in education*, 4(2), 164-191. DOI: 10.17583/qre.2015.1305
- Lyakh, G.R. (2016). The essence and forms of pedagogical mentoring. *Problems and prospects of education development*, 22-24. (In Ukrainian)
- Osyypova, T. (2016). Theoretical and methodological principles of training future teachers for pedagogical mentoring: author's abstract. thesis doctor of pedagogy of science South Ukrainian National Pedagogical University named after K.D. Ushinskoho, 43, Odesa. (In Ukrainian)
- Pamuk, S., & Thompson, A.D. (2009). Development of a technology mentor survey instrument: Understanding student mentors' benefits. *Computers & Education*, 53(1) 14-23. DOI: 10.1016/j.compedu.2008.12.017
- Purkey, W., & Novak, J. (1996). *Inviting School Success: A self-concept approach to teaching, and Democratic Practice*. Cengage: Learning Publishing.
- Rice, R. (2007). *The Theory and Practice of Mentoring in Initial Teacher Training: Is there a dichotomy in the role of learning theories?* Nottingham. <https://acortar.link/eNRojm>
- Samsonova, O. (2016). Development of professionalism of educators of preschool educational institutions in the system of postgraduate education: autoref. (Thesis ... candidate ped. of science) Classical private university, 37, Zaporizhzhia. (In Ukrainian)
- Savych, Zh.V. (2021). *Mentoring as a tool for adapting new employees in educational institutions: a workshop*. K.: Kyiv. The university named after B. Hrinchenko.
- Semenog, O. M. (2017). Mentoring in science and adult education. *Scientific Notes*, 152, 46-51. (In Ukrainian)
- Semenog O., & Vovk, M. (2016). *The academic culture of the researcher in the educational space of the university: monograph*. Sumy: Publication of the Sumy DPU named after A. S. Makarenko. (In Ukrainian)
- Shapovalova, O.V., Butenko, V.G., & Boychenko, M.A. (2020). Implementation of mentoring technology in the process of professional development of future teachers of preschool education institutions. *Innovative pedagogy*, 25(1), 167-170. (In Ukrainian)
- Stanulis, R. N. (2009). *Learning to Mentor: Evidence and Observation as Tools in Learning to Teach*. *Professional Educator*, 33(1). <https://files.eric.ed.gov/fulltext/EJ862762.pdf>
- Zaporozhtseva, Yu. S. (2020). The strategy of supervision (mentoring) as support for the professional development of a modern teacher. *Pedagogy of formation of creative personality in higher and secondary schools*, 69(1), 70-73. (In Ukrainian)
- Zembytska, M. (2011). Mentoring in the US secondary education system as a psychological and pedagogical problem. *Scientific Bulletin of the Uzhhorod National University*, 20, 41-44. (In Ukrainian)
- Zembytska, M. V. (2014). Modern forms and types of mentoring of young teachers in the USA. *Pedagogy*, 17(2), 43–48. (In Ukrainian)
- Zembytska, M. V. (2015). Conceptual approaches to mentoring young teachers in the USA. *Bulletin of Zhytomyr State University*, 1(79), 179-185. (In Ukrainian)

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Labor migration in modern Russia: features, problems and ways to solve them

Трудовая миграция в современной России: особенности, проблемы, пути их решения

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Abstract

Based on the scientific study of Russian and foreign experience, the article analyzes modern migration problems and the main directions of finding ways to solve them. The authors pay special attention to the regulation of labor migration and the adaptation of foreign-cultural migrants in modern Russia, taking into account the experience of Western European countries and the specifics of Russia. The result of the study is a number of recommendations based on the accumulation of successful models of migration policy.

Keywords: adaptation, integration, migration policy in Russia, migration processes, multiculturalism.

Аннотация

В статье на основе научного изучения отечественного и зарубежного опыта анализируются современные миграционные проблемы и основные направления поиска путей их решения. Главное внимание авторы уделяют вопросам регулирования трудовой миграции и адаптации инокультурных мигрантов в современной России с учётом опыта стран Западной Европы и специфики самой России. Результатом исследования является ряд рекомендаций, базирующихся на аккумулировании успешных моделей миграционной политики.

Ключевые слова: адаптация, интеграция, миграционная политика в России, миграционные процессы, мультикультурализм.

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Introduction

Adaptation and integration of migrants of a different culture into the society of the host country is an important direction of migration policy in any state that attracts foreign labor resources. This problem has acquired special significance in modern Russia, especially in the last decade. This problem is very complex and multifaceted. Therefore, it is no coincidence that the draft law on social and cultural adaptation and integration prepared several years ago by the Federal Agency for Ethnic Affairs (Russia) has not yet been adopted.

The problem of migration affects not only Russia. It is relevant and important for all states that need additional labor resources, including European Union. The problem of migration includes two components: the problem of refugees and the problem of labor migration (legal and illegal one). This article is devoted to the second of them. It will examine the current state of knowledge of the problems of labor migration, the main conceptual apparatus, and will also analyze the most important problems associated with labor migration in modern Russia in comparison with the solution of these problems in other countries. First of all, this is the problem of regulating the entry and exit from the country of labor migrants, including their possible deportation. It is closely related to the problems of regulating the labor relations of migrants with employers and their taxation. The problem of extending the system of medical care and medical support to migrants, as well as the problem of teaching migrant children in schools will also be considered. Finally, more general problems are of interesting: the language problem and the problem of communications with the local population, including the question of the degree and forms of inclusion of migrants in the system of values of the host country. In conclusion, the authors offer their vision of these problems and recommendations on possible directions for their solution.

Theoretical Basis

The complexity of intercultural communication and various methodological positions of researchers did not allow to fully forming the conceptual apparatus, there are multiple interpretations of these terms. Most Russian experts believe that adaptation primarily concerns labor and return migrants. Integration is seen as a process of integration into all spheres of life in the host country, including the acquisition

of citizenship, and refers mainly to non-return migrants.

An ambiguous approach to this issue is evidenced by studies showing that the intensification of these processes does not always lead to a decrease in the conflict potential of society.

The concept of multiculturalism, which was used in many European countries, did not justify itself. The idea of cultural diversity and equality of all ethnic cultures, mutual respect for identity could not be fully realized (Suzdaleva & Fedorov, 2019). This approach has led to the localization of foreign crops, which threatens the social and national security of the states of the European Union (EU). This problem became especially acute after the virtually uncontrolled influx of migrants under the guise of refugees from Asian and North African states in 2015-2016 during the Libyan and Syrian crises, primarily to Germany, Austria, Denmark and the Benelux countries. There is another danger as well. One of the leading experts in this field I.V. Sledzevsky believes that the main culture, as a result of interaction with the culture of the immigrant minority, loses more than it gains. The exchange of part of the space of one's identity for elements of other cultures violates the internal stability of the main culture, can lead to fragmentation, and, ultimately, to the loss of national identity (Sledzevsky, 2013). This is especially evident in the example of Germany and Denmark, where in many cities entire neighborhoods have already appeared, populated by migrants, who actually ousted the local population from there, leading a specific lifestyle and not wanting to accept the lifestyle, norms of behavior and values of the host country and, moreover, seeking to impose their cultural, religious norms and traditions on the autochthonous population.

At the beginning of the second decade of the XXI century, the concept of "interculturalism" began to spread, aimed at the dialogue of cultures and religions, at constructive practices in order to strengthen the well-being of the country of residence (Kuropyatnik & Kuropyatnik, 2018). But the forms and ways of intercultural interaction in this context are still in the process of searching and testing.

We can single out the following problems that any country that receives labor migrants, including Russia, faces:

- problem of regulating the relationship of migrants with the local population, including the question of the degree of their inclusion in the value system of the host country;
- problem of regulation at the legislative level of entry and exit from the country of labor migrants, including their deportation;
- problem of regulating labor relations between migrants and employers, including extending the social security system to labor migrants;
- problem of adaptation of labor migrants from foreign-speaking and other-confessional states and regions, including the problem of communication with the local population;
- problem of taxation of labor migrants;
- migrants and the health care system;
- migrants and education (teaching children of migrants in schools if they come to Russia on a long-term basis and inviting students from countries that supply migrants).

Methodology

The article is problem-theoretical in nature. Therefore, the authors used the traditional methods of historical disciplines. First of all, these are the methods of logical analysis and synthesis, the method of structural-functional analysis and the problem-analytical method, which made it possible to reveal the essence of the above problems related to the adaptation and integration of labor migrants and offer recommendations for their solution. Statistical methods and methods of content analysis and factor analysis were also used. In addition, the authors proceeded from the fundamental principles of objectivism and historicism, which made it possible to approach the analysis of the problems posed in an unbiased manner, with the maximum consideration of existing approaches and points of view, respect for the opinion of specialists and, at the same time, taking into account the peculiarities of the specific historical situation in modern Russia.

Results and Discussion

Migration issues do not lose their relevance, as it is showed by numerous publications of economists, politicians and sociologists in Russia and abroad (Alonzi, 2018; Anthony, 2008; Gilliat-Ray, 2010; Kubbir, 2010; Zemtsov, 2014; Krasinets, 2020; Radchenko & Suzdaleva, 2015; Ryazantsev, 2018; Suzdaleva, 2016; Shustov, 2020). In Western Europe, migration policy is connected with the solution of the refugee crisis and with labor migration (the share of which

varies from 6 to 20% of the employed population in different countries). Russia in 2019 was among the top five countries in terms of the number of international migrants (Shustov, 2020).

The social and psychological situation in European countries, which a few decades ago took the path of multiculturalism in migration policy, shows that this approach did not contribute to the painless entry of migrants into the national environment of their new homeland.

By continuing to adhere to the customs and traditions of their countries, migrants generate a certain amount of xenophobic tension. Despite the rather high level of tolerance in Russia, most often hostility is caused by Muslim migrants who arrived from Central Asian countries (Tajiks and Uzbeks are in the first place in this row, Kyrgyz at the end of the top ten).

The intensity of migration flows depends on a set of factors that force potential migrants to leave the country of residence and attract them to the country of residence. Migration in the Russian Federation either decreased as in 2016 (devaluation of ruble, changes in migration legislation), then increased again as in 2019. In 2020, after the borders were closed due to the pandemic, it decreased again (Krasinets, 2020).

The need to attract migrants is caused by economic and demographic reasons. First of all, this is a shortage of labor resources due to low birth rates, especially in sectors of the economy with low wages and where a high level of qualification is not required (drivers, janitors, workers in the housing and communal sector, builders), as well as the ability of entrepreneurs to save on wages labor. The situation in this sphere between Russia and EU countries is basically similar. At the same time, in Russia, the positive effects of the influx of labor migrants usually include the following:

- compensation for the shortage of labor (in a number of regions, the shortage of workers reaches 30%);
- migration increases the GDP of the Russian Federation and its reduction negatively affects the growth of national income;
- low wages for migrants keep many small and medium-sized Russian companies competitive;
- provides labour-surplus neighboring countries with jobs and minimizes social discontent in these states, thereby maintaining social and political stability.

At the same time, labor migration in Russia, primarily from the states of Central Asia, generates certain costs:

- no taxes are levied to the Russian budget from the funds that migrants transfer to their homeland. At the same time, they are an important part of the income of a number of states. For example, remittances to Kyrgyzstan and Tajikistan account for more than a third of the budget of these countries;
- migratory sources of labor force preserve the low level of wages;
- growth of everyday xenophobia in relation to migrants creates a threat to social and national security and increases conflict (Ryabova & Bormotova, 2015; Suzdaleva, 2016).

At the same time, there are serious problems, the main of which are the controllability of the flow of migrants and their adaptation in the host country, taking into account a different linguistic, religious and cultural affiliation. The specificity of the migration situation in Russia lies in the possibility of relatively free entry into the country of citizens of the CIS (primarily from the countries of Central Asia) in accordance with agreements on a visa-free regime between the states that are members of the CIS. Now we are going to show the official statistics.

Of the total number of 13 392 897 foreign citizens (FC) and stateless persons (SP) registered with the Ministry of Internal Affairs (Russia) in January-December 2021, 4 961 301 arrived in Russia from Uzbekistan, 3 076 781 from Tajikistan and 1 063 328 from Kyrgyzstan. Thus, in 2021, about 68% of migrants were residents of Central Asian countries, brought up in an ethnic and cultural environment that is significantly different from Russia.

Among labor migrants, their share is much higher. According to the Ministry of Internal Affairs (Russia), 9 530 934 (FC and SP) came to Russia for the purpose of work during this period, of which 4 519 618 came from Uzbekistan, 2 439 198 from Tajikistan and 884 133 from Kyrgyzstan. Consequently, people from the Central Asian republics make up about 82% of labor migrants.

It can be assumed with a high degree of certainty that the vast majority of these people consider Russia as a source of income and do not intend to join its cultural values and traditions.

In this regard, the most important is the problem of regulating at the legislative level the entry and exit from the country of labor migrants, including their deportation.

In recent years, the rules for entering the country, the principles and procedures for the employment of FC have changed significantly. The practice of regulating the influx and distribution of foreign labor on the basis of quotas and permits in 2015 was supplemented by the introduction of a system of patents from visa-free countries. In 2017, work was intensified to identify guest workers who had patents based on documents that did not correspond to the place of residence. For a year after the revocation of the patent, FC could not reuse this opportunity, but as a result of gaps in the legislation, guest workers could use them in turn. In 2021, a decision was made to introduce electronic patents, primarily in Moscow (Ledeneva & Kononov, 2021).

At the end of 2020, the Main Directorate for Migration Affairs (Russia) (MDMA) announced the rejection of the institution of quotas and the issuance of permits to attract and use foreign workers. According to experts, labor migration should be determined solely by the availability of vacancies that are not in demand by Russian citizens. Migration, according to experts, should be purposeful "under the order" of certain industries and regions. In 2021, the issue of simplified recruitment of foreign workers in a number of sectors was being worked out. It was considered expedient to create electronic registers of foreign workers and interested employers.

Back in 2018, the issue of introducing an additional fee for arriving migrants was considered in case of possible deportation. This practice exists in one form or another in a number of European countries. For example, in Denmark there is a law that allows the confiscation of property from refugees for the cost of their accommodation in the country. In Switzerland, working immigrants are required to compensate for all expenses for their employment (Suzdaleva & Fedorov, 2019; Potemkina, 2020).

For a minor violation, the practice of deportation to their homeland at their expense, under the control of law enforcement agencies, was introduced with the simultaneous inclusion of information about their deportation in MDMA database. Such a measure was supposed to replace the months-long stay in a special detention center at the expense of taxpayers. The

process of stay in Temporary Detention Centers for FC and expulsion is complicated by the shortage of official court interpreters from the languages of the peoples of the CIS and the use of non-specialists who do not know professional terminology, as a result of which the possibilities of familiarizing themselves with court decisions in their native language or filing an appeal are limited.

Since 2018, a mechanism has been tested to identify illegal foreigners, as well as employers evading insurance premiums from their wages. Along with MDMA, Federal Service for Labor and Employment (Rostrud) began to engage in this area (Shustov, 2020; Ledeneva & Kononov, 2021).

In connection with the search for adaptation forms and strengthening control over the movement of migrants, employers were obliged to maintain constant communication with foreign workers, conduct systematic explanatory conversations about their rights and obligations in their country of residence, moreover, support them in case of lack of money and be in correspondence as need. Employers should potentially be generally responsible for creating acceptable conditions for migrants. Experts believe that employers will continue to prioritize indigenous people, since there are many difficulties when registering visitors, and you can get a huge fine for illegal migrants (Krasinets, 2020; Ledeneva & Kononov, 2021).

In Russia, in 2018, it was planned to simplify the naturalization procedure for highly skilled migrants from the former Soviet republics. But already in 2020, MDMA issues refused to make this approach absolute. Specialists often turned out to be unskilled workers. Among those entering the Russian Federation, only 17% have a higher education (Krasinets, 2020).

MDMA also proposed to simplify the acquisition of Russian citizenship by successful foreign students, who in 2017 numbered less than 330 000. More than a half of them are from the CIS (high growth in the number of students is recorded from Kazakhstan, Turkmenistan, Ukraine, Tajikistan and Uzbekistan). For comparison, the maximum rate for the exchange of students is observed in European countries is 20–30% (Alonzi, 2018; Potemkina, 2020).

The statistics of issuing work permits is interesting, which is seen as the first step towards granting Russian citizenship. In 2021, 93 031 work permits were issued (versus 62 686 in

2020). Of these, 46 691 were issued to highly qualified specialists (20 528 in 2020) and 6 830 to qualified specialists (7 690 in 2020). There is a positive trend, but even among migrants who have issued a work permit, highly qualified and qualified specialists make up only about 43%, that is, less than a half (CIS Internet Portal, 2021). Thus, even among legal migrants, the majority are low-skilled and uneducated workers. They know Russian little bit or do not know it at all and try to stay together, almost not communicating with the Russians. In some areas of Moscow and the Moscow region, enclaves populated by migrants have formed. In families, migrants speak their native language. Therefore, their children are often not ready to study in Russian schools. On the other hand, teachers are experiencing serious difficulties in their educational and upbringing work due to the influx of children who do not know the Russian language.

Here we are faced with one of the most difficult problems associated with the adaptation of migrants: the language problem and the more general problem of communication between migrants and the local population, in this case Russian-speaking. Indeed, without knowing the language of the host country, there is no any normal adaptation and integration.

Since the mid-1990s, mainly representatives of the Slavic peoples came to Russia, who did not need linguistic and cultural adaptation. According to MDMA, of those registered in 2021, more than 80% were citizens of Kyrgyzstan, Tajikistan and Uzbekistan (Selected indicators of the migration situation in the Russian Federation for January-December 2021 with distribution by country and region, 2021). The adaptive capacity of people arriving from Central Asia is declining every year, especially for young people (which is the result of the derussification policy in a number of Central Asian states). Therefore, since 2003, the procedure for obtaining citizenship began to include testing for knowledge of the Russian language.

Since January 2015, in order to obtain a work permit and obtain a corresponding patent, it has also become mandatory to obtain an appropriate certificate for knowledge of the Russian language, culture and fundamentals of law. However, as practice has shown, this rule does not work for seasonal workers, especially in the field of private construction (private houses, cottages, dachas, etc.). In addition, there is also a corruption component of this problem. For

example, a fifth of foreigners who had a document on passing exams did not pass the retest (Suzdaleva, 2016).

Since 2017, the control mechanism for obtaining a passport has been strengthened by changing the procedure: a foreigner applying for Russian citizenship is required to take an oath of respect for the traditions and laws of the Russian Federation. As a result, those who did not pass such a test were deprived of citizenship by a court decision. But attempts to illegally acquire Russian citizenship, including through false certificates, continue.

One of the ways of adaptation of migrants, confirmed by world practice, is the creation of special centers in countries that are migration donors. The Strategy of the State National Policy of the Russian Federation for the period up to 2025 refers to "promoting the study of the Russian language in countries where migrants come from" (Decree of the President of the Russian Federation № 1666, 2012). Since the early 1990s, the Korean Education Center has been operating in Uzbekistan, the Korean language is studied in a dozen educational institutions, and there are training centers where the relevant documents are issued for the movement of labor migrants to this country. German and American centers operate in Tajikistan, etc.

Russian centers in this context not only did not become widespread, but individual projects for their creation did not take place (for example, in Tajikistan in the first decade of the XXI century). The opportunity was missed in the middle of the second decade, when the Ministry of Education of Tajikistan announced its desire to certify compatriots for knowledge of the Russian language in their country, where profile courses and the Russian-Tajik Slavonic University functioned. The organization of Russian cultural and educational centers in the states of Central Asia is in its infancy.

It was only in 2017 that a decision was made to create Russian centers in the countries of "suppliers" of migrants, a plan for their retraining for work in the Russian Federation. For example, at the end of 2018, according to an intergovernmental agreement, the official offices of Uzbekistan for external migration began to function in the capital and other cities of Russia. In the former republic, centers were opened where those wishing to work in the Russian Federation could draw up the necessary documents for arriving in Russia. In 2019, as a

result of an organized recruitment, only a little more than 2 thousand people arrived, and the rest hundreds of thousands on their own. At the same time, an agreement with Tajikistan was signed and ratified. Potential migrants have the opportunity to prepare an appropriate package of documents and learn the basics of the Russian language in their homeland at employment service centers (although there are almost no local teachers of the Russian language left). And today, according to experts, it is more expedient to begin training migrants "at the start" in the countries from which they come, on the basis of Russian consular institutions and cultural centers (Ryazantsev, 2018; Ledeneva & Kononov, 2021).

At the end of the first decade of the XXI century, an attempt was made, with the assistance of the Russian Orthodox Church, to create centers for the integration of migrants with the aim of teaching the Russian language and legal literacy. However, a number of experts rightly questioned the feasibility of teaching Muslim migrants on the basis of the Russian Orthodox Church (Suzdaleva, 2016; Shustov, 2020).

The language problem is closely related to the problem of educating migrant children (in case of their long stay in Russia or the intention to obtain Russian citizenship). The essence of the question is whether to create preparatory classes for the children of migrants (especially from the countries of Central Asia) to learn the basics of the Russian language before entering school or specialized classes in the schools. It seems to us that the experience of Western countries (England, Germany, Netherlands, USA), when classes are staffed exclusively by migrants and the school does not become an integration tool, can hardly be applied in Russian realities. But at the moment there is no Russian target adaptation program for children of migrants.

Faced with difficulties in this matter, the staff and administration of educational institutions initiated a number of projects and proposals:

- opening of specialized classes, faced with behavioral problems of children of migrants;
- administration of one of the lyceums, with the help of employees, conducted raid-conversations with migrant parents whose children did not study, including due to legal and departmental restrictions;
- parents and teachers offered to organize preparatory classes for those who did not master the Russian language well and

thereby hampered the learning of other students;

- there is a question of training specialist teachers to work in a migrant environment, focusing on fostering respect for the traditions of the host country (Ryabova & Bormotova, 2015; Suzdaleva, 2016).

In order to prevent illegitimate improvisations due to cultural differences in the educational environment, there is a need to develop methodological materials on the norms of Russian legislation for school teachers. It is necessary to intensify the preparation of educational and methodological literature in order to improve the skills of specialists in the field of interethnic communications. An integrated approach to the adaptation of migrant children of preschool and school age is required, including before coming to the Russian Federation in Russian schools in the countries of departure.

Another problem associated with the adaptation of migrants is the obligatory consideration of the ethno-confessional factor. On the one hand, the host country should not interfere with the performance of religious rites. But on the other hand, it is necessary to take into account the possibility of introduction and spread of ultra-radical religious movements of extremist and terrorist orientation. In our opinion, in solving this problem, a significant role belongs to the imams of mosques in Russia, who have a predominant influence on Muslim believers. In many ways, it depends on them, under whose and what influence migrants from the Central Asian republics will find themselves. Therefore, the organization of special courses for imams on the territory of Russia, as well as the establishment of more thorough control over the personnel of the Russian imam, suggests itself. The issue of monitoring the activities of imams is also acute because many of them received theological education in foreign educational institutions. Only in the North Caucasian Federal District there are more than 150 of them. And according to the representatives of MDMA for the North Caucasian Federal District, it is necessary to have information about whether they adhere to the foundations of traditional Islam. Specialized courses for imams are needed in all regions with compact Muslim populations.

According to experts, imams in mosques should not only convey the ideas of "peaceful" Islam, but also identify among Muslim visitors who need socialization, answer their questions (Ledeneva & Begasilov, 2021).

For these purposes, it is necessary to use not only traditional forms of communication. Muslim migrants, as a rule, are young people; they are looking for answers to pressing questions on the Internet. The Russian muftiate does not yet fully use this kind of communication. Productivity in this context is not facilitated by an extensive and competing system of religious power structures: the former Central Spiritual Administration and the New Council of Muftis, the presence of many religious spiritual administrations.

To work in a migration environment, qualified personnel with a theological education, knowledge of Islam, etc. is needed. It is important to involve prominent religious scholars, practitioners who know the specifics of the fight against jihadist ideology. Such work requires an integrated approach: to educate believers in mosques and to speak to student audiences and in the media.

The migration policy of European countries shows that for migrants (especially Muslim ones) in the first place in self-perception is not the citizenship of the host country, but confessionality.

The confessional vector of adaptation is effectively used in the capital. In Moscow, imams preach mainly in Russian, explaining that in the country of residence one must know and use the Russian language.

In 2018, the Association for the Psychological Assistance of Muslims was established, which established cooperation with the relevant departments of higher educational institutions in Kazan, Bashkiria, universities in Pyatigorsk and Karachay-Cherkessia. Since July 2020, the "Center for Legal Protection and Cultural Adaptation of Migrants" began to function, to which more than two dozen Russian regions have joined (Ledeneva & Begasilov, 2021).

A successful solution to the problem of communication and adaptation of migrants is complicated by the fact that psychological tensions arise not only between Russians and migrants from Central Asia, but also between Russian Muslims and Muslim migrants. The former do not always fully accept visiting fellow believers, which can largely be due, on the one hand, to the low-paid work of migrants and the corresponding standard of living, and on the other hand, in some cases, they see them as potential competitors. In addition, the influx of migrants to the capital and other regions has complicated the performance of religious rites

due to the excessive occupancy of mosques. Experts noted that the attitude varies and, depending on the regions, “residents of the Caucasian republics treat people from Central Asia more kindly than native Muslims from the Urals or the Volga region” (Ledeneva & Begasilov, 2021).

At the same time, during the pandemic, Russian Muslims provided comprehensive assistance to fellow migrants.

Another important problem is the problem of social adaptation of migrants. This refers to the extension of labor legislation to them, including the norms of labor protection, social security and medical care, so that they do not feel like second-class people.

Labor migrants from the EAEU countries have the opportunity to receive all types of benefits for reasons of temporary disability, etc., they are credited with work experience, documents on education in many specialties are recognized, and an agreement on pension provision was ratified in 2021 (Gaeva, 2019).

World experience shows that integration policy is effective mainly at the regional level. Studies of the integration of migrants in different cities of the Netherlands and Belgium, which are similar in composition of visitors, show that different practices are used: in some, the emphasis is on socio-economic integration, in others, on cultural. A number of regions in Italy, Spain, Finland and Sweden also have their own integration plans (Potemkina, 2020). Russian experts suggest using this experience more intensively: creating special commissions at the regional level that will consider and resolve issues of employment, education, use individual contracts with municipalities, etc.

In 2019, based on the Concept of the State Migration Policy of the Russian Federation for 2019-2025, adopted in 2018, optimization of the management of adaptation and integration of migrants is outlined, the task of “creating conditions” for solving the problem, “creating a migration situation” conducive to interethnic and interfaith harmony is indicated, and attention is focused on sociocultural adaptation. The implementation of social and cultural adaptation of FC is entrusted to the Federal Agency for Nationalities (Ledeneva & Kononov, 2021).

In accordance with the goal of migration policy, defined in the newly adopted Concept, the Federal Agency for Nationalities Affairs has

taken the first steps to create a unified system for alerting threats and conflicts in the national sphere. Federal monitoring should be based on data from state, public and expert organizations. Different methodological principles are applied in different regions: in Saratov and Perm regions, vertical monitoring is based on data from municipal authorities, in Tatarstan it is based on data from independent centers and closes on the administration of the President of the Republic of Tatarstan (Ledeneva & Kononov, 2021).

Conclusions

In recent years, the government has taken the following measures to adapt and integrate labor migrants into Russian society:

- from June 2021, Russian language, history and legal proficiency testing will take place every three years (instead of five). The complexity of the tests is determined in accordance with the migration status;
- labor migrants from the EAEU countries got the opportunity to receive all types of benefits for reasons of temporary disability, etc., seniority is counted, documents on education in many specialties are recognized, and in 2021 an agreement on pension provision was ratified;
- the (model) Labor Code for the CIS member states is adopted;
- the Migration Code is developed but not adopted;
- the creation of unified information platform for recording foreign workers, including their digital profiles, is under development.

Based on modern realities, it is necessary, using proven practices, to develop new adaptation mechanisms for migrants. The unresolved nature of these issues leads to an increase in migrant-phobia and in the shadow sector of the economy, and to processes that disintegrate society. This is the reason for the need to adopt a draft law on social and cultural adaptation and integration, which was submitted to the State Duma several years ago.

Our recommendations are the following:

- it is necessary to create special language centers in donor countries (primarily in Uzbekistan and Tajikistan) and in Russia, including regional centers of socio-psychological assistance for migrants and teaching them the basics of the Russian language. Here it is supposed to intensify the activities of the Federal Agency for the

- Adaptation of Migrants, which at the moment is more of a bureaucratic structure that has little to do with practice and reality;
- it is necessary to clearly define the strategy of the state migration policy, which, unfortunately, is not yet available and rather resembles a policy of a kind of "swing" due to the struggle between two trends: the interests of large corporations (especially in the construction business and housing and communal services), advocating the removal restrictions and an increase in the influx of labor migrants, and the interests of state security, which imply tightening migration rules and reducing the influx of migrants to Russia. For example, in December 2020, the Russian authorities extended the terms of temporary residents due to the pandemic until June 15, 2021. However, already in April 2021, MDMA announced the expulsion of migrants from the CIS countries illegally staying in Russia until mid-June, which should have contributed to their return to their homeland (in the spring of 2021, more than 330 000 from Uzbekistan, 120 000 from Kyrgyzstan and about 250 000 from Tajikistan, etc. were staying illegally in Russia) (Ledeneva & Kononov, 2021);
 - it is necessary to clearly legislate the legal status of migrants, systematize their rights and obligations in a special Migration Code, as well as guarantees against illegal actions on their part (for example, a clear definition of the procedure for expulsion from the country);
 - the need to focus on highly qualified personnel, either by inviting ready-made specialists for special projects (which is widespread in Western countries, whose experience, positive and negative, of course, must be taken into account), or by working with foreign students, including from the same Central Asia;
 - there is a need, together with experts on migration, national relations and psychologists, to develop a comprehensive program for the integration of underage migrants into the educational space and Russian society. The first steps have already been taken (collection of effective practices for the adaptation and integration of migrants and teaching aid for working with migrant children in educational institutions have been prepared), but this is clearly not enough. There is no consistency on a national scale.

In conclusion, it should be noted that the study of migration issues, considering ethno-cultural and confessional factors, the accumulation of successful models of adaptation of migrants in different regions and the experience of socio-cultural adaptation of previous generations from a foreign cultural environment will contribute to the development of optimal migration strategies.

Bibliographic references

- Alonzi, R. (2018) Migration processes and the construction of the identity of the European Union. *Bulletin of the Peoples' Friendship University of Russia (RUDN). Series "Political Science"*, 20(2), 167-176.
- Anthony, B. (2008). British experience (report at the round table "Muslims in the EU and Russia"). *Herald of Europe*, 1. (In Russian)
- CIS Internet Portal (2021). Migration situation in the Russian Federation for 2021. Available at: <https://e-cis.info/cooperation/3823/99651/>
- Decree of the President of the Russian Federation № 1666. Strategy of the State National Policy of the Russian Federation for the period up to 2025. President of Russia from 19.12.2012. Available at: <http://www.kremlin.ru/acts/bank/36512>
- Gaeva, A.S. (2019). Migration processes in the Eurasian space. *Russia and the Modern World*, 1, 209. (In Russian)
- Gilliat-Ray, S. (2010). *Muslims in Britain: An Introduction*. Cambridge: Cambridge University Press.
- Krasinets, E. S. (2020). Foreign labor force in the Russian labor market: problems and solutions. *Population*, 23(1), 104-118.
- Kubbir, N. (2010). *Young British Muslims: Identify, Culture, Politics and the Media*. Edinburgh: Edinburgh University Press.
- Kuropyatnik, A. I., & Kuropyatnik, M. S. (2018). Interculturalism: Post-cultural discourse of social integration. *Bulletin of the RUDN. Series Sociology*, 18(2), 250-261. (In Russian)
- Ledeneva, V. Yu., & Begasilov, B. T. (2021). The influence of the religious factor on the integration of Muslim migrants in Russia. *Management Issues*, 4(68), 118-130.
- Ledeneva, V. Yu., & Kononov, L. A. (2021). State and municipal regulation of the processes of adaptation and integration of migrants in modern Russia: monograph. Moscow: RUDN. (In Russian)
- Potemkina, O. Yu. (2020). Multilevel migration management in the European Union. *Modern Europe*, 2, 100-110. (In Russian)
- Radchenko, A. F., & Suzdaleva, T. R. (2015). *Migration processes in modern Russia:*

- Political forecasting in Management. Moscow: Ethnosociety and international culture.
- Ryabova, E. L., & Bormotova, T. M. (2015). Adaptation problems of interethnic migration (on the example of the Russian Federation). In: Council on Interethnic Relations under the President of the Russian Federation. Moscow: Interethnic Relations under the President of the Russian Federation.
- Ryazantsev, S. V. (2018). Integration of migrants in the context of Russia's foreign migration policy. *Sociological Research*, 1, 105-111.
- Shustov, A. V. (2020). Circular migrations between Russia and the CIS countries in a crisis: scale and consequences. *Bulletin of the Peoples' Friendship University of Russia. Series: Political Science*, 22(3), 415-427.
- Sledzevsky, I. V. (2013). Multiculturalism: a fragile balance between integration and disintegration. *Social Sciences and Modernity*, 2, 131. (In Russian)
- Suzdaleva, T. R. (2016). Migration processes in the context of geopolitics. *Bulletin of Tomsk State University. Philosophy. Sociology. Political science*, 3(35), 237-244. (In Russian)
- Suzdaleva, T. R., & Fedorov, K. V. (2019). Immigration policy in the modern world: problems and prospects. *Proceedings of the 2nd International conference on contemporary education, social sciences and ecological studies (cesses 2019)*. "Advances in Social Science, Education and Humanities Research", 1417-1420.
- Zemtsov, B. N. (2014). Law as the ideological value of power. *Bulletin of Tomsk State University. History*, 4(30), 28-34. Available at: <https://cutt.ly/6G>

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Research-based learning in the education process of a higher education institution

Навчання на дослідницькій основі в освітньому процесі закладу вищої освіти

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Abstract

The article examines the issue of research-based learning in the education process of institutions of higher education. The aspect of formation of research skills in students is central in our research. The following research methods have been applied: theoretical – the secondary analysis of philosophical, psychological, and pedagogical sources on the issue under consideration, which has given the possibility to systematize and generalize the available data; comparative – has allowed finding a new angle in the issue of the role of research-based learning in the education process of higher education institutions. Besides, in our research we also rely on the data gathered personally while implementing curriculum directed on the development of research-and-development skills in students of a higher education institution. The results of the study allow concluding that that the research-based learning involves the introduction of scientific research methods into the process of educational cognition at all its stages (from perception to application in practice), determines ways of organizing educational and extracurricular

Анотація

Розглянуто проблему навчання на дослідницькій основі в освітньому процесі закладу вищої освіти. Центральним у дослідженні є аспект формування дослідницьких умінь у студентів. Застосовані методи дослідження: теоретичний – вторинний аналіз філософських, психолого-педагогічних джерел з проблеми, що дав можливість систематизувати та узагальнити наявні дані; порівняльний – дозволив знайти новий ракурс у питанні ролі розвитку дослідницьких навичок та умінь у студентів. У дослідженні ми також покладемося на дані, зібрані особисто під час впровадження освітньої програми, спрямованої на розвиток дослідницьких навичок у студентів закладу вищої освіти. Зроблено висновок, що навчання на дослідницькій основі передбачає впровадження методів наукового дослідження в процес навчального пізнання на всіх його етапах (від сприйняття до практичного застосування), визначає способи організації поза/навчальної дослідницької діяльності студентів. Результатом є сукупність засвоєних знань та сформованих умінь при вирішенні

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research activities of students. Its result is a set of acquired knowledge and formed skills when solving research tasks in various social and professional situations.

Keywords: curriculum, institution of higher education, research-based learning, research activity, research skills.

Introduction

Higher education, built on the principle of international cooperation, sets the goal: to eliminate obstacles and ensure wide access to quality higher education on the principles of democracy and independence of universities, their scientific and research independence; to activate the mobility of students and scientific-pedagogical staff; to prepare the student youth for the active life in a democratic society and lay the foundations for their professional career and individual development.

The system of research-based learning has become widely developed in higher education institutions all over the world. It is relevant in connection with modern aspects of higher education reform as it provides an opportunity to train a future specialist in the conditions of practical training, and not only theoretical one.

Within the framework of the European Higher Education Area (European Commission, 2020), all educational programs for the training of specialists and important components of these programs are to be based on the concept of orientation to the learning outcome. Planned learning outcomes are to inform on the learning activities and assessment format, and education is to become "student-centered". Educational programs for the training of future specialists are focused not only on the development of competencies related to a specific study profile, but also on the development of both general skills (communication, problem solving, ability to integrate ideas and concepts, ability of teamwork and groupwork) and research skills.

Reforms in the higher education system of Ukraine provide ample opportunities for the training of highly qualified specialists. They clearly regulate the educational and scientific policy of modern institutions of higher education. The changes involve the training of specialists in the system of higher education, first of all, using research-based techniques, that is, research-based learning.

дослідницьких завдань у різних соціально-професійних ситуаціях.

Ключові слова: дослідницька діяльність, дослідницькі уміння, заклад вищої освіти, навчання на дослідницькій основі, освітня програма.

Research-based learning is a concept that encompasses a number of pedagogical approaches in the educational process aimed at development of research skills in students. Its main characteristics is: a complex of student-centered goals, implemented through scientific research; teaching involves the interpretation of experimental data, cases/situations/problems for solution; management of the educational process takes place with posing questions and practical tasks; training is based on the search for novelty and its relevance; an educator becomes a facilitator. Thus, the key elements of research-based learning are research issues and problem situations that involve experimental verification. Research-based learning forms the student's understanding of the value of research work and the ethics of scientific research. It develops critical and analytical thinking, ability to solve problems of a research nature. It educates on operating with quantitative and qualitative research methods, which have a positive impact on the learning outcomes.

In the conditions of globalization, integration into the world educational environment, it is expedient to study and understand the issue of forming research-and-development skills of students in higher education institutions (Kennedy et al., 2006).

Thus, the aspect of formation of research-and-development skills, that students can master in the educational process of the institution of higher education, is central in our research.

Theoretical Framework

The issue of developing of research-and-development skills and organizing scientific-research activities of students of higher education institutions is multifaceted. Its importance in the education process is reflected in both domestic and foreign scientific researches. In particular, scholars devote their research to the study of: foundations of the organization of research activities of future specialists in various professional fields; peculiarities of the formation

of students' research skills; training of students for research activity as a holistic process. Most researchers note the need to improve curriculum for the training of future specialists in various professional fields, taking into account the educational and scientific-research needs of students.

Currently, one of the leading global trends in university education is the integration of the research component into the process of training of future specialists, or the so-called teaching-research nexus (Gros et al., 2020; Tretko, 2015). Fanghanel et al. (2016) in their research mention that this concept in higher education constantly changes, yet is considered to be as an academic ideal. Wuetherick (2009) refers the teaching-research nexus to "any aspect of the interplay between the teaching and research roles of universities, whether at the level of the institution, faculty, department, or individual academic." The introduction of a research component to a university curriculum and programs has differences in different institutions of higher education. This component can be integrated into existing educational courses or provided by special courses on the methodology of scientific research (Kozlov, 2015).

However, scholars Clark and Hordosy (2019), Paul and Tansy (2020), Perron et al., (2020) prefer a consistent holistic approach to the formation of research-and-development skills of undergraduate and graduate students. It is worth emphasizing that in institutions of higher education with the status of research institution, such an approach is imperative.

Rossum and Schenk (1984) claim, that perception of the educational process by the students affects the learning outcomes. Balloo et al., (2018), Vermunt and Vermetten (2004) consider that knowledge that students acquire about research, the impact of the research environment and involvement in research activities affect the results of their education, future career and life in a society. Therefore, in order for students to develop their research-and-development skills and abilities, educators are to ensure the implementation of effective methods of learning fundamental research knowledge (Salmento & Murtonen, 2019; Salmento et al., 2021).

Balloo et al., (2016), researching the factors that contribute to the development of knowledge related to research methods, the development of research abilities and skills in undergraduate students, proved that self-regulation and

motivation are associated with higher degree of structural knowledge. This indicates that the factors of self-regulation and motivation influence the development of research skills. Research self-efficacy and research interest also demonstrated significant positive correlation with knowledge, but purposeful application of research methods was the largest predictor of research abilities and skills. McKinley et al. (2021) consider important implications of a teaching-research nexus. Higher education institutions, refocusing priority, are to respond to the challenges innovation, in particular, innovation linked with student employability.

Scholars come to the conclusion that the practice of applying research methods is a component that educators are to include in the educational training programs for improving the level of knowledge and skills of students.

Methodology

The following research **methods** have been applied:

- Theoretical – the secondary analysis of philosophical, psychological, and pedagogical sources on the issue under consideration, which has given the possibility to systematize and generalize the available data. We rely on international academic literature, as the study is relevant to global contexts where teaching and research are competing;
- Comparative – has allowed finding a new angle in the issue of the role of research-based teaching in the education process of higher education institutions.

Besides, in our research we also rely on the data gathered personally while implementing curriculum directed on the development of research-and-development skills in students of a higher education institution.

Results and Discussion

Morozov (2014) and Meniailo (2015) characterize research activity as the human attitude to life, displayed in motivational readiness and intellectual ability: to cognize the reality, to independently set various research goals, to obtain unforeseeable results and analyze them to acquire the further knowledge.

Thus, we understand research activity as a specific human activity, regulated by the individual's consciousness, aimed at satisfying

cognitive and intellectual needs. Its product is new knowledge, acquired in accordance with objective laws and circumstances that determine the reality and possibility of achieving the goal.

Murtonen et al., (2008) studied the influence of research abilities and skills on future career development. The scholars revealed that about half of the students who participated in the study were not convinced that research skills would be useful for their future activity. These students experienced problems with motivation while performing research tasks. Students who valued research skills for their future career were more task-oriented, applied an in-depth approach to learning, and experienced less difficulty when learning educational components using research methodology.

Shaw et al., (2013) proved that research-related self-efficacy, motivation, familiarity with the research environment and a positive orientation to research are the key predictors that contribute to students' readiness for the future research activities.

Jenkins and Healey (2005) distinguish four approaches to the inclusion of a research component in the education process of students:

- Research-led teaching – involves familiarizing students with the results of scientific research by the educators of a higher education institution by introducing them to the content of courses;
- Research-oriented teaching – focuses on understanding the process of knowledge production, on the formation of a research ethos, and not on the assimilation of the acquired knowledge;
- Research-based teaching – most of the curriculum consists of research activity, but little attention is paid to the content of education; in this case, students carry out research together with educators, their role as participants in the educational process is almost the same;
- Research-informed teaching – scientific research is an integral component of teaching and learning.

Anderson (2002), Shostak et al., (2010) and Vieno et al., (2022) summarize and define three categories of research skills provided by bachelor and master programs:

- Targeted – research skills that educators or experts directly indicate as the goal of study

within the components of the educational program;

- Perceived – research skills, which, according to students or educators are considered to have been developed within the components of the educational program;
- Assessed – research skills defined using objective measurement criteria as having been developed within the components of the educational program.

Laidlaw et al., (2012) define research skills as teachable activities that are to be practiced to establish facts, postulate new ideas, test ideas to collect data, and analyze data to provide conclusions. Researchers point to seven research skills that are most often mentioned in bachelor and master programs:

1. Critical assessment – assessment of methods, data and conclusions of open studies to determine their credibility and reliability;
2. Information synthesis – combining of information from different sources in a logical way to provide conclusions;
3. Decision-making – selection and implementation of a specific course of action;
4. Problem solving – identifying the sources of difficulties and finding effective solutions for them;
5. Data collection – collection of information by structured methods to support the objectives of research;
6. Data analysis – processing and modeling of data to identify tendencies and correlations to draw conclusions that relate to a set of research objectives;
7. Communication – exchanging of information using written or oral means.

Aspects of the development of research skills can be considered through the prism of Bloom's taxonomy (1954), demonstrating that students move along a continuum in which they:

- Start research and thus determine the need for knowledge and understanding;
- Find and generate the necessary information and data using the appropriate methodology;
- Critically evaluate information and data and the process used to find, generate this information and data;
- Organize collected and generated information;
- Synthesize and analyze, apply new knowledge,

- Transmit knowledge, understanding and processes used to create it with an awareness of ethical, social and cultural aspects.

Jenkins (2008) supports the idea that research-based experience of students actively:

- Contributes to changing the understanding of student-centered or inquiry-based or problem-based learning;
- Adjusts the philosophy and values of educational programs;
- Encourages and enables students to study in a way, which is parallel and reflects the way the educators research and develop in their course or professional field;
- Creates opportunities to for the course evaluation processes;
- Illustrates how educators develop and disseminate their research results on the course provided or in the professional field (for example, through student research journals, student scientific conferences, etc.).

In this context interesting is the structure of formation of research skills developed by Willison and O'Regan (2006), which students can master in the process of study at a higher education institution. The specified structure covers five levels of student autonomy in conducting research, in particular:

- 1) Student research within the framework of issues defined by educators under strict control of educators;
- 2) Student research within the framework of issues defined by educators under the guidance of educators;
- 3) Independent student research activity within the framework of issues defined by educators;
- 4) Student research within self-defined issues under the guidance of educators;
- 5) Independent student research within self-defined issues.

Willison and O'Regan (2007) also define the stages of research activity of students:

- 1) Preparatory – awareness of the need for research;
- 2) Collection of information;
- 3) Critical assessment of collected information;
- 4) Processing of collected information;
- 5) Synthesis and analysis of new knowledge;
- 6) Communication of research results as well as defining of research skills students are

still to develop at each individual level of autonomy.

Auchincloss et al., (2014), Seymour et al., (2004) provide the following positive consequences for the students activity when research skills have been developed – students indicate a clearer understanding of the purpose of learning tasks and the assessment system, a deeper understanding of the educational component, and an increased ability to think as a scientist.

Crebert et al., (2004) provided the results of their research, where the majority of undergraduate students agreed that it was more important for their future careers to develop their research skills and abilities than to study individual educational components within the cycle of professionally-directed courses. This finding indicates that students understand the value of developing research skills for their future careers and life in a society. Therefore, the inclusion of opportunity to develop research skills in undergraduate and graduate curricula is to be encouraged.

Willison (2012) proves that the development of research skills in students during studies at bachelor and master programs offers a number of advantages for both students and educators. Positive consequences for educators include narrowing the gap between their teaching activities and research, clarification of teaching methods, and understanding of the educational component.

The research approach involves the introduction of scientific research methods into the process of educational cognition at all its stages, determines ways of organizing educational and extracurricular research activities of students.

Povidaichyk (2019) notes, that the position of completion of each degree of training with a specific result of scientific and research training. Such a result is a set of acquired knowledge, formed skills and a level of independent, confident mastery of them when solving research tasks in various socio-professional situations.

Thus, the bachelor degree (the basic level of higher education) involves the formation of a certain set of scientific and research activities, the development of which takes place in the process of studying certain academic courses and extracurricular activities and ends with the writing of a qualifying paper, which testifies to the bachelor's level of readiness to perform research tasks.

The master degree involves expanding, deepening of experience acquired at the bachelor level. It takes place due to the assimilation of the theoretical and methodological foundations of scientific activity; applying new methods, methods of research, technologies for processing of results. Deepening is carried out during the assimilation of the content of the main components of the research work. Master degree students are characterized by greater independence, initiative, and research activity.

Students develop the research-and-development skills during both theoretical studies and practice passing. The following is the example of developing the research-and-development skills at practice of social work program students at Uzhhorod National University, Ukraine.

At the bachelor level the research practice takes place at the final year of studies. In particular, research practice involves the independent development of a social project aimed to improve the skills of projecting and prognostication activities. Based on the results of practice, students perform research-description of a case resolved in a social service. This work reflects the understanding and application by a student of knowledge, skills, and values of social work, methods and technologies of social work.

The research task is drawn up in the form of an essay, which consists of:

1. The first part is a presentation of a client a student worked with (the nature of the client's needs is determined, the range of specialists and institutions involved in solving the problem is outlined).
2. In the second part includes the goal and tasks that are set to solve or mitigate the problem formulated. Personal reflections and practical acquisitions are demonstrated regarding the possible options offered by a student.
3. The third part presents the methods and technologies applied. To confirm the work done, scenario development, descriptions of these methods and technologies are attached to the case study. Various types of interviews, conversations, consultations, surveys, testing, etc. are prepared and used.
4. The results of the work, evaluation of its effectiveness, conclusions and recommendations are presented in the conclusion part.

Thus, practice is aimed at the formation of skills in the application of social work methods and

technologies, as well as the development of research-and-development skills, in particular, diagnostic, information-analytical, organizational, communicative, etc.

Research practice at the bachelor level is carried out on the basis of social institutions and institutions of various directions and departmental affiliation. Students act as assistants to specialists of the respective institutions. They apply knowledge and skills acquired during theoretical studies in various courses and the experience of previous practices. They are given the opportunity to demonstrate initiative, abilities, and to independently conduct work in the field chosen. This contributes to the deepening and consolidation of professional knowledge and skills, research skills in particular. In the course of practice, knowledge in the field of theory, methodology and technology of social work, social prognostication and projecting, management of the social sphere is integrated. The study of issues related to social management, the creation of various models of social services and forms of customer service is planned. On this basis, students prepare a social project as a part of the bachelor thesis.

The practice of future social work masters is a mandatory component of the educational program and involves the improvement of professional skills and abilities acquired in the process of theoretical training by students. The practice involves the performing of practical tasks for the provision of social services, including the performing of managerial functions in social service institutions (Povidaichyk & Borshch, 2013).

During practice, the research component of students' activity is one of the leading ones. The purpose of research practice is to ensure students' understanding of the role and importance of scientific research in the process of future professional activity; formation of skills in the organization and conducting of scientific research; development of creative thinking.

The main tasks of research practice are as following:

- Deepening and consolidation of theoretical knowledge from the cycle of professionally-directed courses;
- Involving students in direct practical activities;
- Accumulating experience in practical mastering of techniques of research-and-development activities;

- Formation and improvement of professional abilities and skills in the implementation of research-and-development activities in various areas of social work;
- Conducting research;
- Processing of research results using software;
- Accumulation and processing of specific material for the completion of the master thesis.

During research practice, each student performs an individual task that is directly related to the topic of the master thesis. The main content of this task is to conduct an empirical study to be included as a part of a thesis. The conditions that ensure the necessary quality of empirical research are: preliminary development of the research program, its coordination with an educator and the head of practice and the resolution of organizational issues regarding empirical research implementation. The results of the individual task are drawn up in the form of a report on the conducted empirical research.

Students both bachelors and masters develop the research skills during self-performed independent work too. We classify the research tasks within self-performed independent work by the skills developed as following:

- Methodological skills: mastering theoretical and empirical methods of knowledge; application of methodological principles of research-and-development; application of mathematical research methods, substantiation of the hypothesis.
- Information and analytical skills: selection of necessary and reliable sources of information from the analyzed subject area of research; analysis and systematization of information, identification of understudied aspects of research, opportunities for problem solving; analysis of certain social phenomena and processes using statistical procedures.
- Diagnostic skills: mastering methods of interviews, monitoring, questionnaires, expert evaluation, biographical, case method, testing, projective methods, sociometry.
- Projective skills: development of a project to solve the problem set taking into account the pre-project study of the situation; analysis, evaluation and selection of the optimal project; qualitative and quantitative analysis of the project results, formulation of conclusions; development of a plan for implementation at practice.

- Prognostic skills: mastering the methods of expert survey, anticipatory information, brainstorming, statistical modeling, scenarios, and heuristic methods.
- Technical skills: templating of scientific work; graphical and tabular presentation of research material; description of bibliographic references, preparation of a presentation.
- Organizational skills: determining the sequence of actions and compiling the research algorithm; planning of the research as a whole and its stages; distribution of responsibilities; selection of tools for the research implementation.
- Communication skills: dialogical type of relationship, contact with the research participants; application of communicative methods of obtaining information from experts in the field researched; mastering verbal and non-verbal means of communication; implementation of virtual scientific communication.
- System and information skills: mastering the skills of working with a text editor, electronic spreadsheets, databases, searching on the Internet; developing the skills of working with specialized research information packages; forming skills to use ICT; developing skills on using electronic didactic tools.

Therefore, according to the considered positions, research activity is primarily aimed at improving the professional activity of a future specialist through the use of certain methods, forms and methods of work.

Conclusions

In recent decades, the process of ensuring the unity of educational and research training has become increasingly active in institutions of higher education due to the wide involvement of students in research work.

The issue of orientation of students – future specialists to the research activity is considered as the most important precondition of their individual and professional self-determination, professional culture, and readiness to the research-and-development as a way to ensure competitiveness in the labor market.

The research-based teaching involves the introduction of scientific research methods into the process of educational cognition at all its stages (from perception to application at practice), determines the ways of organizing

educational and extracurricular research activities of students.

Bibliographic references

- Auchincloss, L. C., Laursen, S. L., Branchaw, J. L., Eagan, K., Graham, M., Hanauer, D. I., ... & Dolan, E. L. (2014). Assessment of course-based undergraduate research experiences: A meeting report. *CBE Life Sciences Education*, 13, 29–40. <https://doi.org/10.1187/cbe.14-01-0004>
- Anderson, S.G. (2002). Engaging students in community-based research: A model for teaching social work research. *Journal of Community Practice*, 10, 71–87. https://doi.org/10.1300/J125v10n02_05
- Baloo, K., Pauli, R., & Worrell, M. (2016). Individual differences in psychology undergraduates' development of research methods knowledge and skills. *Procedia – Social and Behavioral Sciences*, 217, 790–800. <https://doi.org/10.1016/j.sbspro.2016.02.147>
- Baloo, K., Pauli, R., & Worrell, M. (2018). Conceptions of research methods learning among psychology undergraduates: A Q methodology study. *Cognition and Instruction*, 36 (4), 279–296. <https://doi.org/10.1080/07370008.2018.1494180>
- Bloom, B.S. (1954). *Taxonomy of Educational Objectives. Handbook I. Cognitive Domain.* David Me Key.
- Clark, T., & Hordosy, R. (2019). Undergraduate experiences of the research / teaching nexus across the whole student lifecycle. *Teaching in Higher Education*, 24(3), 412–427. <https://doi.org/10.1080/13562517.2018.1544123>
- Crebert, G., Bates, M., Bell, B., Patrick, C., & Cragnolini, V. (2004). Developing generic skills at university, during work placement and in employment: Graduates' perceptions. *Higher Education Research and Development*, 23 (2), 147–165. <https://doi.org/10.1080/0729436042000206636>
- European Commission / EACEA / Eurydice (2020). *The European Higher Education Area in 2020: Bologna process implementation report.* Luxembourg: Publications office of the European Union.
- Fanghanel, J., Potter, J., Pritchard, J., & Wisker, G. (2016). *Defining and supporting the Scholarship of Teaching and Learning (SoTL): a sector-wide study.* Higher Education Academy.
- Gros, B., Viader, M., Cornet, A., Martínez, M., Palés, J., & Sancho, M. (2020). The research-teaching nexus and its influence on student learning. *International Journal of Higher Education*, 9(3), 109–119. <https://doi.org/10.5430/ijhe.v9n3p109>
- Jenkins, A. (2008). *Adaptation of US undergraduate research schemes for mainstream development in the UK and other international contexts: Principles and policies.* Retrieved from: http://www2.warwick.ac.uk/fac/cross_fac/iat/acetl/resources
- Jenkins, A., & Healey, M. (2005). *Institutional strategies to link teaching and research.* Higher Education Academy.
- Kennedy, D., Hyland, Á., & Ryan, N. (2006). *Writing and using learning outcomes: a practical guide, article C 3.4-1 / In E. Froment, J. Kohler, L. Purser & L. Wilson (Eds.), EUA Bologna Handbook. Making Bologna Work.* Berlin: Raabe Verlag.
- Kozlov, D.O. (2015). *Managerial competence of an educator: theory and practice of formation.* Sumy: VVP-Mriia. (In Ukrainian)
- Laidlaw, A., Aiton, J., Struthers, J., & Guild, S. (2012). *Developing research skills in medical students: AMEE Guide, No.69. Medical Teacher*, 34(9), 754–771. <https://doi.org/10.3109/0142159X.2012.704438>
- McKinley, J., McIntosh, S., Milligan, L., & Mikołajewska, A. (2021). Eyes on the enterprise: problematising the concept of a teaching-research nexus in UK higher education. *Higher Education*, 81, 1023–1041. <https://doi.org/10.1007/s10734-020-00595-2>
- Meniailo, V. (2015). Modern approaches to define the essence and structure of student research activity. *Pedagogy of creative personality formation in higher and general academic schools*, 43(96), 528–536. (In Ukrainian)
- Morozov, V. (2014). Research activity of an educator: directions of realization. *Bulletin of the Institute of Child Development. Series: Philosophy, Pedagogy, Psychology*, 31, 10–14. URL: http://nbuv.gov.ua/UJRN/Vird_2014_31_3
- Murtonen, M., Olkinuora, E., Tynjala, P., & Lehtinen, E. (2008). “Do I need research skills in working life?”: University students' motivation and difficulties in quantitative methods courses. *Higher Education*, 56(5), 599–612. <https://doi.org/10.1007/s10734-008-9113-9>
- Paul, J.-R., & Tansy, J. (2020). A phenomenographic study of research informed teaching through the eyes of

- masters' students. *Studies in Higher Education*, 45(4), 847–861. <https://doi.org/10.1080/03075079.2018.1554640>
- Perron, B.E., Victor, B.G., Hiltz, B.S., & Ryan, J. (2020). Teaching Note – Data Science in the MSW Curriculum: Innovating Training in Statistics and Research Methods. *Journal of Social Work Education*, 58 (1), 193–198. <https://doi.org/10.1080/10437797.2020.1764891>
- Povidaichyk, O. (2019). Formation of informational culture of a future social worker in the process of professional training (Unpublished doctoral dissertation). Volodymyr Hnatyuk Ternopil National Pedagogical University.
- Povidaichyk, O., & Borshch, K. (2013). Organization of practical training for social work masters. *Scientific Bulletin of Uzhhorod University. Series: Pedagogy. Social Work*, 28, 123–126. URL: http://nbuv.gov.ua/UJRN/Nvuuped_2013_28_34
- Rossum, E.J., & Schenk, S.M. (1984). The relationship between learning conception, study strategy and learning outcome. *British Journal of Educational Psychology*, 54(1), 73–83. <https://doi.org/10.1111/j.2044-8279.1984.tb00846.x>
- Salmento, H., & Murtonen, M. (2019). The roles of epistemic understanding and research skills in students' views of scientific thinking. In M. Murtonen, K. Balloo (Eds.), *Redefining scientific thinking for higher education, higher-order thinking, evidence-based reasoning and research skills* (pp.31–57). Palgrave Macmillan.
- Salmento, H., Murtonen, M., & Kiley, M. (2021). Understanding teacher education students' research competence through their conceptions of theory. *Frontiers in Education*, 6, e763803. <https://doi.org/10.3389/educ.2021.763803>
- Seymour, E., Hunter, A., Laursen, S.L., & DeAntoni, T. (2004). Establishing the benefits of research experiences for undergraduates in the sciences: First findings from a three-year study. *Science Education*, 88(4), 493–534. <https://doi.org/10.1002/sce.10131>
- Shaw, K., Holbrook, A., & Bourke, S. (2013). Student experience of final-year undergraduate research projects: An exploration of “research preparedness”. *Studies in Higher Education*, 38(5), 711–727. <https://doi.org/10.1080/03075079.2011.592937>
- Shostak, S., Girouard, J., Cunningham, D., & Cadge, W. (2010). Teaching graduate and undergraduate research methods: A multipronged departmental initiative. *Teaching Sociology*, 38(2), 93–105. <https://doi.org/10.1177/0092055X10364009>
- Tretko, V. (2015). The teaching-research nexus in a higher school of Great Britain. *Scientific Bulletin of Uzhhorod University. Series: Pedagogy. Social Work*, 36, 179–183. (In Ukrainian)
- Vermunt, J.D., & Vermetten, Y.J. (2004). Patterns in student learning: Relationships between learning strategies, conceptions of learning, and learning orientations. *Educational Psychology Review*, 16(4), 359–384. <https://doi.org/10.1007/s10648-004-0005-y>
- Vieno, K., Rogers, K.A., & Campbell, N. (2022). Broadening the Definition of “Research Skills” to Enhance Students' Competence across Undergraduate and Master's Programs. *Education Sciences*, 12(10), 642. <https://doi.org/10.3390/educsci12100642>
- Wuetherick, B. (2009). Unpacking the teaching-research nexus and its influence on academic practice. *Academic Matters*. Retrieved from: <https://acortar.link/YnqzX7>
- Willison, J. (2012). When academics integrate research skill development in the curriculum. *Higher Education Research and Development*, 31(6), 905–919. <https://doi.org/10.1080/07294360.2012.658760>
- Willison, J., & O'Regan, K. (2006). Research skill development framework. Adelaide. Retrieved from: <https://www.adelaide.edu.au/melt/ua/media/51/rsd-framework.pdf>
- Willison, J., & O'Regan, K. (2007). Commonly known, commonly not known, totally unknown: A framework for students becoming researchers. *Higher Education Research and Development*, 26(4), 393–409. <https://doi.org/10.1080/07294360701658609>



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Corruption risks in the provision of administrative services

Корупційні ризики у сфері надання адміністративних послуг

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Abstract

Corruption during the provision of administrative services reduces trust in civil servants and, therefore, can become the basis for discrediting the constitutional principles of equality and legality. The article aims to characterize the essence and manifestations of corruption risks in providing administrative services. The object of the research is public relations in the field of administrative services. The subject of the study is corruption risks in administrative services. The methodological basis of the research is general scientific and unique methods. Thus, systematic, correlational, generalisation, meta-analysis and mixed methods were used. The authors analysed the positions of the scientific doctrine regarding the main corruption risks in general and in the researched field. It is substantiated that corruption risks are a prerequisite for the appearance of corruption in administrative services. However, the legislator's actions are aimed at improving the anti-corruption regulatory framework, but it still

Анотація

Корупція під час надання адміністративних послуг знижує рівень довіри до державних службовців, а тому може стати основою для дискредитації конституційних принципів рівності, законності. Саме тому, метою статті є характеристика сутності та проявів корупційних ризиків у сфері надання адміністративних послуг. Об'єктом дослідження є суспільні відносини у сфері надання адміністративних послуг. Предметом дослідження є корупційні ризики у сфері надання адміністративних послуг. Методологічною основою дослідження є загальнонаукові та спеціальні методи. Так, було використано категоріальний, системний, кореляційний, метод узагальнення, мета аналіз та змішані методи. Авторами проаналізовано позиції наукової доктрини щодо основних корупційних ризиків загалом та у досліджуваній сфері. Обґрунтовано, що корупційні ризики є передумовою появи корупції в сфері надання адміністративних

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needs improvement". The sources of corruption risks related to the peculiarities or shortcomings of normative legal acts (administrative documents), practical implementation and human resources in the activity of state bodies were considered, making it possible to propose ways of solving the most relevant of them.

Keywords: administrative services, electronic administrative services, corruption, corruption risk, combating corruption risks.

Introduction

The problem of corruption is highly prevalent in Ukraine today. Corruption is one of the main threats to national security (Bondarenko, Utkina, Dumchikov, Prokofieva-Yanchylenko, & Yanishevskaya, 2021), especially under martial law. The fight against corruption in Ukraine is characterized by numerous attempts by the legislative power to regulate issues related to combating corruption and other illicit benefits. It can be stated that today among the majority of the population, there still exists a neutral attitude towards corruption, almost ingrained in public consciousness." (Bondarenko, Reznik, Yevgen, Andriichenko, & Stohova, 2020).

The last decade in Ukraine has been devoted to developing and implementing anti-corruption legislation and creating an effective system of anti-corruption bodies. However, the specified reform still needs to be called perfect. Therefore, there is a need to research this subject to develop critical scientific approaches to implementing an effective mechanism for preventing manifestations of corruption.

Modern manifestations of corruption in our country are an exceptional variety - crisis-type corruption. A citizen's interaction with representatives of state authorities and local self-government bodies is a litmus test for implementing the constitutional principles of

послуг, хоча дії законодавця спрямовані на покращення антикорупційної нормативної бази, однак наразі воно досі лишається недосконалим та потребує удосконалення. Розглянуто джерела корупційних ризиків, пов'язані з особливостями або недоліками нормативно-правових актів (розпорядчих документів), практичної реалізації та людськими ресурсами у процесі діяльності державних органів, що дозволило запропонувати шляхи вирішення найактуальніших з них. Запропоновано ряд засобів на напрямків їх мінімізації з урахуванням положень чинного законодавства та останніх досліджень у галузі протидії корупції у сфері надання адміністративних послуг. Загалом вбачається необхідність у приділенні уваги ефективному правовому регулюванню процедурних аспектів надання адміністративних послуг.

Ключові слова: адміністративні послуги, електронні адміністративні послуги, корупція, корупційний ризик, протидія корупційним ризикам.

legality, the rule of law, justice, and equality. Therefore, there is a need to research this subject in order to develop critical scientific approaches. We register births, claim child support, ask for IDs, and rely heavily on the government for our children's education and health, starting businesses, buying homes, and getting help when we become unemployed (Scholta et al., 2019). That is why corruption in administrative services is a threat to human and citizen rights, the rule of law and democracy, and most importantly, it has the most destructive effect on reformation processes in the field of public administration. Therefore, an important task is identifying corruption risks while providing administrative services and eliminating the conditions and causes that contribute to them. It is indicated and actualises the study of the essence, manifestations and measures of countering corruption risks while providing administrative services. The article's purpose is to characterize the essence and manifestations of corruption risks in administrative services. The purpose of the article will be achieved by implementing the following tasks:

- reviewing scientific sources in the context of the interpretation of the concept of "administrative service" and "corruption risk";

- carrying out an analysis of the main corruption risks in the field of providing administrative services and their sources;
- identification of directions and clarification of means of minimising corruption risks in administrative services provision.

The object of the research is public relations in the field of administrative services. The subject of the study is corruption risks in the field of administrative services.

Theoretical framework

The effectiveness of scientific research largely depends on the proper development of the conceptual and categorical apparatus. That is why we propose to analyse the concept of "corruption risk" and the concept of "administrative service".

Today, there is no single definition of the concept of "corruption risk". Among the regulatory acts, the definition of "corruption risk" is contained only in the Methodology of Corruption Risk Management approved by the Order of the National Agency for the Prevention of Corruption dated December 28, 2021 No. 830/21 "On improving the corruption risk management process." Thus, the term "corruption risk" in the Methodology is used in the following sense: "the probability of committing a corruption or corruption-related offence that will negatively affect the organisation's activities" (Order No. 830/21, 2021).

Among the spheres of public administration where the risk of corruption is most often present, domestic scientists name the implementation of control and supervisory state functions and the provision of administrative services.

Thus, L. Zavorodnya suggests defining "corruption risk" as a combination of legal, organizational, and other factors that contribute to or incentivize civil servants to engage in corrupt activities while performing their official duties. (Zavorodnya, 2018).

K. Zayika highlights that the concept of corruption risk should encompass a system of phenomena and circumstances that emerge within the operations of public administration entities and pose a threat of engaging in corrupt or corruption-related offenses. (Zayika, 2018).

Corruption risks are suggested to be defined as "various legal, organizational, and other factors and causes that give rise to or encourage

instances of corruption within the realm of administrative service provision, as well as state control and supervision." (Koliushko et al., 2009, p. 8).

Among the areas of public administration where corruption risk is frequently encountered, Ukrainian scholars particularly highlight the provision of administrative services. It is important to acknowledge that the term "administrative service" is specific to Ukrainian legislation, while in many foreign countries, the terms "public service" or "state and local government service" are commonly employed.

T. Syvertsen notes no standard definition of an administrative service (Syvertsen, 1999).

N. Sydorenko, I. Shkurat administrative service is called the main element of public services provided by public authorities and related to the exercise of authority (Sydorenko & Shkurat, 2021b). For example, H. Pandey believes that administrative service is a manifestation of implementing government functions (Pandey, 2019).

Regarding the relationship between corruption and administrative services, the authors point out that corruption can have wide-ranging and detrimental effects on administrative services, affecting the quality of services, fairness, decision-making, public trust, economic development, and societal norms. Fighting corruption and promoting transparency, accountability and integrity in administrative services are essential to effective governance and ensuring that administrative services serve the public interest. At the same time, the development of practical measures should always be based on planned scientific justification.

Understanding the risk of corruption in the sphere of administrative services involves examining various theories that explain its occurrence. Here are some theories that shed light on corruption risk in this context:

Principal-Agent Theory: The principal-agent theory suggests that corruption arises due to the principal-agent relationship between the public and administrative officials. Administrative officials act as agents entrusted with the responsibility of serving the public interest on behalf of the citizens (the principals). However, when there is an information asymmetry or weak accountability mechanisms, agents may exploit

their position for personal gain, leading to corrupt practices.

Bureaucratic Theory: Bureaucratic theories of corruption highlight the structural factors within administrative services that contribute to corruption risk. Factors such as complex procedures, discretionary powers, and lack of transparency can create opportunities for corruption. Excessive bureaucratic red tape, arbitrary decision-making, and low salaries in the public sector can also increase the likelihood of officials engaging in corrupt activities.

Institutional Theory: The institutional theory emphasizes the influence of formal and informal rules, norms, and practices on corruption risk within administrative services. Weak institutional frameworks, inadequate enforcement of laws, and a culture of impunity can create an environment conducive to corruption. Conversely, strong institutional arrangements, transparency measures, and robust anti-corruption mechanisms can help reduce corruption risk.

Rent-Seeking Theory: Rent-seeking theory posits that corruption occurs when individuals or groups seek to obtain economic rents or undue advantages through corrupt practices within administrative services. This theory suggests that when there are significant resources or benefits at stake, individuals may engage in corruption to secure those benefits, leading to rent-seeking behavior within administrative processes.

Social Capital Theory: Social capital theory argues that corruption risk in administrative services can be influenced by social networks and interpersonal relationships. Close personal ties and networks of influence can facilitate corrupt exchanges, as individuals may exploit personal connections for preferential treatment or illicit gains. In such cases, loyalty and trust within social networks may supersede ethical considerations.

Cultural Theory: Cultural theories of corruption suggest that certain cultural values, norms, and attitudes prevalent within a society can contribute to corruption risk. Cultural factors such as tolerance for bribery, acceptance of nepotism, or a lack of social stigma associated with corruption can shape individual behaviour and perpetuate corrupt practices within administrative services.

Political Economy Theory: Political economy theories examine the interaction between

political and economic factors in shaping corruption risk. Factors such as weak governance, lack of political will to combat corruption, and the capture of state institutions by powerful elites can lead to systemic corruption within administrative services. The theory emphasizes how the distribution of power.

In our view, the most logical approach would be to adopt a symbiotic perspective that integrates all the aforementioned theories. This is because corruption risks in the realm of administrative service provision are not isolated weaknesses in specific areas, but rather indicative of systemic decay across all aspects of public administration. This decay manifests itself in the sphere of administrative services, encompassing improper governance practices and extending to the remuneration of civil servants.

Methodology

To solve the tasks, general scientific and unique research methods were used, the choice of which determined the reliability of the obtained results and conclusions. With the help of categorical analysis, the conceptual apparatus was investigated, particularly the concepts of "administrative service" and "corruption risk". By using the system method, the interdependence of all participants in providing administrative services was established, as well as the need for their cooperation to improve the quality of services.

The correlation method involves studying the relationship between variables without manipulating them. Correlational studies can help identify associations or patterns between variables. The authors used this method to study corruption risks and propose specific measures to reduce them. The method of generalisation was used when summarising the results of the study. Meta-analysis involves a systematic review and generalisation of the results of many studies on a specific topic or research question. Meta-analysis allows quantitative integration of the results of many studies, providing a more reliable and complete understanding of a scientific area. In this research, the authors tried to critically analyse the positions of scientists and propose measures for levelling corruption risks in providing administrative services. The authors also resorted to using mixed methods, involving the qualitative composition of data and information, and developing specific practical measures to combat corruption risks in administrative services.

Investigating the primary corruption risks in the field of administrative services and determining their origins can be accomplished through various methods. Data Analysis provided conducting a comprehensive analysis of available data, such as corruption-related complaints, investigations, and the results of sociological research conducted by the "Democratic Initiatives" Foundation regarding the main corruption risks in the provision of administrative services. This analysis can also include an examination of the existing anti-corruption legislation and doctrinal sources.

For the scientific study of directions and means of minimizing corruption risks in the field of providing administrative services can be used such method as literature review. Analyzing scientific sources, academic articles, books, and other publications that address the issue of corruption risks in the field of administrative services. This will allow familiarization with the state of research and identification of existing approaches and recommendations. Conducting detailed analysis of specific corruption cases in the field of administrative services to identify factors contributing to corruption risks. This will help uncover the characteristics, causes, and consequences of corrupt practices. Comparing experiences of different countries or regions to identify effective approaches and strategies for minimizing corruption risks in the field of administrative services. This may involve analyzing legal norms, political systems, reforms, and recommendations from international organizations.

These are just a few of the many scientific research methods that can be used depending on the research question, the field of study and the nature of the phenomenon under study. The authors chose those that would ensure the authors achieved the optimal result.

The article references 27 sources, including articles indexed on Scopus and Web of Science databases, 2 normative sources.

Results and discussion

The main corruption risks in the field of administrative services and their sources

Problems of preventing and fighting corruption are an important challenge for the state and society because corruption not only disrupts the quality of life in society but also prevents the development of society and the introduction of effective and efficient reforms.

The mentioned issues require the cooperation of citizens with state authorities and local self-government bodies, first of all, to identify and eliminate corruption risks, which will significantly reduce the temptation of officials to obtain illegal benefits, etc. At the same time, citizens will not be interested in using corruption levers for their purposes to encourage officials to violate official laws and anti-corruption legislation.

As of 2023, Ukraine ranks 116 out of 180 countries in the Corruption Perceptions Index (CPI) compiled by the anti-corruption organisation Transparency International (Transparency International, 2022). Regression and a pause in important anti-corruption tasks are the most important reasons for such a result. Of course, there are objective reasons for this, particularly martial law. However, despite this, it is not necessary to completely stop anti-corruption reforms.

From the above, it is worth pointing out the importance of carrying out timely and effective reforms to combat corruption in all spheres of public administration. To implement anti-corruption reforms in Ukraine, it is necessary to implement a set of measures that should not only be aimed at eradicating corruption but also perform a preventive function. This will contribute to the formation of trust in state bodies, economic development, and improvement of the well-being of Ukrainian citizens in general.

Concerning the priority areas in preventing corruption, a prominent place is occupied by the timely identification of corruption risks in the activities of state bodies and in the provision of administrative services to eliminate the conditions and causes of these risks.

The sphere of provision of administrative services is the most vulnerable to "domestic corruption". This is because there is constant interaction between two subjects in it, one of which (the subject of the appeal) seeks to satisfy his needs through the acquisition, change or termination of the rights and/or performance of the duties of such a person. So, under certain circumstances, the powers and opportunities granted to the entity providing the administrative service may become a specific subject of sale.

The Law of Ukraine "On Administrative Services" defines many direct obligations and restrictions that directly apply to the entity's officials providing administrative services.

The Law of Ukraine "On Administrative Services" dated September 6, 2012, No. 5203-VI, directly indicates the prohibition of charging for the provision of administrative services any additional payments not provided for by law or demanding the payment of any additional funds. In addition, executive power bodies, other state bodies, authorities of the Autonomous Republic of Crimea, local self-government bodies, and their officials may not provide other paid services (Law of Ukraine No. 5203-VI, 2012). As mentioned above, the law directly prohibits receiving additional funds or providing services that do not correspond to the official duties of the entity providing administrative services.

K. Buhaychuk (2017), conducting research, proposes to divide corruption risks into institutional and system-wide risks. Among the institutional corruption risks, the scientist refers to factors that negatively affect the behaviour of a civil servant, turning it into a corrupt one, the elimination of which belongs to the competence of the body in which such an official works directly. At the same time, system-wide corruption risks are risks that are associated with the general shortcomings of the creation and functioning of the public administration, analysed only in terms of the level of corruption in the preparation, adoption, and implementation of management decisions.

Let us turn to the results of sociological research by the "Democratic Initiatives" Foundation regarding the main corruption risks in providing administrative services. Yes, among them are highlighted:

1. complexity of procedures for providing administrative services;
2. unreasonable length of terms for the provision of certain administrative services;
3. insufficient information on the procedures for providing administrative services;
4. limited accessibility to bodies with authority to provide administrative services (queues, reception times, etc.) (Koliushko et al., 2009, p. 8).

Even considering that a sociological study on the mentioned issue was published more than ten years ago, it is worth stating that the situation has hardly changed today, and the listed reasons for possible corruption risks are still relevant.

Among the reasons for the spread of corruption in the specified area, "the vagueness of the mechanism for providing administrative services, the strict attachment of the consumer to

the choice of another way of receiving the service" are also highlighted (Banakh, 2015, p. 14).

The authors of the study see the problems in the field of administrative services today also in:

- the inaccuracy of the wording of the definition of "administrative service", which in practice causes different interpretations of it;
- lack of principles for monitoring the quality of the provision of administrative services, and the absence of their legal definition, which would contribute to increasing the level of quality;
- the absence of a regulated mechanism for protecting entities providing administrative services by executive authorities.

Administrative corruption is influenced by the available capabilities of the civil servant and personal inclinations to benefit from them. A civil servant's duties require compliance with several ethical principles and values (disinterestedness, openness, transparency, impartiality, serving the public interest, responsibility, accountability, etc.) in their daily activities. At the same time, the principles of the consumer society, of which civil servants are also a part, encourage the use of entirely different principles (the pursuit of one's interests, the use of opportunities, etc.) (Palidaukaitė, 2005).

The government needs bureaucratic apparatuses to make decisions. This creates opportunities for public managers to demand bribes or be corrupt. In economic models with specific heterogeneity among bureaucrats, this problem creates a misallocation of resources and increases the size of the bureaucratic apparatus. As a result, corruption while providing administrative services generates and provokes even greater corruption (Dunlop, Radaelli, 2019).

It is worth analysing the normative act, which contains lists of sources of corruption risks related to the peculiarities or shortcomings of normative legal acts (administrative documents), practical implementation and human resources in the activity of state bodies.

Thus, following the Methodology of Corruption Risk Management approved by the Order of the National Agency for the Prevention of Corruption of December 28, 2021, No. 830/21 "On Improving the Corruption Risk Management Process", sources of corruption risks related to the peculiarities or shortcomings of regulatory

legal acts (administrative documents) regulating the activities of state bodies are:

- inconsistency between different provisions of the same act or between the provisions of different acts, which allows for their different interpretation;
- the presence in acts of vaguely worded provisions, provisions of an evaluative nature that allow for their different interpretation;
- lack of a clear list of types, forms of decisions, terms and order of their adoption, conditions, and grounds for the adoption of one decision out of several possible ones; lack of obligation to justify the decision; the possibility to extend, shorten, renew the decision-making period at the discretion of the official;
- lack of precise regulation of the rights, duties, and responsibilities of the organization, its manager, and employees and/or duplication of their powers;
- the presence of discretionary powers of the organisation, and its employees in the absence of a comprehensive definition of cases, grounds, forms, terms, or procedure for exercising such powers, control over their exercise and responsibility for possible abuses during their exercise;
- absence or imperfection of administrative documents regulating the ethical behaviour of the organisation's employees;
- absence or imperfection of administrative documents regulating the mechanism of encouragement and formation of a culture of notification of possible facts of corruption or corruption-related offences, other violations of the Law of Ukraine "On Prevention of Corruption" (Order No. 830/21, 2021).

The corresponding list of sources of risks is not exhaustive. Each government body and enterprise can determine the types of corruption risks, considering the specifics of the assigned tasks and functions. In general, the adoption by the National Agency for the Prevention of Corruption of the order "On improving the process of managing corruption risks" is essential for determining the algorithm for managing corruption risks in the activities of state and other bodies, the procedure for assessing corruption risks, preparing, monitoring, evaluating the implementation and revision of anti-corruption programs.

Directions and means of minimising corruption risks in the field of providing administrative services

The chosen European vector forces the Ukrainian state to carry out reforms in almost all spheres of public administration, that is, to implement administrative reforms. Currently, many problematic issues can cause corruption risks in the specified area. Considering this, many reforms are being implemented in our country today, particularly in providing administrative services to citizens. Much effort is being made to improve communication links between citizens and the state, acting as consumers and providers of administrative services (Sydorenko & Shkurat, 2021a).

The general complexity of providing administrative services was repeatedly cited as one of the leading causes of corruption risk (Tronko, Dyba & Prokopchenko, 2018). The solution to this situation is simplifying the procedures for providing administrative services.

Thus, centres for the provision of administrative services were introduced, which, following the Law of Ukraine "On Administrative Services", are permanently operating working bodies or structural divisions of the local state administration or local self-government body in which administrative services are provided through the administrator through his interaction with the subjects of providing administrative services (Law of Ukraine No. 5203-VI, 2012).

Today, practice confirms essential steps to simplify the procedure for providing administrative services. Ukraine's Ministry of Digital Transformation directed certain services to the Diya portal. On the portal, you can already get about 30 public services online, in particular, to become an entrepreneur, change the type of activity or stop it. Obtain a certificate of criminal record, assistance at the birth of a child or monthly reimbursement of the cost of care services for a child up to three years of age. File a lawsuit, register a car or get services related to driver's documents, issue several licenses, and permits or get extracts from registers (Diia, 2022).

In this regard, N. Sidorenko calls the Diya Portal the "epicentre" of citizens' and entrepreneurs' access to public services provided in electronic format in accordance with uniform standards (Sydorenko, 2021).

Such a corruption risk in administrative services, such as personal communication between the recipient of administrative service and the subject of its provision (administrative services that are not provided through centres for the

provision of administrative services), is also worthy of attention. On the one hand, this makes it possible to demand a "bribe" from an unscrupulous employee. On the other hand, it is impossible to "incentivize" an authorized person by a private person to resolve a case, etc., quickly.

The constant development of public relations and the information society makes it possible to develop new practical measures to prevent the mentioned corruption risk and others. Thus, there is a possibility of implementing the provision of administrative and other public services in electronic form. This will increase the efficiency and transparency of the work of authorities and local self-government bodies, improve and simplify the process of obtaining such services, and eliminate corruption risks (Kozhushko, 2021).

It should be noted that the system of electronic administrative services in Ukraine is at the stage of development.

O. Koliush (2019) proposes one of the fundamental ways to prevent corruption while providing administrative services - conducting consultations online. For this, the scientist considers it necessary to provide officials of public administration bodies with appropriate information and communication technologies, with the help of which it is possible to provide consumers of administrative services with information about the procedure for obtaining administrative services.

Currently, domestic legislation provides for the possibility of receiving administrative services in electronic form. Yes, Art. 9 of the Law of Ukraine "On Administrative Services" specifies that the consumer of such a service can request its provision in oral, written, or electronic form by applying. A written application is submitted personally by the subject of the application or his representative (legal representative) to the subject of the provision of administrative services by sending it by mail, and in the case of providing administrative services in electronic form - using the Unified State Web Portal of electronic services, including through information systems of state bodies and local self-government bodies integrated with it. Centres for the provision of administrative services and subjects of the provision of administrative services in the cases provided for by law, as well as at the request of the subject of the application, ensure that the application is drawn up in electronic form, printed and

provided to the subject of the application for verification and signature (Law of Ukraine No. 5203-VI, 2012).

Provision of administrative services to citizens in electronic form, which is provided for by the Law of Ukraine "On Administrative Services", takes place through the Unified State Portal of Administrative Services and the Unified State Web Portal of Electronic Services (Diia Portal) (Diia, 2022).

It is worth pointing out several problems with organizational and material-technical features; there are also areas for improvement in the work of the Unified State Portal of Administrative Services, which should guarantee the provision of administrative services in electronic format.

It is worth noting that the concept of electronic government and electronic provision of administrative services has already proven its effectiveness abroad. In general, the implementation of information technologies in public administration to reconstruct administrative procedures has been discussed for the past 30 years. This one technology can change how public administration operates, allowing managers to manipulate information much faster, and flexibly and increasing control over their subordinates (Scholl, 2013).

However, some of the EU countries are lagging in digital transformation. The local administration is closest to the people in providing services and implementing state policy. While in other countries, at the level of state administration, there are practices of analysing large databases of information, in some states, for example, Bulgaria, this process is still ongoing (Lazarova et al., 2022).

In the issue of directions and means of minimising corruption risks in the researched area, the public plays an important role, as it is the direct subject of receiving administrative services.

Thus, corruption among administrative service recipients is seen in the following actions: turning to a person who provides an administrative service with an offer/promise to provide him (or other persons identified by him) with an undue benefit in the future to incite him to use official powers or powers opportunities associated with them unlawfully; the actual provision of an unlawful benefit to a person who provides an administrative service (or another person determined by him), carried out intending

to incite him to the illegal use of official powers or opportunities related to them (U-LEAD, 2020).

In their research, O. Bondarenko, P. Malanchuk, and M. Dumchikov (2020) outline public participation in combating corruption, they are:

- initiating and directly conducting an anti-corruption examination of projects and legislative activities of the public, submitting proposals based on the results of the examination to authorised bodies, and receiving relevant information about the consideration of proposals;
- the possibility of initiating and conducting research, including scientific, sociological, etc., regarding the prevention of corruption;
- implementation of public control over the implementation of laws in the field of corruption prevention, using the same time its forms that do not contradict the legislation.

The authors agree with the above opinion since the subjects of measures to minimise corruption risks in administrative services should be the state, legislative and authorised public bodies and the public, which can become a compelling subject in the specified field. Citizens who take a direct part in anti-corruption measures are generally more motivated to comply with anti-corruption legislation, which will be essential in reducing cases of undue benefit when receiving administrative services.

No less important are directions for improving the legal regulation of corruption risks while providing administrative services. In the Law of Ukraine "On Administrative Services", the description of the mechanism of the procedure for providing administrative services to prevent corruption contains only formal aspects. It has an aggressive nature about other normative legal acts, which in turn leads to their own and rather opposite interpretation of the norms by subjects of public administration, including centers for the provision of administrative services.

Among the possible solutions to existing gaps in the legal regulation of paid and accessible public services, S. Fedorishchev suggests the adoption of a systemic legal act - the Law of Ukraine "On Administrative Fees", which, in his opinion, unifies the name of fees for administrative services (Fedorishchev, 2020).

In our opinion, adopting such a law will significantly change the situation with the risk of

corruption regarding the streamlining of the legal regulation of issues of payment/free of charge for administrative services, the mechanism for determining the number of such fees and the procedure for their approval.

Conclusions

Timely analysis of corruption risks and the adoption of preventive anti-corruption measures make it possible to exclude violations of the legislation of Ukraine by civil servants, which positively affects the improvement of the work of administrative services. The authors believe that the adoption by the National Agency for the Prevention of Corruption of the updated order "On improving the process of managing corruption risks" is essential for determining the algorithm for managing corruption risks in the activities of state and other bodies, the procedure for assessing corruption risks, preparing, monitoring, evaluating the implementation and reviewing anti-corruption programs. Among the leading causes of corruption risks in the field of providing administrative services, which are currently the most relevant, the following are highlighted:

- the general complexity of providing administrative services;
- personal communication of the recipient of the administrative service with the subject of its provision;
- deficiencies in providing administrative and other public services in electronic form.

Based on the above, effective means of minimising corruption risks are the improvement of anti-corruption legal acts, the simplification of procedures for the provision of administrative services, the involvement of the public in the discussion of draft normative acts, and the informational openness of authorities. The use of modern information technologies is particularly noteworthy as an effective way to avoid corruption risks in the researched area due to problems with organisational and material-technical features.

Bibliographic references

Banakh, S. V. (November, 2015). Corruption risks in the provision of administrative services: national and foreign experience. Proceedings of the International Scientific and Practical Conference "Financial, Banking and Administrative Services: Management Problems and Prospects for Development. Ternopil. Ukraine, November 12 and 13.

2015. Retrieved from: <http://dspace.wunu.edu.ua/handle/316497/29494>
- Bondarenko, O. S., Malanchuk, P. M., & Dumchikov, M. A. (2020). The role of community in fighting corruption in Ukraine. *Russian Journal of Criminology*, 14(4), 631-642. doi: [https://doi.org/10.17150/2500-4255.2020.14\(4\).631-642](https://doi.org/10.17150/2500-4255.2020.14(4).631-642)
- Bondarenko, O., Reznik, O., Yevgen, G., Andriichenko, N., & Stohova, O. (2020). Participation of Ukraine in International Cooperation against Corruption. *Amazonia Investiga*, 9(29), 407-416. doi: <https://doi.org/10.34069/AI/2020.29.05.45>
- Bondarenko, O., Utkina, M., Dumchikov, M., Prokofieva-Yanchylenko, D., & Yanishevskaya, K. (2021). Review of the state anti-corruption institutions effectiveness in Ukraine. *Amazonia Investiga*, 10(38), 219-233. <https://doi.org/10.34069/AI/2021.38.02.22>
- Buhaychuk, K. V. (March, 2017). Corruption risks: concept, classification, assessment methodology, elimination measures. In V. Sokurenko, *Criminal law and criminological principles of anti-corruption*. Symposium directed by Criminological Association of Ukraine, Kharkiv. Ukraine: Kharkiv: KhNUVS, pp. 39-40. Retrieved from: http://univd.edu.ua/general/publishing/konf/31_03_2017/pdf/15.pdf
- Diia (2022). Public services online. Retrieved from: <https://diia.gov.ua/>
- Dunlop, C. A., & Radaelli, C. M. (2019). Regulation and corruption: claims, evidence and explanations. In A research agenda for public administration (pp. 97-113). Edward Elgar Publishing. Retrieved from: <https://acortar.link/pA2C3R>
- Fedorishchev, S. (2020) Legal regulation of corruption prevention during the provision of services in the activities of administrative service centers. *Legal Scientific Electronic Journal*, 5. 168-170. doi: <https://doi.org/10.32782/2524-0374/2020-5/39>
- Koliush, O. L. (2019) Improvement of legal regulation and data intelligence system as directions to prevent corruption during provision of administrative services. *Legal position*, 3(24). 43-48. doi: <https://doi.org/10.32836/2521-6473-2019-3-43-48>
- Koliushko, I., Tymoshchuk, V. Banchuk, O., Ishchenko, Yu., Zalizniak, P., Kurinnyi, O., & Shaipov, A. (2009). Corruption risks in the fields of administrative services and control-supervision activities of public administration in Ukraine. Council of Europe, Democratic Initiatives Foundation. Retrieved from: <https://rm.coe.int/16806edf52>
- Kozhushko, O. (2021) Problems and prospects of development of electronic administrative services in Ukraine. *Scientific Bulletin of the International Humanitarian University*, 51, 46-51. doi: <https://doi.org/10.32841/2307-1745.2021.51.9>
- Lazarova, E., Veselinova, N., Gospodinov, Y., & Stoyanova, M. (September, 2022). Digital Europe – Current State Of The Electronic Administrative Services In The Municipalities In Bulgaria. *Economic and Social Development*. International Scientific Conference directed by Varazdin Development and Entrepreneurship Agency, Lisbon, Portugal. Retrieved from: <https://acortar.link/yw1CFU>
- Law of Ukraine No. 5203-VI. "On Administrative Services". *Vidomosti Verkhovnoyi Rady Ukrayiny*, 32, 409, on September 6, 2012. Retrieved from: <https://zakon.rada.gov.ua/laws/show/5203-17#Text>
- Order No. 830/21 "On improving the process of corruption risk management". National Agency For The Prevention Of Corruption of December 28, 2021, Retrieved from: <https://zakon.rada.gov.ua/laws/show/en/z0219-22?lang=en#Text>
- Palidaukaitė, J. (2005). Problems of Corruption and Responsibility in Public Administration. *Public Policy and Administration*, 13, 25-31. Retrieved from: <https://ojs.mruni.eu/ojs/public-policy-and-administration/article/view/2399>
- Pandey, H. (2019). Right to Public Services Provided by the State Government: A Comparative Study of State Laws and Need for a Parliamentary Enactment. *Indian Journal of Public Administration*, 65(2), 543-553. Retrieved from: <https://doi.org/10.1177/0019556119857863>
- Scholta, H., Mertens, W., Kowalkiewicz, M., & Becker, J. (2019). From one-stop shop to no-stop shop: An e-government stage model, *Government Information Quarterly*, 36(1), 11-26. Retrieved from: <https://doi.org/10.1016/j.giq.2018.11.010>
- Scholl, H.J. (2013). Electronic Government Research: Topical Directions and Preferences. In: Wimmer, M.A., Janssen, M., Scholl, H.J. (eds) *Electronic Government*.

- EGOV 2013. Lecture Notes in Computer Science, vol 8074. Berlin, Heidelberg: Springer. Retrieved from: https://doi.org/10.1007/978-3-642-40358-3_1
- Sydorenko, N. (2021) State portal "diya" - ways to improve the sphere of provisional administrative services. Scientific perspective, 9(15). doi: [https://doi.org/10.52058/2708-7530-2021-9\(15\)-227-238](https://doi.org/10.52058/2708-7530-2021-9(15)-227-238)
- Sydorenko, N., & Shkurat, I. (2021a). Foreign experience in the field of provision of administrative services. Public administration, 27(2), 48-55. doi: [10.32689/2617-2224-2021-2\(27\)-6](https://doi.org/10.32689/2617-2224-2021-2(27)-6)
- Sydorenko, N. O., & Shkurat, I. V. (2021b). Provision of administrative services as a component public services: theoretical aspect. State construction, 1. doi: [10.34213/db.21.01.24](https://doi.org/10.34213/db.21.01.24)
- Syvetsen, T. (1999). The Many Uses of the "Public Service" Concept. Nordicom Review, 1, 5-12. Retrieved from: <http://nurmandi.staff.umy.ac.id/files/2012/02/theorypublicservice.pdf>
- Transparency International (2022). Corruption Perceptions Index – 2022. [online] Retrieved from: <https://cpi.ti-ukraine.org/>
- Tronko, O., Dyba, N., & Prokopchenko, S. (2018) Corruption Risks in the Provision of Administrative Services. Journal of Eastern European Law, 51, 89-94. Retrieved from http://easternlaw.com.ua/wp-content/uploads/2018/05/tronko_dyba_prokopchenko_51.pdf
- U-LEAD. (October, 2020). How to create a CNAP, free from corruption? Retrieved from https://tsnap.ulead.org.ua/wp-content/uploads/2020/11/U-LEAD-Anti-Corruption_Manual-2020.pdf
- Zavhorodnya, L. (2018). Corruption risks in the transport sphere. Legal Bulletin. Air and space law, 3, 17-23. Retrieved from: http://nbuv.gov.ua/UJRN/Npnau_2018_3_4
- Zayika, K.P. (2018). Corruption Risks: Concepts and Means Of Their Minimization. Actual problems of jurisprudence Issue 2 (14). 2, 35-38. Retrieved from <http://dspace.wunu.edu.ua/bitstream/316497/31228/1/%D0%97%D0%B0%D1%97%D0%BA%D0%B0.pdf>

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Activities of Ukraine law enforcement agencies to ensure the rights and freedoms of citizens during martial law

Діяльність правоохоронних органів України щодо забезпечення прав і свобод громадян під час воєнного стану

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Abstract

The purpose of the study is to determine the peculiarities of the implementation of law enforcement functions, in particular, regarding the protection of the rights and freedoms of citizens in the conditions of the legal regime of martial law by the relevant state authorities of Ukraine.

The goal of the article was achieved thanks to the use of a complex of general scientific, special and statistical methods. In particular, such as the method of system analysis, logical, methods of induction and deduction, analysis and synthesis, and a set of static methods.

Based on the results of the research, it was determined that during the period of the legal regime of martial law in Ukraine, there were changes in substantive and procedural law, and the legal statuses of representatives of individual law enforcement agencies were revised. Some of them, in particular the police, were given additional powers. The dynamic character is also inherent in both criminal and criminal procedural legislation. The normative and legal amendments aimed at creating a safe environment in society, in particular regarding the protection of the rights and freedoms of citizens, ensuring the proper

Анотація

Метою дослідження є визначення особливостей реалізації правоохоронних функцій, зокрема, щодо захисту прав і свобод громадян в умовах правового режиму воєнного стану відповідними органами державної влади України.

Мета статті була досягнута завдяки використанню комплексу загальнонаукових, спеціальних і статистичних методів. Зокрема, таких як метод системного аналізу, логічного, методів індукції та дедукції, аналізу і синтезу та сукупності статичних методів.

За результатами дослідження визначено, що за період дії правового режиму воєнного стану в Україні відбулися зміни у матеріальному та процесуальному праві, переглянуто було й правові статуси представників окремих правоохоронних органів. Деякі з них, зокрема поліцейські, були наділені додатковими повноваженнями. Динамічний характер притаманний також і кримінальному, і кримінальному процесуальному законодавству. Прийняті та введені в дію нормативно-правові новели, спрямовані на створення в суспільстві безпечового середовища, зокрема щодо захисту прав і

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state of public order and public safety, were adopted and put into effect. It has been established that the task of countering war crimes, eliminating gaps in the current legislation, developing and establishing effective interaction of law enforcement agencies with other enterprises, institutions, and organizations is currently being updated.

Keywords: rights and interests of citizens, law enforcement agency, legal regime of martial law, judicial authorities, administrative proceedings, criminal proceedings.

Introduction

The armed invasion of the territory of Ukraine necessitated the introduction of a legal regime of martial law on its territory. The legal regime of martial law should be understood as a special legal regime introduced in Ukraine or in some of its localities in the event of armed aggression or a threat of attack, danger to the state independence of Ukraine, its territorial integrity, and provides for the provision of appropriate state authorities, military command, military administrations and to local self-government bodies, the powers necessary to avert the threat, repulse armed aggression and ensure national security, eliminate the threat of danger to the state independence of Ukraine, its territorial integrity, as well as temporary, due to the threat, restriction of the constitutional rights and freedoms of a person and a citizen and the rights and legitimate interests of legal persons with an indication of the period of validity of these restrictions (Law of Ukraine No. 389-VIII, 2015).

As a result of the listed threats, there is a need to limit the constitutional rights and freedoms of natural persons - citizens of Ukraine, foreigners, stateless persons, as well as the rights and legitimate interests of legal entities, with an indication of the period of validity of the relevant restrictions. To a certain extent, this also affects the activities of law enforcement agencies, the main purpose of which is to protect the rights and freedoms of the aforementioned participants in legal relations, as well as the procedure for their performance of law enforcement functions, the implementation of law enforcement powers, etc. They, in particular, had to perform additional tasks, some were given additional powers, and the activities of others were complicated by a combination of factors determined by the mentioned legal regime.

свобод громадян, забезпечення належного стану публічного порядку та публічної безпеки. Установлено, що наразі актуалізовано завдання щодо протидії воєнній злочинності, усуненні прогалин в чинному законодавстві, виробленні та налагодженні ефективної взаємодії правоохоронних органів з іншими підприємствами, установами, організаціями.

Ключові слова: права і свободи громадян, правоохоронний орган, правовий статус, воєнний стан, адміністративне провадження, кримінальне провадження.

At the same time, the Basic Law of Ukraine - the Constitution of Ukraine defines that its provisions are norms of direct effect, and the rights and freedoms of a person and a citizen are not subject to restrictions, with the exception of martial law or a state of emergency (Law of Ukraine No. 254k/96-VR, 1996).

Based on the analysis of the provisions of the Constitution of Ukraine and the Law of Ukraine "On the Legal Regime of Martial Law", we come to the conclusion that the rights and freedoms of a person and a citizen, provided for by the Second Section of the Constitution of Ukraine, may be limited. Among them, in particular, the following: the right to inviolability of housing (Article 30); the right to confidentiality of correspondence, telephone conversations, telegraphic and other correspondence (Article 31); the right to freedom from interference in his personal and family life (Article 32); the right to freedom of movement, free choice of place of residence, the right to freely leave the territory of Ukraine (Article 33); the right to freedom of thought and speech, to free expression of one's views and beliefs (Article 34); the right to participate in the management of state affairs, in all-Ukrainian and local referendums, to freely elect and be elected to state authorities and local self-government bodies (Article 38); the right to assemble peacefully, without weapons, and to hold meetings, rallies, marches and demonstrations, about which the executive power bodies or local self-government bodies are notified in advance (Article 39); the right to own, use and dispose of one's property, the results of one's intellectual and creative activity (Article 41); right to entrepreneurial activity (Article 42); the right to work, which includes the opportunity to earn a living by work that he freely chooses or freely agrees to (Article 43); the right to strike to protect one's economic and social interests (Article 44); the right to education (Article 53)

(Law of Ukraine No. 254k/96-VR, 1996; Law of Ukraine No. 389-VIII, 2015).

As of March 2023, the state of war on the territory of Ukraine has lasted for more than a year. During this period, the legislative body - the Verkhovna Rada of Ukraine - adopted a number of laws, which definitely led to the reorientation of the usual order of activity of state authorities and local self-government. In the context of our research, the normative novelties and certain problematic aspects of the activity of law enforcement agencies related to the provision of law enforcement agencies with their main duties due to them will be analyzed. The relevance of this study is because such principles as legality and the rule of law are mandatory for compliance (Morska, 2022). At the same time, a person, his life and health, honor and dignity, inviolability and security are recognized as the highest social value. Therefore, the implementation of law enforcement functions, under such conditions, should be carried out in a balanced way, so that no body and its employee allow violation of human rights and freedoms, as well as excess of powers or abuse of them. We believe that the current task should be to study the peculiarities of the activities of law enforcement agencies of Ukraine in the context of ensuring the rights and freedoms of citizens under the conditions of the legal regime of martial law, preventing their violation and restoring those rights and legitimate interests that have already suffered illegal encroachments.

Methodology

The purpose of the study is to determine the peculiarities of the implementation of law enforcement functions by the relevant state bodies of Ukraine in the context of the protection of the rights and freedoms of citizens under the conditions of the legal regime of martial law. This goal was achieved thanks to the application of a complex of general scientific and special methods. Systematic approach in the application of these methods made it possible to study the raised problems in their dynamics and interrelationship.

The methods of induction, deduction, systematic analysis of normative and legal provisions made it possible to reveal changes due to the introduction of the legal regime of martial law, which reformatted the order of their activity. The same methods contributed to the identification of problematic issues arising in the practical activities of law enforcement agencies, as well as the search for alternative ways of solving them.

Statistical methods were used during the study of statistical reports, materials of criminal proceedings. The logical method and the method of generalization were used to form the conclusions of the study.

Literature Review

A significant number of scientific works have been devoted to the study of the peculiarities of ensuring the rights and freedoms of a person and a citizen. The subject of research by Ukrainian scientists remains the peculiarities of limiting the constitutional rights of a person and a citizen under martial law (Panasiuk et al., 2022).

The scope of scientific research periodically includes the problems of identifying certain fundamental changes in criminal and criminal procedural legislation, due to the current legal regime of martial law. It is they, as scientists point out, who currently embody the dynamics of criminal law and process, and highlight the directions of their further development (Balobanova et al., 2022).

Scientists have not overlooked the peculiarities of the investigation of crimes against humanity committed in the context of military conflicts (Myroshnychenko et al., 2022), because given the circumstances taking place in the world, this problem is one of the most relevant. Scientists pay great attention to the study of the peculiarities of the investigation of certain types of crimes under martial law. Thus, the specifics of investigating corruption crimes, innovations in anti-corruption legislation, and changes in criminal procedural legislation were subject to a separate study (Lisitsyna et al., 2022). Scientists were also engaged in the study of innovative technical forensic tools, which can be recognized as alternative means of increasing the effectiveness of criminal justice in Ukraine, in particular, in the conditions of the legal regime of martial law (Husieva et al., 2022).

Scientific searches in the context of possible ways of solving issues related to the restoration of violated rights are gaining relevance, in particular in connection with causing property (material) damage due to damage to the property of citizens (Gramatskyy et al., 2022). Separate studies are devoted to the investigation of crimes of general criminal orientation (Husieva, 2022), and even the protection of individual rights in executive proceedings under martial law (Prytuliak et al., 2022).

In this way, the work of scientists is quite thorough, but the problems of the law enforcement agencies of Ukraine regarding the protection of the rights and freedoms of a person and a citizen under the conditions of the legal regime of martial law have not yet been comprehensively investigated. Given that such practical activity is complex and subject to constant regulatory changes, we consider it appropriate to investigate the problematic issues that arise during its implementation under the mentioned conditions.

Results and discussion

Law enforcement agencies of Ukraine have been at the stage of reform for a long time, this has led to the fact that their unified system has not yet been formed. In various normative and legal sources, different approaches of the legislator to the interpretation of which state bodies belong to the category of law enforcement are reflected. So according to Art. 2 of the Law of Ukraine "About the State Protection of Court Employees and Law Enforcement Bodies", they include the prosecutor's office, the National Police, the security service, the Military Law and Order Service of the Armed Forces of Ukraine, the National Anti-Corruption Bureau of Ukraine, state border protection authorities, the Bureau of Economic Security of Ukraine, bodies and institutions for the execution of punishments, pretrial detention facilities, bodies of state financial control, fisheries protection, state forest protection, other bodies that perform law enforcement or law enforcement functions (Law of Ukraine No. 3781-XII, 1993).

The Law of Ukraine "About the National Security of Ukraine" states that law enforcement agencies belong to the system of the security and defense sector of Ukraine, as well as state bodies of special purpose with law enforcement functions, but exhaustive lists of such bodies are not given (Law of Ukraine No. 2469-VIII, 2018). That is why, in addition to those defined above, some scientists include the court, the National Asset Recovery Agency, the Foreign Intelligence Service of Ukraine, customs authorities, the State Security Office of Ukraine, etc., in the category of these bodies. Thus, the system of law enforcement agencies of Ukraine is constantly changing, which is due to the formation, liquidation, reorganization of certain agencies. Considering that one of the urgent issues is the development of modern mechanisms for ensuring the functioning of the security and defense sector, its constituent elements, during the performance of the tasks assigned to them

under the conditions of the legal regime of martial law, we consider it appropriate to determine the specifics of the activities of those of them, the main task of which is to ensure human rights and freedoms.

Such bodies definitely include the bodies of the National Police of Ukraine, the activities of which, due to the introduction of the legal regime of martial law, underwent certain changes defined by the Law of Ukraine "On Amending the Laws of Ukraine "On the National Police" and "On the Disciplinary Statute of the National Police of Ukraine" in order to optimize their activities of the police, including during martial law" dated March 15, 2022 No. 2123-IX. The latter, in particular, were given additional powers in order to create appropriate conditions for countering internal threats of martial law. As for direct powers, among them, in particular, the following:

- a police officer, upon written request, receives from state bodies, local self-government bodies, legal entities of state ownership information necessary for the performance of tasks and powers of the police, in particular about prisoners of war;
- escorting persons detained on suspicion of committing a criminal offense, taken into custody, accused or sentenced to imprisonment, as well as guarding them in the courtroom;
- a police officer can detain in temporary detention centers persons detained for committing criminal or administrative offenses, persons for whom detention has been applied as a preventive measure, persons subject to administrative arrest, as well as accused and convicted persons;
- the implementation of operational demining by the police: detection, neutralization and destruction of explosive objects;
- technical and forensic support for inspection of the scene of the event (in particular, related to fires) and special explosive engineering work following the facts of explosions, receipt of reports on the discovery of suspicious explosive objects, the threat of an explosion;
- representation and fulfillment of obligations of Ukraine in the International Criminal Police Organization - Interpol;
- cooperation with the European Police Office (Europol);
- collection of biometric data of persons by fingerprinting;
- implementation of administrative supervision in accordance with the law

(Law of Ukraine No. 2123-IX, 2022). We consider it appropriate to emphasize that most of these additional powers are of an operational nature, some measures are of a preventive and prophylactic nature, however, as O. Bezpalova correctly noted, all of them are aimed at ensuring the proper state of public order and ensuring the rights of citizens (Bezpalova, 2022, p. 17).

During martial law, if it is necessary to repulse an attack or when arresting a person who has committed an offense and is resisting a police officer, he has the right to use both coercive measures and improvised means. In particular, it is allowed to use coercive measures without warning, to strike with special means without restrictions on the location of their application, as well as to use firearms. Regarding the expanded powers of the police, special discussions were caused by the possibility of using improvised means within the scope of coercive measures. We believe that a significant legal gap, taking into account the principle of imperativeness, in this aspect is the absence of a normatively established definition of the concept of "at hand means". This can lead to arbitrariness on the part of representatives of law enforcement agencies, as well as complicate the process of providing a legal assessment of the actions of police officers, including, regarding the qualification of their actions under Article 365 of the Criminal Code of Ukraine "Exceeding authority or official powers by an employee of a law enforcement agency" (Law of Ukraine No. 2341-III, 2001).

They do not lose their relevance, but on the contrary, their significance increases, especially in the conditions of the legal regime of martial law, the performance by the National Police bodies of the tasks assigned to them, defined in Article 2 of the Law of Ukraine "On the National Police". Such tasks are the provision of police services in the following areas: 1) ensuring public safety and order; 2) protection of human rights and freedoms, as well as the interests of society and the state; 3) combating crime; 4) providing, within the limits defined by law, assistance services to persons who, for personal, economic, social reasons or as a result of emergency situations, need such assistance (Law of Ukraine No. 580-VIII, 2015). Their significant relevance is due to current crime rates. Therefore, we propose to determine the peculiarities of the activities of the National Police bodies in ensuring the rights and freedoms of citizens, taking into account the existing trends in society and criminogenic factors.

As a rule, the largest specific gravity among registered criminal offenses is those that encroach on property. So, for example, the number of fraud proceedings in 2022 increased by 34% compared to the previous year. Currently, the most frequent reasons for misleading citizens are proposals to carry out a pseudo-evacuation, as well as to collect money or other material assets for the needs of the Armed Forces of Ukraine, in order to provide humanitarian aid to representatives of society in need.

Advertisements about the organization of passive income are growing on the Internet, which Ukrainians who have lost their jobs due to hostilities or are forced to look for alternative ways to increase their earnings are quite actively responding to them. Common methods of misleading are offers to invest in securities (stocks, bonds, futures, options) or cryptocurrency. Thus, at the end of 2022, representatives of the Cyber Police Department of Ukraine, together with the Main Investigative Department of the National Police of Ukraine, the Office of the Prosecutor General of Ukraine, representatives of Europol and Eurojust exposed five citizens of Ukraine who were participants in a large-scale international criminal scheme (Cyber Police Department of Ukraine, 2022). Such events, due to their transnational nature, actualize the task of strengthening international cooperation to develop mutual approaches to the development of universal standards and instructions for the implementation of cybercrime documentation, as well as the recognition of certain illegal acts as crimes in national legislation (Pohoretskyi et al., 2022).

As for other criminal offenses against property, the commission of which causes material damage to citizens, they currently contain new qualifying features - increased criminal liability for their commission "under conditions of war or a state of emergency" (Articles 185-187, 189, 191 of the Criminal Code of Ukraine). The purpose of such innovations was to protect the property of citizens from looting, because many houses, apartments and other immovable and movable property were left unattended by the legal owners, taking into account the need to preserve their own life and health, as well as ensure personal safety. Regarding the definition of the specifics of law enforcement agencies, this led to a decrease in the number of criminal misdemeanors registered, but additionally overloaded the pretrial investigation bodies of the National Police, because under such conditions, these criminal offenses belong to the

categories of serious or especially serious crimes, depending on the sanctions of the article.

The criminalization of some acts, in particular those related to economic activity, introduced by the legislator, affected the specifics of the activities of the pre-trial investigation bodies of the National Police. During the period of martial law, the volunteer movement began to develop rapidly. In 2022, 2,383 people were registered in the Register of Volunteers, which is 8.4 times more than during the entire period of its existence. By 2022, only 320 Ukrainians were registered in it. The activity of volunteer organizations, in particular for the provision of humanitarian aid, charitable donations, etc., is an opportunity provided and guaranteed by international law to ensure the natural human rights to life, health, a decent standard of living, etc. The Geneva Conventions of 1949 and their additional protocols stipulate that every democratic state governed by the rule of law must ensure the right of its citizens to an adequate standard of living. The same normative legal documents define measures aimed at protecting those people who do not take part in military operations, including: civilians, health care workers, humanitarian workers (Commissioner for Human Rights of the Verkhovna Rada of Ukraine, 1949). As rightly pointed out in the legal literature, this is the basis of humanitarian law (Danielsson & Polasek, 2020). Taking into account the abuse of certain representatives of society, there was a need to criminalize illegal actions related to the illegal use for the purpose of obtaining profit from humanitarian aid, charitable donations or free aid (Article 201-2 of the Criminal Code of Ukraine). As a rule, this criminal offense occurs due to the presence of two factors: 1) the donor organization can work and mostly works abroad and does not always have the opportunity to have its representative physically present during the "distribution" of humanitarian aid; 2) due to the lack of a system of supervision, which is the basis for the corruption of local officials. After all, the practice of involving local authorities and local self-government, and sometimes even police officers themselves in this process is quite common.

Although the criminalization of this illegal act took place relatively recently, according to the statistics of the Office of the Prosecutor General, in 2022 (as of March 24) 384 facts of illegal use for profit of humanitarian aid, charitable donations or free aid were registered. At the same time, only 58 (over 15%) reports of suspicion were served, and only 25 (6.5%) criminal

proceedings were sent to court with an indictment. The latency of this criminal offense should also be emphasized. The given facts and indicators, obtained as a result of the summarization of the materials of investigative and judicial bodies, allow us to state the need to increase the efficiency and activation of the activities of law enforcement officers and representatives of the public in this direction, because it is unacceptable to violate the norms of humanitarian law.

Other factors also led to the overloading of investigative bodies of the National Police. Thus, they are entrusted with the duty to respond to the statements and reports of citizens, in particular, to send police forces and equipment necessary for the protection of human rights and freedoms, guaranteed by the Constitution and laws of Ukraine, as well as international treaties of Ukraine, to the places of events, consent to the obligation the binding nature of which is granted by the Verkhovna Rada of Ukraine, and assistance in their implementation. It is enshrined in the Instruction on the Organization of Response to Statements and Notifications of Criminal, Administrative Offenses or Events and Operational Information in Bodies (Units) of the National Police of Ukraine: approved by the Order of the Ministry of Internal Affairs of Ukraine dated April 27, 2020 No. 357. Because of these provisions, investigators who serve in areas of hostilities, carry out visits based on the fact of damage to the homes of citizens, conduct there based on Part 3 of Art. 214 of the Criminal Procedure Code of Ukraine inspects the scene of the incident based on such facts, as well as implement other measures provided for by the Law of Ukraine "On the National Police". In fact, under such conditions, the investigators of the National Police form the primary material that testifies to the commission of a criminal offense provided for in Art. 438 "Violation of the laws and customs of war", after which a pre-trial investigation begins, and the prosecutor's office based on Art. 216 of the Criminal Procedure Code of Ukraine determine the jurisdiction of these criminal offenses by the security authorities (Law of Ukraine No. 4651-VI, 2012).

Relevant legislative changes should be accompanied by appropriate scientific support and taken into account when organizing the professional activities of law enforcement officers. In this regard, the proposal to develop a strategy for training personnel for the police is considered appropriate. For example, the Personnel Policy Strategy of the National Police of Ukraine. A Plan of measures for its

implementation must be developed before it. At the same time, it should provide for the task of introducing, within the framework of the initial professional training of police officers, service training and post-graduate training courses in special pre-medical training, the rules of conduct under the conditions of hostilities (Ivanytsia et al., 2022).

It has undergone corresponding changes during the period of the wartime legal regime and the activity of security agencies - the Security Service of Ukraine. The performance of this special purpose state body with law enforcement functions, which ensures the state security of Ukraine, among other things, is entrusted with the task of protecting the legitimate interests of the state and the rights of citizens from the intelligence and subversive activities of foreign special services, encroachments by individual organizations, groups and individuals. Moreover, the investigation of many war crimes belongs to the powers of investigative security agencies. In this aspect, the dynamic character of the criminal law of Ukraine should be noted, in particular, in the part of issues of criminal responsibility for crimes against the foundations of national security of Ukraine, which is inherent in the period of martial law. Yes, in Art. Art. 111-1 "Collaborative activity", 111-2 "Assistance to the aggressor state", 114-2 "Unauthorized dissemination of information about the transfer, transfer of weapons, armaments and military supplies to Ukraine, the movement, transfer or placement of the Armed Forces of Ukraine or others formed accordingly to the laws of Ukraine of military formations, committed in conditions of war or state of emergency" criminalized new illegal acts. Many articles of the Criminal Code of Ukraine have been revised, including: Article 111 "Treason", 113 "Sabotage", military criminal offenses, because the article appeared. 435-1 "Insulting the honor and dignity of a serviceman, threatening a serviceman." Supplemented with a separate article Chapter XX "Criminal offenses against peace, security of humanity and international legal order" – article 436-2 "Justification, recognition as legitimate, denial of armed aggression of the Russian Federation against Ukraine, glorification of its participants." In this regard, the employees of the Security Service of Ukraine, in the conditions of a shortage of scientifically based recommendations regarding the investigation of many criminal offenses, under the conditions of wartime, threats to their own lives and health, are forced to fulfill their professional powers.

In order to observe and implement the principle of protection of the highest social value - human life and health, the legislator made significant changes to the criminal procedural legislation. In particular, the amendment of the current Criminal Procedure Code of Ukraine with section IX-1 "Special regime of pre-trial investigation, trial under martial law" was a significant amendment. As rightly emphasized in the legal literature, these changes are designed to minimize the need for direct participation of citizens in the implementation of procedural actions (Balobanova et al., 2022). An example in this aspect can be the provisions of Part 11 of Art. 615 of the Criminal Procedure Code of Ukraine, according to which statements obtained during the interrogation of a witness, victim, including the simultaneous interrogation of two or more already interrogated persons, in criminal proceedings carried out under martial law, can be used as evidence in court exclusively in case the course and results of such an interrogation were recorded using available technical means of video recording. This approach is significantly different from the general procedure, due to which pre-trial depositions that have not been deposited, obtained in criminal proceedings during the period of martial law, can be used as a source of evidence in court proceedings, if the conditions specified in Art. 615 of the Criminal Procedure Code of Ukraine and the restrictions provided for by Art. 87 of this Code.

Conclusion

The activities of law enforcement agencies of Ukraine, which have been in the reform stage for a long time, have undergone certain changes. This is due to the introduction of the legal regime of martial law. The existing state of affairs actualized the need to establish as a priority area of activity of these bodies - maintaining the proper state of the safety environment for the population. This led to the need to grant certain law enforcement agencies additional powers during the period of martial law, criminalization of certain social relations, and changes to material and procedural law.

Over the past year, many normative and legal novelties have been enshrined in the Criminal Code of Ukraine, the Criminal Procedural Code of Ukraine, the Laws of Ukraine "On the National Police", "On the Security Service of Ukraine", as well as in a number of secondary legal acts. All of them are aimed at ensuring the ability of law enforcement agencies to exercise their professional powers in the direction of protecting the rights and freedoms of citizens,

ensuring the proper state of public order and public safety.

At the same time, under the conditions of the current legal regime, the task of countering war crimes has been updated. This concerns the investigation of war crimes, as well as criminal offenses of a general criminal orientation, which under modern conditions have not become less common, but on the contrary, have changed both their quantitative and qualitative indicators. In addition, they have undergone corresponding changes in terms of both legal qualifications, methods of execution, reasons and conditions that contribute to the realization of criminal intent, etc.

The conducted analysis of regulatory and legal changes confirmed that appropriate reforms have taken place in the usual order of activity of law enforcement agencies due to the introduction of martial law. Taking into account this, as well as statistical indicators of crime, promising areas of scientific research are determined. They are peculiarities of the interaction of law enforcement agencies with state authorities, military administrations, local self-government bodies, public representatives, journalists, volunteers and international organizations in the field of protection and protection of the rights of citizens who are in the zone of active hostilities, in occupied and de-occupied territories.

Bibliographic References

- Balobanova, D., Hazdayka-Vasylyshyn, I., Shekhavtsov, R., Avramenko, O., & Lashchuk, N. (2022). Dynamics of criminal law and process in conditions of special legal regimes. *Amazonia Investiga*, 11(54), 208-218. <https://doi.org/10.34069/AI/2022.54.06.20>
- Bezpalova, O. I. (2022). Priority areas of police bodies' activity in ensuring the citizens' rights in the conditions of martial law legal regime in Ukraine. *Law and Safety*, 86(3), 13-25. <https://doi.org/10.32631/pb.2022.3.01>
- Commissioner for Human Rights of the Verkhovna Rada of Ukraine (1949). Geneva Conventions. Retrieved from <https://acortar.link/BhYUMf>
- Cyber Police Department of Ukraine. (2022). The cyber police exposed members of a transnational fraudulent group. <https://acortar.link/EfFVsh>
- Danielsson, J., & Polasek, A.-M. (2020). A qualitative study of the ethical reasoning behind the allocation from the perspective of five Swedish-based organizations. *School of Education and Communication International Work*. <https://www.diva-portal.org/smash/record.jsf?pid=diva2:1441779>
- Gramatskyy, E., Bignyak, O., Kryvosheyina, I., Tokarchuk, L., & Shmyndruk, O. (2022). Peculiarities of the compensation for damage caused by military actions: New realities of international judicial practice. *Amazonia Investiga*, 11(54), 57-64. <https://doi.org/10.34069/AI/2022.54.06.6>
- Husieva, V. (2022). Criminal classification of criminal offenses related to raiding, elements of their criminal characteristics. *Bulletin of Luhansk State University of Internal Affairs Named After E. Didorenko*, 3(99), 242-252. <https://doi.org/10.33766/2524-0323.99.242-252>
- Husieva, V., Avdieiev, O., Kornienko, V., & Kryvoruchko, L. (2022). Innovative technologies as alternative means of improving the efficiency of criminal justice in Ukraine. *Amazonia Investiga*, 11(52), 260-268. <https://doi.org/10.34069/AI/2022.52.04.28>
- Ivanytsia, A., Yunin, O., Yunina, M., Bobrishova, L., & Shevchenko, S. (2022). Promising ways to improve training for police service under martial law: administrative and legal aspect. *Amazonia Investiga*, 11(60), 39-46. <https://doi.org/10.34069/AI/2022.60.12.4>
- Law of Ukraine No. 2123-IX. On making changes to the laws of Ukraine "On the National Police" and "On the Disciplinary Statute of the National Police of Ukraine" in order to optimize police activities, including during martial law, 2022. Web site of the Verkhovna Rada of Ukraine. Retrieved from: <https://zakon.rada.gov.ua/laws/show/2123-20>
- Law of Ukraine No. 2341-III. Criminal Codes of Ukraine. Web site of the Verkhovna Rada of Ukraine, 2001. Retrieved from <https://zakon.rada.gov.ua/laws/show/2341-14>.
- Law of Ukraine No. 2469-VIII. About the National Security of Ukraine. Web site of the Verkhovna Rada of Ukraine, 2018. Retrieved from URL: <https://zakon.rada.gov.ua/laws/show/2469-19#Text>
- Law of Ukraine No. 254k/96-VR, Constitution of Ukraine. Web site of the Verkhovna Rada of Ukraine, 1996. Retrieved from <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>
- Law of Ukraine No. 3781-XII. About the State Protection of Court Employees and Law

- Enforcement Bodies. Web site of the Verkhovna Rada of Ukraine, 2018. Retrieved from URL: <https://zakon.rada.gov.ua/laws/show/3781-12#Text>
- Law of Ukraine No. 389-VIII. About the legal regime of martial law. Web site of the Verkhovna Rada of Ukraine, 2015. Retrieved from URL: <https://zakon.rada.gov.ua/laws/show/389-19#Text>
- Law of Ukraine No. 4651-VI. Criminal Procedure Codes of Ukraine. Web site of the Verkhovna Rada of Ukraine, 2012. Retrieved from <https://zakon.rada.gov.ua/laws/show/4651-17#Text>
- Law of Ukraine No. 580-VIII. About the National Police. Web site of the Verkhovna Rada of Ukraine, 2015. Retrieved from URL: <https://zakon.rada.gov.ua/laws/show/580-19#Text>
- Lisitsyna, Y., Gurtieva, L., Pavlyshyn, A., Lukashchuk, K., & Nuriyev, E.Z. (2022). Corruption Crimes and Peculiarities of their Investigation Procedure under Martial Law. *Amazonia Investiga*, 11(54), 41-49. <https://doi.org/10.34069/AI/2022.54.06.4>
- Morska, N. (2022). Ontology of human rights in today's globalized world: the philosophical dimension. *Amazonia Investiga*, 11(60), 264-271. <https://doi.org/10.34069/AI/2022.60.12.27>
- Myroshnychenko, N., Baranenko, D., Murzanovska, A., Dilna, Z., & Suleimanova, S. (2022). Crimes against humanity in the conditions of military conflicts of the 21st Century: The practice of international courts. *Amazonia Investiga*, 11(54), 9-17. <https://doi.org/10.34069/AI/2022.54.06.1>
- Order of the Ministry of Internal Affairs of Ukraine No. 357. About the approval of the Instructions on the organization of response to applications and reports on criminal, administrative offenses or events and operational information in bodies (subdivisions) of the National Police of Ukraine (2020). Web site of the Verkhovna Rada of Ukraine. Retrieved from <https://zakon.rada.gov.ua/laws/show/z0443-20#Text>
- Panasiuk, V., Poliuk, Y., But, I., Zhyvotovska, I., & Synytsyn, P. (2022). Constitutional human rights under martial law: legal realities. *Amazonia Investiga*, 11(54), 76-83. <https://doi.org/10.34069/AI/2022.54.06.8>
- Pohoretskyi, M., Cherniak, A., Serhieieva, D., Chernysh, R., & Toporetska, Z. (2022). Detection and proof of cybercrime. *Amazonia Investiga*, 11(53), 259-269. <https://doi.org/10.34069/AI/2022.53.05.26>
- Prytuliak, V., Hofman, O., Verba, O., Shcherbak, S., Leshchenko, O. (2022). Protection of individual rights in enforcement proceedings under martial law. *Amazonia Investiga*, 11(54), 50-56. <https://doi.org/10.34069/AI/2022.54.06.5>

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Language as a political manipulation tool

Мова як засіб політичної маніпуляції

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Abstract

Unfortunately, human intelligence is increasingly becoming militant and destructive. A clear evidence is the full-scale invasion of Russia into Ukraine, centuries of enslavement of the Ukrainian people, destruction of Ukrainian culture and language. In fact, the current tragic events of the latest hybrid war exposed ethnocide and linguicide against Ukrainians. The aim of the article is to analyse the use of language as a manipulation tool for the realization of fundamental political interests. Research methods: historical method, content analysis, statistical analysis. The results of the study show that the hegemonic policy of the current Russian government is characterized by the aggressive hybrid war against Ukraine, which actively involves various manipulation tools, in particular language, in order to justify the occupation, violent means of domination and methods of control over its former colonies, in order to

Анотація

На жаль, людський інтелект дедалі більше стає войовничим і деструктивним. Яскравим свідченням є повномасштабне вторгнення Росії в Україну, багатовікове поневолення українського народу, нищення української культури та мови. Фактично нинішні трагічні події останньої гібридної війни викрили етноцид і лінгвоцид українців. Метою статті є аналіз використання мови як інструменту маніпулювання для реалізації фундаментальних політичних інтересів. Методи дослідження: історичний метод, контент-аналіз, статистичний аналіз. Результати дослідження свідчать, що гегемоністська політика нинішнього російського уряду характеризується агресивною гібридною війною проти України, в якій активно залучаються різноманітні засоби маніпулювання, зокрема мовою, з метою

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appropriate all the resources of the enslaved countries and peoples, in order to maintain the status of a global leader and dominate the world. Further research may focus on analysing the manifestations of the use of language as a manipulation tool by pro-Russian parties in Ukraine and other countries.

Keywords: language, hybrid war, political manipulation, politics of hegemony, linguicide, language war, language conflicts.

Introduction

Language and information are currently one of the most powerful tools of influence on social, political and other processes (Korolyov & Grytsenko, 2022). A specific situation has developed in Ukraine: on the one hand, language and information media have become one of the leading tools of the aggressor in parallel with the invasion of the Russian Federation (RF) on the sovereign territory of the country (Makarets, 2019a). On the other hand, language itself is actually a weapon in the context of the Russian-Ukrainian conflict, because it is common for the Russian Federation to appeal with slogans such as “the united Russian people”, “fraternal nations”, “protection of Russians and Russian-speaking people” (often combined into one group in the aggressor’s information sources) etc. So, political forces not only use and inflate existing language conflicts to lobby for their own interests, but also artificially create language conflicts themselves all the time to achieve a certain goal (gaining the support of the majority of voters in certain regions of the country, inciting enmity, imposing their ideology, etc.), which is characteristic of the language policy of the Russian Federation in relation to Ukraine (Fedinec & Csernicskó, 2017).

In most countries, the use of languages other than the official one within their borders is not considered a danger and is often determined by the ethnic composition of the population, historical conditions, etc. It is not imposed by the colonialist policy of other countries. In the Ukrainian context, the relationship between the Ukrainian and Russian languages turned into a hostile confrontation, language war, which has been going on for more than a century (Chupryn & Perchyk, 2020; Csernicskó, 2017). Current language policy in Ukraine has been aimed at strengthening the role of the Ukrainian language in all spheres of social life. It is supported by the

виправдання окупації, насильницькі засоби домінування та методи контролю над своїми колишніми колоніями, щоб привласнити всі ресурси поневолених країн і народів, щоб зберегти статус глобального лідера та домінувати у світі. Подальші дослідження можуть бути зосереджені на аналізі проявів використання мови як інструменту маніпуляції проросійськими партіями в Україні та інших країнах.

Ключові слова: мова, гібридна війна, політична маніпуляція, політика гегемонії, лінгвоцид, мовна війна, мовні конфлікти.

current legislation, in particular, the Constitution of Ukraine, and is implemented in national interests, it comes from within the country (Hryshyna & Bigary, 2019; Azhniuk, 2019; Overchuk & Batiukh, 2021). All recent sociological surveys show that the absolute majority of Ukrainian citizens consider the Ukrainian language their native language and claim that it should be the only state language (Rating group, 2022a; Rating group, 2022b; Kulyk, 2022). At the same time, the policy of the Russian Federation towards Ukraine, in particular, in language issues is colonial in nature. The aggressor widely used the language as a manipulation tool — false views about the alleged “protection of Russians and Russian-speakers” are spread through political speeches, the media. Screened by them, Russian propaganda implemented its plans for the russification of the population of Ukraine.

A vivid example is the situation with Crimea. Since Ukraine has gained independence, Russian and pro-Russian politicians have constantly talked about the Ukrainian authorities restricting the Russian language on the peninsula. Although until 2014, at the time of annexation, in Crimea, out of 600 schools, more than 500 schools were taught in Russian, 12 schools were taught in Crimean Tatar, and only 2 lyceums were taught in Ukrainian (Nekrecha & Khalilov, 2022). In fact, the events of 2014, when Russia occupied Crimea, Donbas, and part of Luhansk region under the slogans of protecting the Russian-speaking population, made many Ukrainians realize that the Russian language is the language of enslavement of Ukrainians not only from the 17th to the 20th centuries, but also now. The forms change, but the content remains: where the resistance of Ukrainians weakens, there sprouts “Russian peace” (Bezkorovaina, 2014).

Therefore, the common slogan “language is a weapon” in the context of a full-scale invasion acquires not only a figurative meaning. This is why the issue of the fight against manipulation by the Russian Federation, Russian propaganda, the issue of the preservation and life of the Ukrainian community and the Ukrainian language are particularly relevant.

The aim of the article is to analyse the use of language as a means of manipulation for the realization of fundamental political interests. The aim involved the fulfilment of the following research objectives:

- Investigate the historical prerequisites of oppression, persecution, bans on the Ukrainian language, and identify the peculiarities of the use of the language as a manipulation tool in the hybrid war;
- Determine the main directions of influence of the use of language as a tool of political manipulation by the Russian Federation;
- Identify the specifics of the current language situation in Ukraine.

Literature Review

The topic of this research correlates with current directions of studies of many Ukrainian and other researchers of the world. Increasing attention to the issue under research is explained primarily by the full-scale military invasion of Russia into Ukraine in 2022. However, the problem roots back to the distant past, because oppression, persecution, bans on the Ukrainian language have a long history.

The work of Mieliekiestsev and Temirova (2022) is one of the pillars for the author’s research. The researchers note that there are many examples of the so-called assimilation policy in Ukrainian history, which has been taking place since “great resettlement”. However, the Polish-Lithuanian Commonwealth, the Habsburg Monarchy and the Russian Empire exerted the most significant influence of language policy. Researchers note that while the expansion of the German and Polish languages was suspended, Russia continued linguistic, in particular during the times of the USSR.

The work took into account the finding of Dvirna (2022), who studies the origins and current state of the language conflict in Ukraine. Special attention in the study is paid to the period 2014-2022. The researcher outlined the main political events of this period, and described the key government decisions regarding the functioning

of the language of the titular nation and minority languages.

The increased interest of the world scientific community in these problems in 2022 evidences the importance of covering the features of a hybrid war, with a language war being its main component, and language being an effective tool of political manipulation. The work of Zeller (2022) is based on a survey conducted in Mykolaiv, Odesa, and Kherson regions. These regions are targets for invaders, which is explained by their beliefs about the perceived “kinship” of these territories with Russia. However, the survey, which covered the spheres of language policy, Ukrainian autonomy and identity, the geopolitical vector of Ukraine, established that the respondents tend to identify themselves with Ukraine and the Ukrainian language, while being sceptical of the Russian state. Barrington (2022) also conducted a survey of the population of Ukraine, which indicates some differences in the attitude of the population of different regions of Ukraine to language issues. The final statement of this article that the conflict with the Russian Federation plays an important role in making Ukraine “more Ukrainian”. The researcher notes that the future stability of Ukraine will depend on how firmly the national identity is established. Arel (2018) followed the same direction as the previous two studies. The researcher studies changes in the influence of identity factors in the political preferences of the population of Ukraine after 2014.

In the context of the research, it will be useful to take into account the works of researchers who studied language conflicts and language policies in other countries. This will help to expand the information background for a comparative study of manifestations of the use of language as a tool of political manipulation in other countries. Turgeon et al., (2021) examine aspects of the introduction of two official languages (English and French) in Canada, studying the proportion of people who oppose or, on the contrary, support bilingualism. The researchers take into account the influence of symbolic beliefs and self-interests on the favour of citizens. Mar-Molinero (2020) studied the role of language in the nation-building process in Spain (Spanish is official in the country, other languages have the status of official in certain regions). The researchers note the complexity of the relationship between language and politics, noting that linguistic minority groups can be subordinated and controlled by the central authority of the majority.

Singh and Dhussa (2020) explore the challenges of multilingualism in India. In addition to the two official languages — English and Hindi — the country has 22 languages recognized in the country's Constitution, as well as many microlinguistic minority languages. The researchers explain this with the process of state system in India, where there were many independent regional and subcontinental states, as well as the gap between the languages of the elite (Sanskrit, Persian, English) and the languages of the people, which persists to this day. Makarets (2019a) examines the language regimes of certain European countries where several official languages have been introduced (Ireland, Finland, Belgium). The researcher makes a comparison between these countries and Ukrainian realities, providing reasoned evidence

as to why the approval of two official languages in Ukraine is unfounded and harms national interests. Chupryn and Perchyk (2020) focus on the comparison of experience in the field of language policy of Israel and Ukraine. Researchers note that Hebrew, or the Israeli language, existed for a long time in fact only in written form, but the language was revived thanks to a strong ideological basis. Rawat (2022) outlines the causes of the civil war in Sri Lanka. When studying the conflict, the researcher finds that the politicization of the issue of the official language has become the most significant manifestation of the conflict, because the language has a decisive influence on the support and preservation of national identity.

Methods and Materials

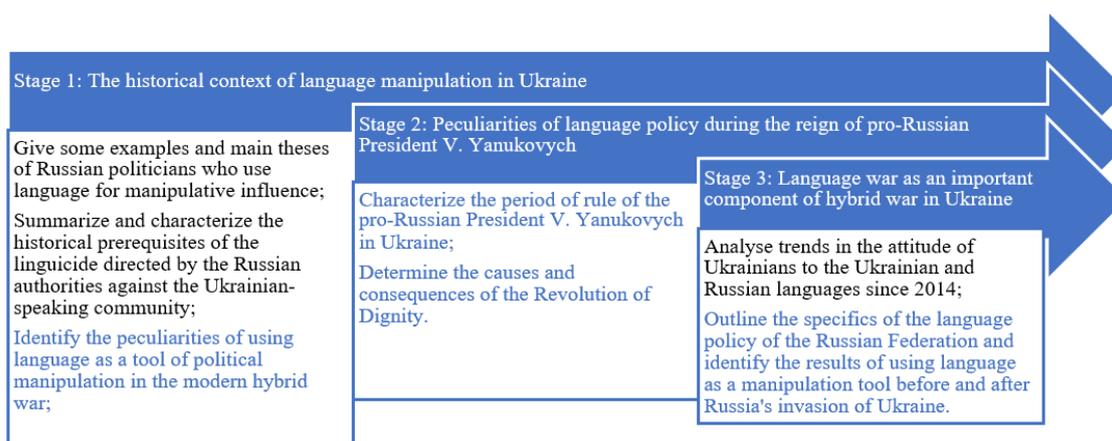


Figure 1. Stages of research with the distribution of relevant objectives Research design (created by the author)

Ukraine was chosen as an example for studying the use of language as a political manipulation tool. Its history and present vividly demonstrates the causes and consequences of such manipulations by the enemy. The study proposes a three-element approach to revealing the problem (Figure 1). In accordance with the determined constituent elements of the research, its process is divided into appropriate stages. The first stage involved a content analysis of some main theses of the Russian leader V. Putin. Separate language means and techniques, which the politician resorts to when using language as a manipulation tool, are defined. The historical method was used to explain the current directions of the language policy of the Russian Federation at the same stage. A shortened list of events in the history of linguistic directed by individual “superpowers” against Ukrainians is presented.

At the second stage of the research, a separate period in the history of independent Ukraine — the V. Yanukovich's presidency — is described. The historical method was used to describe the events of the Revolution of Dignity, which were of paramount importance for the consolidation of the national idea.

The third stage provided for the analysis of the results of three surveys of Ukrainians on language issues. The first and second surveys were conducted by the Rating sociological group in March and August 17-18, 2022 for the population of Ukraine over the age of 18 using the CATI (Computer Assisted Telephone Interviewing) method. The sample included 1,000 respondents. From this survey, the trend of answers to the question “Which language (Ukrainian or Russian) is your native language?” and “How, in your opinion, should the Ukrainian and Russian languages coexist in Ukraine?” was

analysed. The third survey was commissioned by political scientist V. Kulyk to Kyiv International Institute of Sociology, and conducted in December 2022 using the CATI method for 2,005 respondents who lived in Ukraine during this period (in the territories controlled by the Ukrainian authorities until February 24, 2022). From this survey, answers to questions about the use of the Ukrainian and/or Russian language in the everyday life of Ukrainians in 2017 and 2022 were analysed.

Results

The historical context of language manipulation in Ukraine

Describing the current Russian-Ukrainian confrontation, it is appropriate to note that a powerful information war and language aggression began long before the occupation of Crimea and part of the territory of Eastern Ukraine in 2014 and the full-scale invasion on February 24, 2022. Russia has actively used language manipulation since the declaration of Ukraine's independence. The spheres of this manipulation were spread in political campaigns, speeches, mass media, and social networks. The language has become an important manipulation tool for many Russian politicians and statesmen. The current leader of the aggressor state, V. Putin, demonstrates special virtuosity. The politician skillfully uses emotionally charged words and phrases in his message to the Federal Assembly of the Russian Federation (April 25, 2005), calling the collapse of the USSR "the greatest geopolitical catastrophe of the century" and "a drama for the Russian people." The Russian leader constantly resorts to distorting information. In particular, during a press conference with E. Macron, the president of France, in May 2017, he calls Yaroslav the Wise "our prince", although he ruled in Kyiv a century before the founding of Moscow. Putin often uses such a tool as creating images and stereotypes, one of the most common of which is that "Ukrainians and Russians are a single nation that was divided artificially."

Other means of rhetoric, manipulative statements, propaganda articles, etc. are widely used in the Russian mass media, social networks and other information channels, but the use of language means is only part of the problem. Its roots in the attempt to destroy the Ukrainian-speaking community and the Ukrainian language as the "home of existence" of the people. The modern hybrid war of Russia against Ukraine, which is accompanied by mass killings of the

population, devastation, burning of Ukrainian land gives every reason to claim another round of ethnocide, linguicide, which has a long history. In particular, back in 1627, the Teaching Gospel of Kyrylo Tranquilion Stavrovetskyi was condemned in Moscow. Tsar Mikhail Fedorovych and Patriarch Filaret ordered to burn all copies of the collection of sermons printed in Ukraine, and all other works of Stavrovetskyi were banned. Peter I also left his mark in the history of linguicide, forbidding the printing of books in Ukrainian by his decree of 1720.

Peter II, the grandson of Peter I, in 1729 ordered to rewrite all state decrees and orders from Ukrainian into Russian. The reign of Catherine II was very destructive for Ukrainians. In the 80's of the 18th century, this empress initiated the publication of Comparative Dictionary of All Languages and Idioms (*Linguarum totius orbis vocabularia comparativa*) (first edition 1787-1789) in St. Petersburg, where the Ukrainian language is characterized as Russian distorted by Polish. It is significant that modern Russian authorities and politicians actively use this interpretation of the Ukrainian language. This proves that in Russia, imperial thinking remains unchanged and the essence of Russian hegemonic policy remains unchanged despite the passage of time and the change of historical circumstances, state government. This is confirmed by a number of different resolutions, orders, and circulars issued in Russia during the 19th and 20th centuries aimed at dematerializing Ukrainians as a separate political, cultural, and linguistic community. In particular, it should be noted that the Statute of the Primary School was adopted in 1864, according to which education was to be conducted only in Russian. In the 19th century, in addition to the traditionally mentioned Valuev circular of 1863, the Ems Decree of 1876, the Decree of Alexander III was issued in 1888 prohibiting the use of the Ukrainian language in official institutions and baptising children with Ukrainian names. Russia has been pursuing a powerful ethnocide and linguicide policy throughout the 20th century (the Holodomor (famine) of 1932-1933, mass repressions, etc.).

The said events are a small part of a large-scale campaign to destroy the Ukrainian language imposed by Russia. The Ukrainian language was oppressed by other states. In particular, in 1696, the courts and institutions of Right Bank Ukraine approved the use of the Polish language. In 1789, the Education Commission of the Polish Seym ordered to close all Ukrainian schools. In 1859, Austria-Hungary tried to replace the Cyrillic

Ukrainian alphabet with Latin. The year 1869 was marked by the introduction of the Polish language (Eastern Galicia) as the official language of education and administration. In Romania, the ministerial order to allow a few hours of the Ukrainian language per week was cancelled in schools where the majority of students were Ukrainians in 1933. In 1934, Ukrainian teachers who insisted on the return of the Ukrainian language were dismissed. It should be noted that even in past centuries these actions were accompanied by language manipulation, because the governments of other countries had to explain their actions somehow. In the last example, the desire of Ukrainian teachers to return to the teaching of Ukrainian was interpreted by the government as a “hostile attitude towards the state and the Romanian people.”

This list includes only some prohibitions and oppressions, because it is virtually impossible to fully cover the history of genocide and linguicide of Ukrainians in one study. However, even today, Ukrainians are forced to fight for the right to live freely in their state, on their land.

The role of language policy in the coming to power of a pro-Russian president

During the time of independent Ukraine the Russian Federation made another attempt to Russianize Ukraine. 13 years after gaining independence, pro-Russian politician V. Yanukovich became one of the candidates in the presidential elections of Ukraine. In his election campaign, he used promise to raise the status of the Russian language on Ukrainian territory as the main means of achieving voter support in certain regions of Ukraine. According to the preliminary results, V. Yanukovich won, which was followed by a series of protests by Ukrainians - the Orange Revolution. Yushchenko V. won in the second round of the elections that year. And V. Yanukovich won the 2010 elections. One of the points of V. Yanukovich's election campaign was “Two languages - one country.” In this paragraph, the presidential candidate noted theses regarding “the real establishment of European standards of democracy in Ukraine”, “granting the Russian language the status of a second state language” and “the implementation of a balanced state language policy that adequately responds to the linguistic needs of society.” So, there were signs of language manipulation in the pre-election campaign of the future president: the appeal to “European standards of democracy” contradicted the actual course of V. Yanukovich directed

towards the Russian Federation. Besides, European standards of democracy do not provide for the transformation of one state into a colony of another. During the presidency of V. Yanukovich, scandalous law regarding language policy came into force, which significantly expanded the possibilities of using regional languages, if the number of speakers of such languages is not less than 10% of the population of a certain region (in some cases even less than 10%).

Yanukovich's rule led to another revolution — the Revolution of Dignity. The dispersal of a peaceful protest against the departure of the country's government from the course of European integration established by law was the impetus for the Revolution of Dignity. The main reasons for the protests were also the reluctance of Ukrainians to put up with the excessive concentration of power around V. Yanukovich and his supporters, as well as with the transformation of Ukraine into a Russian colony. Protesters were shot during the Revolution of Dignity. Yanukovich fled from Kyiv. The most important consequence of the Revolution of Dignity was getting out of the Russia's influence. The latter responded, among other things, with an increased informational aggression. On February 20, on the day of the death of the largest number of Maidan protesters, the Russian Federation launched a special operation to seize Crimea, which later turned into an armed aggression of the Russian Federation against Ukraine.

Propaganda and language manipulations of the Russian government had a certain influence in Ukraine even after the removal of V. Yanukovich. In this context, the activity of the pro-Russian party — Opposition Platform — For Life should be noted. Its programs literally reproduced verbatim the propaganda theses stated in the Russian mass media. Among other things, these messages spread enmity, gender stereotypes and various manipulations, being permeated with Euroscepticism and Russophilism. The largest number of commissioned media materials in February 2022 were beneficial to Opposition Platform — For Life party (Detector Media, 2022). The party was banned only in June 2022, after a full-scale invasion.

Trends in language issues in Ukraine

The Russian armed aggression against Ukraine has the following main components:

- the invasion of Crimea at the end of February 2014;
- the war in the east of Ukraine, which began in April 2014 with the creation of the so-called Donetsk People's Republic and Luhansk People's Republic;
- a full-scale military invasion of Ukraine on February 24, 2022.

All these stages were accompanied by an information war and the active propaganda by Russian politicians and mass media. In this war,

language continues to be one of the main means of manipulation, but the more the aggressor tries to disrupt the national unity of Ukrainians, the more the national consciousness of Ukrainians grows. This is evidenced by numerous surveys on language issues in Ukraine.

The survey conducted by the Rating sociological group in March 2022 shows the following results based on the answers to the key questions: "What is your native language?" and "How should the Ukrainian and Russian languages coexist in Ukraine?" (Figures 2 and 3).

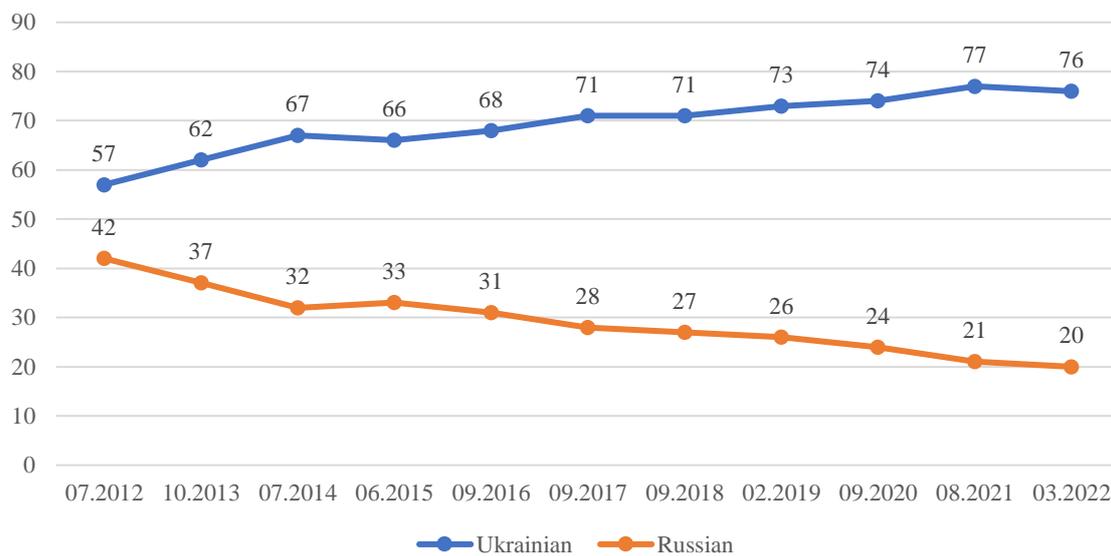


Figure 2. Dynamics of answers to questions about the native language to Ukrainians (Ukrainian or Russian) (Rating group, 2022a)



Figure 3. Dynamics and structure of answers to questions about how, in the opinion of Ukrainians, the Ukrainian and Russian languages should coexist in the country (Rating group, 2022a)

As Figures 2 and 3 show, there is a steadily increasing share of citizens who consider the Ukrainian language to be their native language and claim that it should be the only state language. Some interdependencies can be identified when comparing the results of the survey with the conducted historical excursus into the political events in Ukraine after 2014. The year of 2015 — after the Revolution of Dignity — was the only period when a slight (1%) increase in the share of respondents who considered Russian their native language. After

2015, there is a significant decrease in the share of the population that considers the Russian language their native. With the beginning of the full-scale invasion of Russia into Ukraine sociologists note the “tectonic shifts” (Evhen Holovakha) in the public consciousness of Ukrainians caused by the war. According to the results of a survey conducted by the Rating sociological group on August 17-18, 2022, 76% of Ukrainian citizens consider the Ukrainian language their native language, and 86% note that it should be the only state language.

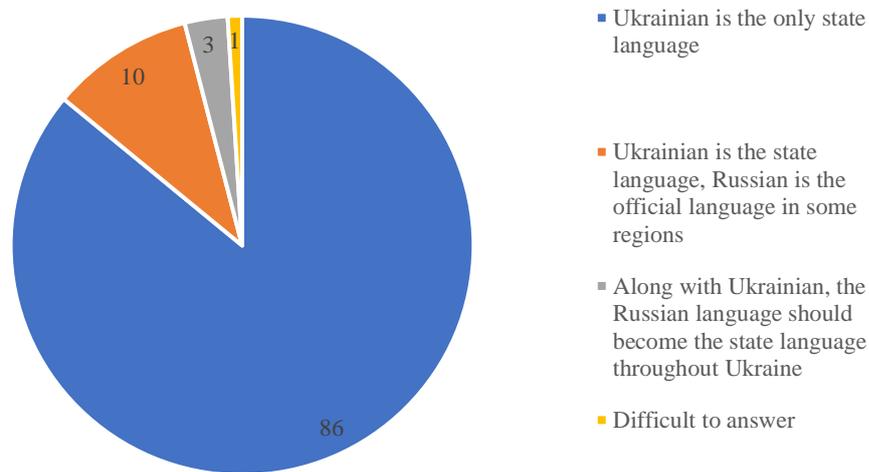


Figure 4. How should the Ukrainian and Russian languages coexist in Ukraine (Rating group, 2022b)

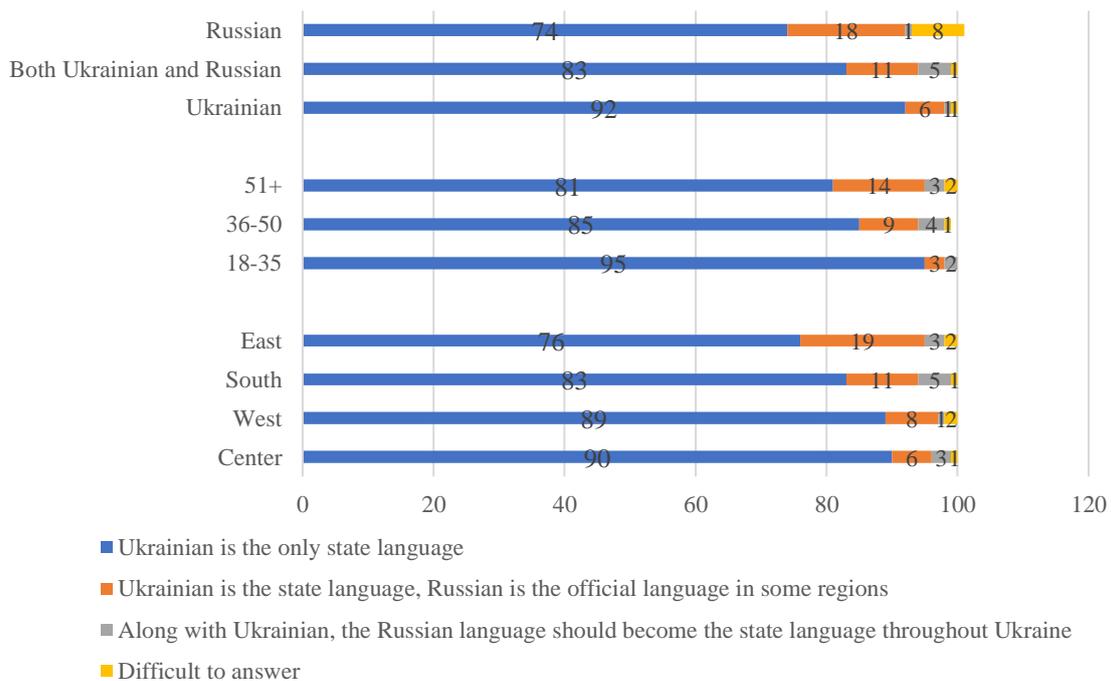


Figure 5. How should the Ukrainian and Russian languages coexist in Ukraine — distribution by region, age, language spoken at home (Rating group, 2022b)

Another important issue in the context of the influence of the information war and language policy of the Russian Federation is what language Ukrainians communicate in everyday

life. Figures 6 and 7 illustrate the results of the corresponding survey commissioned by the Ukrainian political scientist V. Kulyk to the Kyiv International Institute of Sociology.



Figure 6. The language of Ukrainians in everyday life in 2017 (Kulyk, 2022)

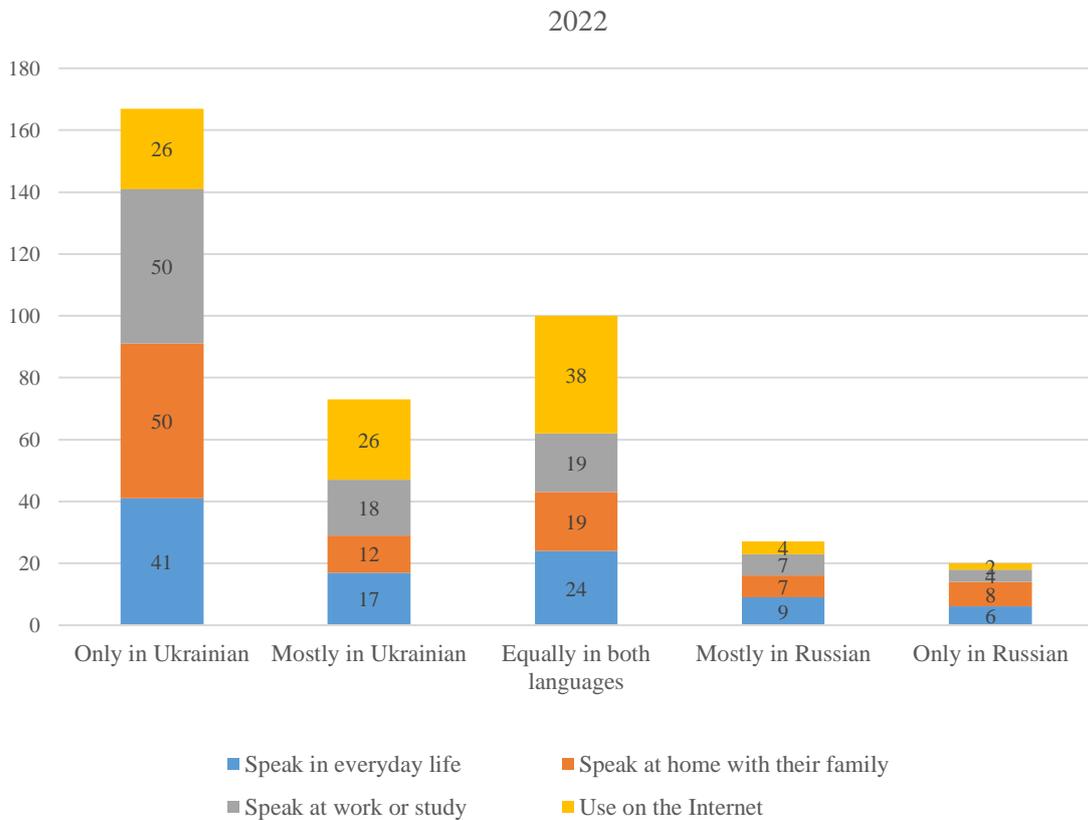


Figure 7. The language which Ukrainians use in everyday life in 2022 (Kulyk, 2022)

Figures 6 and 7 show a significant change in the ratio of the shares of Ukrainians who communicate in Ukrainian or Russian in various spheres of life. There has been a significant increase in the number of people who communicate only and mainly in Ukrainian, as well as equally in both languages over the past five years. So, the conducted analysis gives grounds to note a significantly strengthened role of the Ukrainian language for the majority of Ukrainians.

Discussion

The use of language issues in the aggressor's policy is aimed at spreading the influence of the Russian Federation on the territory of Ukraine. However, the events that have taken place in Ukraine since 2014 affected the reduction of the influence of the Russian Federation.

Mieliekiestsev and Temirova (2022), studying the history of oppression of the Ukrainian language (in particular, in the 19th century), note that the tsarist policy aimed at destroying the Ukrainian language and culture could not lead to outcomes other than failure to accept assimilation. According to the results of the study, a similar situation is observed in modern Ukraine. Continuation of the previous thesis is the opinion of Dvirna (2022), who exposes the falsity of the Soviet thesis about bilingualism in Ukraine and its alleged "harmony", which is actually a falsification of historical truth. We fully agree with this statement based on the analysis of the historical stages of the suppression of the Ukrainian language carried out in this article. Makarets (2019b) also confirmed the impracticality and inadmissibility of introducing bilingualism in Ukraine. The researcher focuses on the aspects of language policy in multilingual countries, the experience of which is often referred to by supporters of bilingualism in Ukraine. The higher level of prestige of the assimilating language, as well as the reduced share of speakers of the national language for various reasons lead to "self-assimilation" even after the country gains independence. Such a situation occurred in Ireland, where everyone knows English, and only 40% of the population know Irish. The situation is different in Finland: Swedish was the official language during the Swedish expansion, but the growth of the Finnish-speaking rural population and its migration to cities contributed to the spread of the Finnish language. Today, both Finnish and Swedish have official status, but Swedish is spoken by only about 5,5% of the population. The experience of Belgium, which

has three official languages, shows that such a language policy did not contribute to the elimination of social conflicts.

Barrington (2022) emphasizes the importance of the language issue, noting that language is an important part of who the people of Ukraine consider themselves to be. Zeller (2022) rightly notes that the views of those Ukrainians who advocated bilingualism should change after the terrible actions of the Russian army on the territory of Ukraine, because "bombs fall mainly on Russian-speaking people in Ukraine and Russians by nationality." Studying changes in the mood of the population of Ukraine after 2014, Arel (2018) notes that the events of this period made "Ukraine became more Ukrainian." These views are confirmed by the analysis of survey results discussed in this article.

It is appropriate to cite foreign experience regarding language conflicts in the context of this study. Turgeon et al., (2021) indicate language conflicts in Canada, determining the existence of a gap between the support of the recognition of minority languages as official by citizens and their opposition to particular measures required for the implementation of this principle. So, the recognition of two official languages does not fully contribute to the solution of existing language problems. Mar-Molinero (2020) identifies the language problems in Spain, where languages other than the official Spanish have regional status, and also notes that language is an essential marker in the nation-building process. So, language conflicts can also occur in countries where other languages have been introduced as regional languages.

Singh and Dhussa (2020) note, that multilingualism in India mitigated by bilingualism is unlikely to change in the foreseeable future. This situation is rather positive, even if it causes certain difficulties and misunderstandings, because it shows the willingness of citizens to preserve their identity.

Rawat (2022) studies ethnic conflict in Sri Lanka. The researcher established that the politicization of the language issue turned out to be the most powerful manifestation of the Sinhalese-Tamil conflict.

Finally, it is appropriate to cite the example of Israel, where the power of the national idea actually revived the Israeli language (Chupryn & Perchyk, 2020). Hebrew was almost a dead language for a long time. It began to revive only at the end of the 19th century. This was facilitated

by the considerable efforts of a small group of enthusiasts to create teaching aids, school programs, and periodicals in the Israeli language. This process was accompanied by opposition from powerful groups, but the language was revived within half a century. Israel's experience confirms the need to consolidate the national idea, in particular, in the minds of Ukrainians themselves, and also indicates the need to pay more attention to raising the prestige of the language.

Conclusions

The analysis carried out in the study proves that language can be a powerful manipulation tool, which is used by various government agencies and political forces to achieve certain goals. The use of language for these purposes can have serious geopolitical consequences: the spread of enmity, a threat to democratic values, cultural achievements and the integrity of the country.

The Russian ethnocide and genocide policy against Ukrainians has a long history. The current Russian government continues to consider Ukraine as its colony and seeks to implement its imperial plans through various methods and means, not least through the use of language as a manipulation tool. However, Russia's hybrid war against Ukraine raised the civic and national consciousness of the Ukrainian community, which is fighting for the right to live in its free country. According to the survey results, more than 90% of Ukrainians are proud of their citizenship. According to sociologists, this is the highest indicator throughout sociological monitoring. More than 90% of respondents believe in victory in this war. The role of the Ukrainian language strengthens in Ukraine. It tends to completely or partially refuse to communicate in Russian, which contradicts the aggressor's "imperial" intentions.

In order to further strengthen the national idea and the role of the Ukrainian language, it is necessary to improve the information literacy of the population, to develop critical thinking and to support independent mass media.

Bibliographic references

- Arel, D. (2018). How Ukraine has become more Ukrainian. *Post-Soviet Affairs*, 34(2-3), 186-189.
<https://doi.org/10.1080/1060586X.2018.1445460>
- Azhniuk, B. M. (2019). Language Policy: European Criteria and Ukraine. *Ukrainian*

- Linguistics*, 49, 9-31.
[https://doi.org/10.17721/um/49\(2019\).9-31](https://doi.org/10.17721/um/49(2019).9-31)
- Barrington, L. (2022). A new look at region, language, ethnicity and civic national identity in Ukraine. *Europe-Asia Studies*, 74(3), 360-381.
<https://doi.org/10.1080/09668136.2022.2032606>
- Bezkorovaina, H. (2014). Language or "language". *Ukraine is young*, 074.
<https://www.umoloda.kiev.ua/number/2466/188/87564#>
- Chupryn, A. H., & Perchyk, A. O. (2020). Implementation of Israel's experience in the language policy of Ukraine. *Ukrainian language in jurisprudence: state, problems, prospects*, 53-55. (File PDF).
<http://elar.naiu.kiev.ua/jspui/handle/123456789/19703>
- Csernicskó, I. (2017). 7 Language Policy in Ukraine: The Burdens of the Past and the Possibilities of the Future. In *Future Research Directions for Applied Linguistics* (pp. 120-148). *Multilingual Matters*.
<https://doi.org/10.21832/9781783097135-008>
- Detector Media. (2022). Home page.
<https://detector.media/page/newsboard/>
- Dvirna, K. (2022). The Language Front of the Struggle in the Conditions of the Russian-Ukrainian War (2014-2022). *Ukrainian language yesterday, today, tomorrow in Ukraine and the world* (pp. 36-50).
<https://enpui.npu.edu.ua/bitstream/handle/123456789/38863/Dvirna.pdf?sequence=1>
- Fedinec, C., & Csernicskó, I. (2017). Language Policy and National Feeling in Context Ukraine's Euromaidan, 2014-2016. *Central European Papers*, 5(1), 81-100.
<https://doi.org/10.25142/cep.2017.005>
- Hryshyna, N. M., & Bigary, M. I. (2019). State Language Policy in Ukraine: Content and Approaches to Implementation. *Efficiency of Public Administration*, 4(61), 86-97.
<https://doi.org/10.33990/2070-4011.61.2019.198502>
- Korolyov, I., & Grytsenko, S. (2022). Ecolinguistic Mode in the Language Policy of Ukraine. *Sustainable Multilingualism*, 20(1), 1-17. <https://doi.org/10.2478/sm-2022-0001>
- Kulyk, V. (2022). Language and identity in Ukraine at the end of 2022. *Zbruc*.
<https://zbruc.eu/node/114247>
- Makarets, Yu. (2019a). The European context of the status language policy of Ukraine. *Scientific notes of V. I. Vernadskyi Tavria National University. Series: Philology. Social communications*, 30(69), 41-46.

- <https://doi.org/10.32838/2663-6069/2019.3-1/09>
- Makarets, Yu. (2019b). State language policy of independent Ukraine Summary. *Scientific Bulletin of the International Humanitarian University, Series: Philology*, 40(1), 53-58. <https://doi.org/10.32841/2409-1154.2019.40.1.13>
- Mar-Molinero, C. (2020). The role of language in Spanish nation-building. In *Nationalism and the Nation in the Iberian Peninsula* (pp. 69-87). Routledge.
- Mieliiekiestsev, K., & Temirova, N. (2022). The Policy of Russianization of Ukraine and Other European Territories of Russian Empire: Comparative Analysis. *Eminak: Scientific Quarterly Journal*, 2(38), 43-57. [https://doi.org/10.33782/eminak2022.2\(38\).580](https://doi.org/10.33782/eminak2022.2(38).580)
- Nekrecha, K., & Khalilov, R. (2022). "The Ukrainian language is a marker of "own-foreign". Akhtem Seitablayev on "Russian peace" and the liberation of Crimea. *Radio Svoboda*. <https://www.radiosvoboda.org/a/akhtem-seitablaiev-interviu-mova-krym-viynazvilnennia/31997252.html>
- Overchuk, O. B., & Batiukh, A. V. (2021). Language Policy in Ukraine: The Experience of European Countries. "Modern Problems of Legal, Economic and Social Development of the State": Abstracts of reports of the 10th International Scientific and Practical Conference dedicated to the 27th anniversary of the Kharkiv National University of Internal Affairs (pp. 294-295). <https://univd.edu.ua/science-issue/issue/5337>
- Rating group. (2022a). The sixth national survey. The language issue in Ukraine. https://ratinggroup.ua/files/ratinggroup/reg_files/rg_ua_1000_ua_032022_mova_press.pdf
- Rating group. (2022b). Seventeenth national survey. Identity. Patriotism. Values. https://ratinggroup.ua/files/ratinggroup/reg_files/rg_ua_1000_independence_082022_xvii_press.pdf
- Rawat, S. (2022). Politics of Language and Education: An evaluation of Tamil Separatism in the Sri Lankan civil war. *Journal of Language and Linguistics in Society*, 2(01), 1-8. <https://doi.org/10.55529/jlls.21.1.8>
- Singh, M. P., & Dhussa, R. C. (2020). Reorganization of states and the politics of official languages in India. In: Brunn S. D., & Kehrein R. (eds.), *Handbook of the Changing World Language Map* (pp. 1509-1524). Springer. https://doi.org/10.1007/978-3-030-02438-3_85
- Turgeon, L., Bilodeau, A., White, S. E., Henderson, A., & Gagnon, A. G. (2021). Symbolic predispositions, interests and official languages legislation: exploring the principle-implementation gap in Canada. *Politics, Groups, and Identities*, 9(5), 916-934. <https://doi.org/10.1080/21565503.2019.1691021>
- Zeller, J.P. (2022). Attitudes on languages, identities and politics at the Ukrainian Black Sea coast in 2020/21. *Russian Linguistics*, 46, 291-311. <https://doi.org/10.1007/s11185-022-09264-7>

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Human rights guarantees in the activities of law enforcement agencies of Ukraine

Гарантії прав людини у діяльності правоохоронних органів України

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Abstract

The article is devoted to the study of human rights guarantees in the activities of law enforcement agencies of Ukraine.

Our survey of prosecutors and investigators has shown that the most common reason for the incomplete implementation of guarantees of the rights and freedoms of suspects and accused persons is the failure of investigators and prosecutors to comply with the provisions of the CPC of Ukraine in terms of ensuring guarantees of rights and freedoms. This opinion was shared by 64.6% of prosecutors and 31.8% of investigators; 23.1% of prosecutors and 59.1% of investigators supported the reason that suspects and accused persons were not aware of their rights and freedoms; 12.3% of prosecutors and 9.1% of investigators drew attention to the conflict of provisions of the CPC of Ukraine regarding guarantees of rights and freedoms.

Анотація.

Стаття присвячена дослідженню гарантій прав людини у діяльності правоохоронних органів України.

Проведене авторами анкетування серед прокурорів та слідчих довело, що найчастіше причиною неповної реалізації гарантій прав та свобод підозрюваного, обвинуваченого стає невиконання або неналежне виконання слідчими, прокурорами норм КПК України в частині забезпечення гарантій прав та свобод. Такої думки дотримуються 64,6 % опитаних прокурорів, 31,8 % слідчих; незнання підозрюваним, обвинуваченим своїх прав та свобод – 23,1% прокурорів та 59,1 % слідчих; колізійне викладення норм КПК України щодо гарантій прав та свобод – 12,3% прокурорів та 9,1 % слідчих.

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The authors concluded that emphasise that the main task of human rights guarantees is to ensure unimpeded realisation, protection and defence of human rights regardless of their status and position in the proceedings, protection against arbitrariness of the investigating authorities, and exclusion of the possibility of accusatory bias and, as a result, investigative and judicial errors.

Keywords: human rights and freedoms, guarantees, principles, law enforcement agencies, criminal justice.

Introduction

A person, his or her rights and fundamental freedoms are the highest social value in a state governed by the rule of law, and all state activities, and especially those of law enforcement agencies, should be aimed at ensuring and implementing them. The reality of ensuring human and civil rights and freedoms is an important indicator of the level of civilisation achieved by the state.

Guarantees of fundamental human and civil rights and freedoms are a system of norms, principles, conditions and requirements that together ensure the observance of rights and freedoms and legitimate interests of a person.

The effectiveness of guarantees of fundamental human rights and freedoms depends on the level of development of legal principles and institutions of democracy, the state of the economy, the means of distribution of life's goods, the law-making atmosphere in society, the level of legal education and culture of the population, the degree of social harmony, and the presence of certain elements in the system of functioning of the state power. The latter include, in particular, the existence of a written constitution, which cannot be suspended arbitrarily, and a strict procedure for its formal operation; reliable legislative support for the exercise of rights and freedoms; recognition by the authorities of the constitution as the source of their power and the conditions for its legitimacy; constitutional guarantees to curb excessive executive power; competent and efficient representative bodies; and the enshrining in the constitution of fundamental human rights and freedoms that meet international standards; the existence of an independent judiciary in the form of courts of general and special jurisdiction; the existence of a competent, highly effective and authoritative constitutional control body.

Автори дійшли висновку, що головним завданням гарантій прав людини є забезпечення безперешкодної реалізації, охорони й захисту прав людини незалежно від її статусу та становища в провадженні, захист від сваволі органів розслідування, виключення можливості обвинувального ухилу і, як наслідок, – слідчих та судових помилок.

Ключові слова: права і свободи людини, гарантії, принципи, правоохоронні органи, кримінальне судочинство.

The system of guarantees of human rights and freedoms includes prerequisites of economic, political, organisational and legal nature, as well as protection of rights and freedoms.

Guarantees of human and civil rights and freedoms are the conditions and means, principles and norms that ensure the exercise, protection and defence of these rights, and guarantee the fulfilment by the state and other subjects of legal relations of the duties imposed on them in order to implement constitutional human and civil rights and freedoms.

The Constitution of Ukraine and the current legislation assign to the state, represented by the competent authorities, the function of protecting human rights and freedoms, which provides for the possibility to seek protection of one's legal rights and interests. It follows from the essence of law that the exercise of human rights and freedoms is impossible without the activities of state (including law enforcement) bodies and officials. Their activity is evidence of the reality of human and civil liberty, a necessary factor in the transition of legal opportunities enshrined in the current legislation into the practice of any person's life. That is why a rather important task facing modern legal science is to determine the role of law enforcement agencies in ensuring the exercise of human rights and freedoms.

The purpose of this article is to define the concept and importance of human rights guarantees in the activities of law enforcement agencies of Ukraine.

Materials and methods

To achieve the set goals and ensure the scientific objectivity of the results of the study, a set of modern general scientific and special methods was chosen, in particular:

dialectical - to study the structure and content of the human rights guarantees in the activities of law enforcement agencies of Ukraine;
formal-logical - to analyze the current legislation and existing theoretical provisions regarding the essence of the human rights guarantees in the activities of law enforcement agencies of Ukraine;
comparative law - for comparing constitutional, criminal law and criminal procedural norms and a number of legal norms of foreign states;
statistical - to study law enforcement practice in criminal proceedings and in the analysis of reporting, which made it possible to generalize the results obtained.

At the same time, all scientific research methods were used in interrelation and interdependence, which contributed to ensuring the principle of comprehensiveness, completeness, objectivity of the study and made it possible to lay the foundation for further possible directions for the development of theoretical knowledge about the human rights guarantees in the activities of law enforcement agencies of Ukraine.

The empirical basis of the study is the studied and generalized criminal proceedings for 2020-2023 (270 proceedings of the prosecutor's offices of Odessa, Lviv, Kharkiv, Kyiv regions and the city of Kyiv); interviews with law enforcement officials, judges, judicial assistants, attorneys (650 respondents).

Results

The task of a state that claims to be a state governed by the rule of law is not only to recognise the existence of basic natural human rights and freedoms for its citizens (since it is not the state that grants the latter, but it has the real ability to limit them or exclude them from society altogether), but also to ensure that, having proclaimed such rights and freedoms, it is possible to exercise them and ensure the security of the individual.

The level of development of freedom and democracy in a society is recognised not so much by the declaration of the value of human rights and freedoms, ratification of international legal instruments in the field of human and civil rights, but by the existence of an efficient, effective mechanism for the implementation of human rights and freedoms, which provides guarantees for their enforcement and protection.

As V Kovalenko rightly notes: "nowadays, everyone understands that the essence of their

rights and freedoms lies not so much in their declarative proclamation as in ensuring their implementation, what material, legal and other guarantees the state and its bodies provide for their consistent and comprehensive implementation" (Kovalenko, 2020). Among these guarantees, law enforcement agencies play a significant role.

The main task of the guarantees is to ensure the unimpeded realisation, protection and defence of human and civil rights, regardless of their status and position in society.

At the same time, the practical implementation of the guarantees of the rights and freedoms of suspects and accused persons specified in the Criminal Procedure Code of Ukraine is far from perfect, as evidenced not only by the numerous cases of unlawful procedural decisions made by investigators, prosecutors and judges in criminal proceedings, but also by the judgments of the European Court of Human Rights, which state systemic violations of certain provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms.

The guarantees of human rights and freedoms enshrined in the Constitution of Ukraine remain mostly declarations. This is especially evident during investigative (search) actions and the application of measures to ensure criminal proceedings. The right to legal aid and access to justice is systematically violated.

The reasons for these phenomena are both the low level of training of investigative officers and the low level of legal education of suspects and accused persons, the fact that the scientifically based norms of workload per investigator are exceeded several times, and the lack of consistency in the actions of investigative bodies, which leads to violations of procedural rules, deadlines, and inadmissibility of evidence (Serhieieva et al., 2022).

In this research, we would like to draw attention to the fact that the ongoing reform of the criminal justice system of Ukraine requires a comprehensive understanding of the state of application of the ECHR case law in criminal proceedings.

The survey shows high rates of application of ECHR case law by participants in criminal proceedings. **89%** of respondents indicate the use of ECHR case law in their professional activities during criminal proceedings, in particular: prosecutors - **71%** of all prosecutors

surveyed; lawyers - **93%**; judges - **100%**; judicial assistants - **100%**. Also, all the interviewed scholars mention the use of the ECHR case law in the course of scientific research of the criminal procedure of Ukraine. Among the above data, attention should be drawn to the fact that only **71%** of prosecutors use the ECHR case-law in criminal proceedings, which is seen as a negative trend and causes objective concern, and therefore requires additional organisational and training measures in this area by the Office of the Prosecutor General and the Training Centre for Prosecutors of Ukraine, as well as further, including intra-agency, research and monitoring.

The frequency of use of the ECHR case law by respondents in criminal proceedings is on average **36.8%**, in particular: lawyers - **56.9%**; academics - **34.8%**; judicial assistants - **29.5%**; prosecutors - **24%**; judges - **20.4%**. The high rates of use of the ECHR case law by lawyers indicate that it is recognised as an effective tool for protecting human rights and freedoms in criminal proceedings.

At different stages of criminal proceedings, the frequency of use of ECHR case law by respondents differs: **74%** of respondents reported its use during the trial in the court of first instance, **52%** during the pre-trial investigation, **42%** during the trial in the court of appeal, **25%** during the trial in the court of cassation, and **5%** during the enforcement of court decisions. These results correlate with the general trend of completing a significant part of criminal proceedings during pre-trial investigation and trial in the court of first instance.

Our survey of prosecutors and investigators has shown that the most common reason for the incomplete implementation of guarantees of the rights and freedoms of suspects and accused persons is the failure of investigators and prosecutors to comply with the provisions of the CPC of Ukraine in terms of ensuring guarantees of rights and freedoms. This opinion is shared by 62 prosecutors out of 85 respondents, or **64.6%**, and 34 investigators out of 64 respondents (**31.8%**); ignorance of the suspect or accused of their rights and freedoms - 35 prosecutors (**23.1%**) and 46 investigators (**59.1%**); conflicting interpretation of the CPC of Ukraine provisions on guarantees of rights and freedoms - 28 prosecutors (**12.3%**) and 24 investigators (**9.1%**).

In order for the institution of guarantees to have the desired results, i.e. to ensure full and

unhindered exercise of constitutional rights and freedoms of man and citizen, it is necessary that it be aimed at solving a large set of tasks, namely:

- 1) creating favourable conditions for the full and unhindered exercise of constitutional rights and freedoms;
- 2) ensuring effective protection of constitutional rights and freedoms from unlawful restrictions and violations by any entities;
- 3) providing a suspect or accused person with an opportunity for effective defence against unlawful restrictions and violations of these rights and freedoms by any entities;
- 4) ensuring prompt and complete restoration of unlawfully violated constitutional rights and freedoms of a person and a citizen;
- 5) bringing to legal responsibility and freedoms of man and citizen (Matskevych, 2014).

The functional purpose of guarantees of constitutional human rights and freedoms is to address the above tasks. Persons who have the appropriate legal status in criminal proceedings, depending on their stage, are no exception.

Discussion

The term "guarantee" is derived from the French "garantie", which means a pledge, a condition that ensures something. To guarantee means to assume responsibility for something; to give a promise, a guarantee in the performance of something.

There is no single universal definition of the term "guarantee". In a broad sense, the concept of guarantees of rights is reduced to the basic conditions and means by which each person has the opportunity to exercise his or her rights. In a narrow sense, guarantees are the conditions under which full and comprehensive realisation of individual rights and freedoms is possible by means that effectively ensure the protection and defence of individual rights and freedoms in the event of their unlawful restriction. Their main purpose is to provide everyone with equal legal opportunities for the acquisition, exercise, protection and defence of rights and freedoms, and to create the necessary legal conditions for the transformation of rights and freedoms enshrined in legal acts from potential opportunities into actual practice in social relations. The concept of "guarantees" covers the entire set of objective and subjective factors aimed at practical implementation of rights and freedoms, at removing possible obstacles to their full or proper exercise (Zuev, 2013).

Guarantees of human and civil rights, freedoms and obligations are considered as a system of socio-economic, moral, political, legal conditions, means and ways that ensure their actual implementation, protection and reliable defence. In addition, it should be noted that protection of rights and freedoms is a state of their legitimate exercise under the control of social institutions, but without their interference. Protection of human rights means certain means of counteracting human rights violations and ways to restore violated rights, i.e. human rights protection is aimed at preventing human rights violations, and protection is aimed at overcoming the consequences of violations.

Human rights guarantees are a complex phenomenon, but it should be noted that the most important component of the system of human rights guarantees is legal guarantees. After all, the reality of human rights depends on how detailed the regulation of human rights is, how clearly the mechanism of protection and defence of human rights is established (Vasechko, 2010).

Despite the large number of views of scholars on the term "guarantees", their opinions converge in the fact that guarantees have certain features, namely: 1) ways and means that are considered in the aggregate; 2) availability of legislative consolidation; 3) aimed at achieving a particular goal (Vasechko, 2010).

A Cherkesova outlined the following main features of guarantees:

- firstly, guarantees are of a state nature, i.e. they are created by the state to fulfil its obligations to society as a whole and each of its members in particular. The state is the main subject of ensuring public welfare, the level and condition of which directly depends on the range, quality and effectiveness of the guarantees in force in the state. In addition, the implementation of these guarantees is supported and ensured by the power of state influence, even coercion;
- secondly, the basic guarantees are reflected in one way or another at the level of relevant legal acts. The formal definition of guarantees in the text of laws and bylaws endows them with such properties as generality, mandatory nature and legislative protection;
- thirdly, guarantees are universal and continuous. As a rule, they are not limited in time and territory, are permanent and apply to the entire territory of the state, and belong equally to all those to whom they are

addressed, both to society or its separate group (community) and to each of its members;

- fourthly, guarantees reflect the state and level of development of the main spheres of public life. The study of the range of guarantees in force in the state allows us to get an idea of the priorities of the state policy, the political, economic and social atmosphere in the country, and is an indicator of the level of development of the national system of law;
- fifthly, guarantees are realistic and appropriate. Guarantees are not an "empty sound", not a mere declaration, but conditions and factors that exist in objective reality and facilitate the process of exercising citizens' rights, freedoms and legitimate interests.

Appropriateness requires establishing guarantees in such a way that they are as consistent as possible with the level of state development and the urgent needs of society, i.e., establish a balance between public demands and state capabilities to actually meet them (Cherkesova, 2017).

In our opinion, guarantees in the criminal procedural area differ in their implementation mechanism, scope of application, which is usually somewhat narrowed, and also in their meaning.

In order to clarify the nature of criminal procedural guarantees and their essence, it is necessary to resolve the issue of the subject matter of the latter. The first component of the subject matter of criminal procedural guarantees is the procedural rights of citizens. They are of public law significance.

The rights of a person are his/her social opportunities, determined by economic and cultural conditions of society and enshrined in legislation, which indicate the degree of freedom that is objectively possible for an individual at a certain stage of development of society. In addition, subjective rights reflect not potential, but actual capabilities of an individual, enshrined in the Constitution of Ukraine and other laws.

Individual rights are diverse in content, scope, and methods of implementation. However, the enshrinement of a subjective right in legislation should also determine the real possibility of an individual to realise a particular benefit in the manner prescribed by law.

Criminal procedural guarantees should ensure not only the possibility for the subject of criminal proceedings to use the procedural right granted to him/her, but also the achievement of the interest reflected in the right to be exercised. Thus, the second component of the subject matter of criminal procedural guarantees of a person is legitimate interests. Legitimate interests are the interests of a person that are not covered by his/her subjective rights, but are generally recognised by law.

According to Gromovenko K V, the mechanism of ensuring human rights and freedoms in the activities of law enforcement agencies can be represented in the form of two subsystems. The first is the system of protection, which includes legal means that establish the limits of lawful restriction of individual freedom of citizens (means of guarantee) and ensure legality in the application of coercive measures that restrict such freedom (means of protection). The security system operates on a permanent basis and is aimed at preventing unlawful encroachments on the freedom of citizens by law enforcement officials. The second, the protection system, is a unity of legal measures that ensure the restoration of the violated right, prosecution of perpetrators, compensation for damage caused by the offence (guarantees), and organisation of law enforcement activities to implement legal remedies for the protection of human rights and freedoms (remedies). The need to apply remedies arises in the event of a violation of human rights and freedoms by officials. The use of these measures by law enforcement agencies is regulated by laws and other legal acts, which are supplemented by organisational and control and supervisory activities that allow the implementation of these legal acts and thereby prevent unlawful encroachments on human rights by individual officials (Gromovenko & Tytska, 2021).

An analysis of current legislation allows us to identify the main areas of activity of law enforcement agencies to ensure human rights and freedoms:

- protection of human rights, freedoms and legitimate interests declared in the Constitution of Ukraine;
- protection of a person, his/her life, health, rights, freedoms and legitimate interests regardless of age, gender, nationality, race, etc;
- ensuring conditions for a person to exercise their rights, freedoms and legitimate interests;
- preventing unlawful restrictions and violations of human rights and freedoms in their activities.

It is worth noting that the main areas of activity of law enforcement agencies to ensure human and civil rights and freedoms directly stem from the tasks assigned to these agencies by the current legislation. They are aimed at:

- protection of a person, his or her life, health, rights, freedoms and legitimate interests, regardless of age, gender, nationality, race, language, etc;
- creating conditions to facilitate the exercise of rights and freedoms by every citizen, in accordance with the Constitution of Ukraine, by protecting public order and ensuring public safety;
- elimination of causes and circumstances that threaten the process of realisation of constitutional human rights and freedoms, limit the possibility of full realisation of these rights or undermine existing guarantees of the exercise of rights in society;
- creating conditions and appropriate legal frameworks that make it impossible to violate constitutional rights and freedoms by ensuring proper security of every citizen, preventing and immediately stopping offences, strengthening law and order, ensuring legality in the activities of law enforcement agencies, etc;
- identifying those responsible for violations of human rights and freedoms and bringing them to justice in accordance with the current legislation and international human rights standards;
- restoration of violated rights through compensation for material and non-pecuniary damage, rehabilitation, restitution, compensation, etc. at the expense of the state or individuals;
- preventing unlawful restrictions and violations of the rights, freedoms and legitimate interests of citizens in its activities;
- ensuring the necessary conditions for citizens to exercise certain rights, freedoms and legitimate interests.

The provisions of the current legislation aimed at ensuring that the state realises, protects and defends human rights and freedoms require law enforcement agencies to consistently direct their law enforcement activities towards ensuring human welfare, adhering to the rule of law. The implementation of this principle is embodied in

the formula: "everything that is not prohibited by law is permitted".

It is quite clear that the effective protection of human rights and freedoms can only be proper if the structure, forms of activity, and attitude of law enforcement officials are optimal in terms of sensing and responding quickly to any negative aspects that hinder the practical implementation and exercise of human rights and freedoms. At the same time, it is important to realise that human and civil rights are fundamental, so ensuring the autonomy of the individual by law enforcement agencies is based on key axioms:

- any law enforcement agency has limitations to its activities;
- each person has his/her own sovereign sphere, in which no law enforcement agency has the right to interfere;
- every person may oppose the state or its bodies (including law enforcement agencies), officials in order to protect their rights.

In fulfilling their tasks, law enforcement agencies must protect human rights regardless of social origin, financial status, citizenship, faith, race, religion, language, education, political views, etc. Unfortunately, this is not always the case, and public trust in law enforcement agencies remains low, despite reforms. The main reasons that shape public opinion are high levels of corruption, low levels of legal culture, a formal approach to the implementation of legislative requirements in the field of human rights protection, etc. Numerous applications of Ukrainian citizens to the European Court of Human Rights provide grounds for a critical assessment of the level of protection of human rights and freedoms in our country.

Continuing the study, we propose to classify human rights guarantees by the criterion of procedural actions, namely: guarantees of rights and freedoms in the application of preventive measures; guarantees of rights and freedoms in the application of interim measures; guarantees of rights and freedoms in the conduct of investigative (search) actions; guarantees of rights and freedoms in the conduct of covert investigative (search) actions; guarantees of rights and freedoms of the accused during court proceedings. In addition, this classification should also include the principles of criminal proceedings, since it is in accordance with these principles that all criminal procedural actions should be performed.

It is proposed to classify them as follows: the principles of criminal proceedings; guarantees of rights and freedoms in the application of preventive measures; guarantees of rights and freedoms in the application of interim measures; guarantees of rights and freedoms in the conduct of investigative (search) actions; guarantees of rights and freedoms in the conduct of covert investigative (search) actions; guarantees of rights and freedoms of the accused during court proceedings.

The performance by law enforcement agencies of their duties is the main condition for the protection of human and civil rights and freedoms, but the results of this activity depend not only on the level of professionalism of law enforcement officers, but also on the degree of trust in them by the population. That is why one of the key areas of reforming law enforcement agencies should be a new vision of interaction between law enforcement agencies and the public.

For law enforcement officers, human rights should be an integral part of their legal culture and legal awareness. Effective enforcement of fundamental human rights and freedoms by law enforcement agencies depends on legal training. That is why an important task facing law enforcement officers is to improve their knowledge of the legal acts of both national and international regulation governing the protection of human rights and freedoms.

Among the urgent tasks that stand in the way of improving the activities of law enforcement agencies in protecting human and civil rights and freedoms is the problem of improving domestic legislation regulating this area.

Conclusions

Based on the results of the scientific study of the provisions of the current legislation, law enforcement practice, scientific approaches, as well as surveys, we conclude that the rights and freedoms of a person are of no importance if there is no mechanism for their implementation. Despite the fact that the number of legal acts regulating procedural activities during criminal proceedings is growing, the effectiveness of the organisational mechanism in the field of human rights protection and implementation of guarantees is not improving.

Reforming law enforcement agencies is the first step taken by our state on the way to approximation to European standards in the

protection of human and civil rights. However, today's situation requires new legal approaches from the state to ensure human and civil rights. This requires fundamental changes in the organisation of the legal framework for the functioning of law enforcement agencies, including improvement of forms and methods of ensuring human and civil rights and freedoms, raising the level of legal culture of law enforcement officials, humanisation of law enforcement activities and increasing the level of trust among the population, etc.

The main task of the guarantees is to ensure unimpeded implementation, protection and defence of human rights regardless of their status and position in the proceedings, protection against arbitrariness of the investigating authorities, and exclusion of the possibility of accusatory bias and, as a result, investigative and judicial errors.

Bibliographic references

- Cherkesova, A. S. (2017) The system of guarantees of rights and freedoms of suspects and accused persons during the application of preventive measures. *Law and Society*, 3, 255-260. http://pravoisuspilstvo.org.ua/archive/2017/3_2017/part_1/46.pdf (in Ukrainian).
- Gromovenko, K.V., & Tytska, Y.O. (2021) The role of law enforcement agencies in ensuring human rights: Theoretical and legal aspect. *State and Regions*, 2(72), 120-125. DOI: <https://doi.org/10.32840/1813-338X-2021.2.19> (in Ukrainian).
- Halian, A., Halian, I., Popovych, I., Zavatskyi, Y., Semenov, O., & Semenova, N. (2021). Stress Resistance in the Situation of Uncertainty as a Factor of Development of Adaptive Ability of Medical Personnel. *BRAIN. Broad Research in Artificial Intelligence and Neuroscience*, 12(1), 251-264. <https://doi.org/10.18662/brain/12.1/181>
- Kovalenko, V.V. (2020) The mechanism of protection of human rights and freedoms in the activities of the National Police of Ukraine. *Legal Journal of the National Academy of Internal Affairs*, 1, 81-87. DOI: <https://doi.org/10.33270/04201901.81> (in Ukrainian).
- Matskevych, M.M. (2014) The concept of guarantees of constitutional cultural rights and freedoms of man and citizen in Ukraine. *Forum of Law*, 3, 219-227. <https://acortar.link/DO4HJP> (in Ukrainian).
- Serhieieva, D., Iskenderov, E., Sukhachova, I., Pohoretskyi, M., & Lysachenko, Y. (2022). Substantiation of the risk of absconding when applying pre-trial restriction measures related to the limitation of a constitutional person's right. *Amazonia Investiga*, 11(58), 7-17. <https://doi.org/10.34069/AI/2022.58.10.1>
- Vasechko, L.O. (2010) Evolution of human rights under the influence of globalisation. *Forum of Law*, 4, 121-126, <https://acortar.link/N4KEzm> (in Ukrainian).
- Zuev, V.V. (2013) The essence of criminal procedural guarantees of human rights in international cooperation. *University Scientific Notes*, 1, 321-328. https://dspace.nlu.edu.ua/bitstream/123456789/12292/1/Zuev_321-328.pdf (in Ukrainian).

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The effect of digitalization on the extent of criminal activity in the context of the pandemic

Вплив цифровізації на масштаби злочинної діяльності в умовах пандемії

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Abstract

The process of digitalization has impacted various aspects of social life, and the growth of digital technologies has led to significant changes in communication in society. During the pandemic, digitalization has been particularly noticeable as it has enabled continuous communication despite restrictions. However, this has also affected the level of crime, and it is crucial to understand how digitalization has impacted crime rates globally. This study aims to investigate the specifics of digitalization's impact on crime during the pandemic, examining the causal relationship between the two. The research focuses on the social relations comprised during digitalization in the criminal-legal aspect. Findings suggest that the pandemic has revolutionized the usual law and order among the population, affecting both law-abiding citizens and criminals. Digitalization has also changed the nature of certain crimes, leading to a shift in the level of crime. It is expected that the pandemic will continue to impact society and

Анотація

Процес цифровізації вплинув на різні аспекти суспільного життя, а розвиток цифрових технологій призвів до значних змін у моделі спілкування в суспільстві. Під час пандемії цифровізація була особливо помітною, оскільки вона дозволила безперервно спілкуватися, незважаючи на обмеження. Однак це також вплинуло на рівень злочинності, тому для вирішення цього питання слід зрозуміти, як саме цифровізація вплинула на рівень злочинності в усьому світі. Метою цього дослідження є вивчення особливості впливу цифровізації на злочинність під час пандемії, вивчаючи причинно-наслідковий зв'язок між ними. Дослідження зосереджено на суспільних відносинах, які виникають в сфері цифровізації, у кримінально-правовому аспекті. Отримані дані свідчать про те, що пандемія революціонізувала звичайний закон і порядок серед населення, вплинувши як на законослухняних громадян, так і злочинців.

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crime rates for an extended period. Therefore, it is vital to consider the impact of innovative information technologies on crime levels when implementing measures in Ukraine and globally.

Keywords: crime, IT criminality, digital technologies, cybercrime, criminal-legal protection.

Introduction

Various factors are causing changes in social relations in modern times. Notably, digitalization has had a profound impact on these changes. In addition, the Covid-19 pandemic has led to new forms of interaction between people, with online communication becoming increasingly permanent. The use of information and communication technologies is closely linked to digitalization. Nowadays, personal computers, mobile phones, mobile communications, ATMs, bank terminals, electronic banking on mobile devices, contactless payment technologies like PayPass, and others have become indispensable parts of our lives.

Despite the positive effects of digitalization during the pandemic, there are still negative and dangerous behaviors that exist in society, including criminal activities that continue to evolve and take on new forms. As a result, the pandemic has become a significant threat to national security due to its impact on crime, which is an integral part of social relations within a country.

It can be argued that society is a complex system consisting of interrelated processes and elements, that changes in one element can have ripple effects on others. With the Covid-19 pandemic affecting the social life of many countries worldwide, the usual lifestyles and routines of millions of people have been disrupted, leading to changes in the level of criminal activities.

Interpol has reported a significant rise in the sales of counterfeit medicines such as antimalarials and vitamins, fake protective masks, and disinfectants since the beginning of the pandemic. The organization has also issued a warning about the increase in sexually motivated crimes against children due to the restrictive measures implemented during the pandemic. These measures include the closure of schools,

Цифровізація також змінила характер певних злочинів, що призвело до зміни рівня злочинності. Очікується, що цифровізація продовжуватиме впливати на суспільство та рівень злочинності протягом тривалого періоду. Тому важливо враховувати вплив інноваційних інформаційних технологій на рівень злочинності під час реалізації заходів в Україні та світі.

Ключові слова: злочинність, IT-злочинність, цифрові технології, кіберзлочинність, кримінально-правовий захист.

increased time spent by children on the Internet, restrictions on international travel and repatriation of foreigners, and limited access to social support services and teaching staff who play a crucial role in detecting cases of sexual exploitation of children.

The impact of the pandemic on crime rates varies in different countries. In Ukraine, for instance, the level of crime decreased by 30% between March and July 2020, but there was a corresponding increase in cybercrime, including criminal offenses committed using computer equipment, information technologies, and global networks. There was also an increase in fraud committed through the use of Internet technologies.

Given these developments, it is crucial to understand the impact of digitalization on crime rates during the pandemic, including the need for legal regulation of this area. It is necessary to analyze this issue, establish the cause-and-effect relationship, and pay attention to international experiences that have contributed to reducing the level of crime during the pandemic.

The research questions which the authors decided to solve in the present article include the following ones. How has digitalization during the pandemic impacted the overall levels and structure of crime? What are the specific types of "coronavirus crimes" that have emerged during the pandemic as a result of digitalization? How has the increase in online services, purchases, and electronic payments during the pandemic contributed to the rise in cyberattacks and cybercrimes? What are the experiences of different countries, such as the United States, Great Britain, and Bulgaria, in terms of the impact of digitalization on crime during the pandemic?

The answers to the stated research questions are reflected in the conclusions of this article.

Theoretical Framework or Literature Review

In their article, Arkusha and Mandrychenko (2020) provided a general overview of criminal activity that occurred during quarantine conditions. They identified various crimes related to digitalization, including fraud using internet resources to sell low-quality goods, gathering information for criminal activities, spreading false information, and cybercrimes aimed at accessing confidential information and conducting illegal transactions.

Meanwhile, Bandurka O. M. and Bandurka I. O. (2020) investigated the theoretical aspects of crimes committed during the pandemic. Similarly, Batyrgareeva, Borisov, Yevteeva, Kalinina, Kolodyazhnyi, and Shramko (2020) focused on socio-legal and criminological issues caused by the Covid-19 pandemic in Ukraine. They highlighted the high mortality rate as the most severe consequence of the pandemic and outlined other negative consequences on various aspects of society, including human rights, legal regulations, economy, social life, information space, and law and order.

Furthermore, Golovkin (2017) explored the characteristics of utilizing electronic crime prevention systems in large cities. In the study conducted by Golovko, Shpak, and Mykyta (2021), the authors extensively discussed the trends of offenses during the Covid-19 pandemic, focusing on domestic violence and cyber-violence. Unfortunately, the authors found that the quarantine led to an increase in certain types of offenses, particularly cybercrimes and domestic violence.

In addition, Denisova (2020) analyzed the manifestations of crime during the pandemic. Zabarnyi (2021) examined the experiences of both Ukrainian and foreign crime patterns before and after the pandemic. The author noted that the pandemic significantly altered the structure of crime, as there was a decrease in traditional "street" crimes during the initial month of the pandemic, accompanied by an increase in cybercrimes, fraud using IT technologies, domestic violence, and theft.

Additionally, Kalinin (2020) presented a criminological prediction regarding the impact of the virus pandemic on the legal system. According to the author, the COVID-19 pandemic and its associated quarantine measures

may lead to an increase in several types of crimes, such as violations of sanitary rules and norms related to infectious disease prevention (Article 325 of the Criminal Code of Ukraine), fraud, vandalism, looting, hooliganism (particularly during the nighttime), cybercrime, domestic violence, violent crimes, sexual crimes committed within households, and crimes associated with alcoholism, drug addiction, suicides, homelessness, and illegal migration.

Kryzhanovskiy's (2020) article explores the immediate and long-term effects of COVID-19 pandemic and the quarantine measures imposed by various countries on law and order. Kulyk (2019) investigated the use of Smart Building technology for crime prevention in Ukraine.

Meanwhile, Litvinov (2020) discussed the implementation of digital tools and emphasized the need to understand the role of numbers in human life before introducing technological innovations. Novikov and Novikova (2021) examined the theoretical and legal aspects of cyber-violence, a crime that gained prominence during the pandemic. Finally, Romanov (2020) focused on the impact of digitization on human rights and ensuring their protection during the pandemic.

E. Streltsov and L. Streltsov (2020) conducted a thorough analysis of the crime during and after the coronavirus pandemic. According to the authors, studying the phenomenon of crime in the context of the pandemic requires a comprehensive and systematic approach. It involves isolating coronavirus-related crimes and examining their quick and long-term consequences, some of which are predictable today, while others are probabilistic or unknown. In the context of the pandemic, Tretyak (2020) examined economic crimes and fraud while Shevchuk (2020) explored the impact of COVID-19 on crime. Shevchuk concluded that the pandemic has had a negative effect on all social processes, particularly economic ones. The implementation of quarantine measures has significantly impacted the country's economy, thereby reducing the well-being of nearly all citizens. This may potentially lead to an increase in self-serving and violent crime. However, the consequences of the pandemic on crime rates and the emergence of new criminal offenses are likely to materialize in the future.

Bradley B. (2020) analyzed the impact of quarantine on the crime rate in Chicago, while Tisdell C. A. (2020) examined the moral and ethical concerns arising from COVID-19 policies

and factors affecting crime. Although researchers and legal experts have expressed interest in the impact of the pandemic on crime, a comprehensive analysis of the influence of digitization on crime rates during the pandemic is currently lacking.

Given the relevance and significance of this topic, further examination is necessary.

Methodology

During the study of the impact of digitization on crime levels during the pandemic, philosophical methods were employed. Specifically, the use of philosophical-dialectical laws and categories helped to understand how digitization affects the transformation of crime in the modern world. These laws and categories were necessary and sufficient for studying information about crime during the pandemic.

As legal questions about crime are transformed into cognitive ones, a theoretical understanding of the relevant social phenomena is necessary to learn the essential basis of factors affecting crime levels. This involves including the entire system of temporal characteristics of legal reality, such as social and historical conditioning, interrelationships, connections, dependencies, and the interaction of all legal factors.

The most fruitful methodological basis for explaining the cause-and-effect relationship between the pandemic, digitization, and crime levels is provided by principles and laws of dialectics such as the law on the general, universal connection of objects and phenomena in the surrounding world, the concept of social determinism, and the principle of historicism. The concept of cause-and-effect relationship plays an important methodological function because understanding the causes and conditions under which a specific consequence occurs allows for the prediction and generation of necessary consequences.

The systematic method was used to analyze the doubts and contradictions in the study of crime during the pandemic in the context of digitalization. Crime was considered a relatively independent, dynamic, and probabilistic social system, with its own characteristics and regularities. Logical methods such as induction, deduction, and synthesis were employed to reveal the content of digitization and the influence of various factors on the growth and decline of crime rates in different countries. These methods helped in comprehensively

understanding the phenomenon of digitalization and its impact on social relations, as well as the changes brought about by the pandemic and related restrictions. Overall, the use of philosophical and logical methods at both theoretical and empirical levels provided new insights and helped in forming clearer conclusions for this study.

The study extensively examined the changes in crime rates, considering various factors through the use of statistical analysis. The statistical method provided a comprehensive approach to investigating the relationship and connection of data in comparing the state of crime before and during the pandemic. By collecting and analyzing statistical data, and observing trends, it helped to identify common characteristics, processes, and patterns regarding the impact of digitalization during the pandemic on the level of crime.

Results and Discussion

The pandemic, with its widespread anti-epidemic measures, has impacted every aspect of social life. As a result, it has increased the criminogenic potential in society, leading to the repurposing of crimes and a change in the structure of crime. According to the Interpol report, criminals quickly exploited the crisis, adapting their illegal activities or resorting to new types of criminal acts. Cybercrime, fraud, the sale of counterfeit medical and sanitary products, personal protective equipment, and the emergence of a new "quarantine" type of organized crime have all seen an upsurge. This type of organized crime involves groups of offenders who carry out pre-designed scenarios, such as scams, by impersonating representatives of authorities and doctors to commit fraud and theft (Interpol, 2020).

Through an analysis of scientific literature and statistical information, several trends and consequences of the impact of digitization during the pandemic on crime levels can be generalized. The rise in computer-related crimes and exploitation of information technology has led to an increase in criminal offenses. The pandemic has impacted both law-abiding citizens and criminals, who have quickly adapted to the changes in society and intensified their online activities. Moreover, inadequate protection of personal information on home computers and increased online shopping and payment using bank cards have facilitated criminal activities. Fraudsters have taken advantage of the pandemic-induced social imbalances to engage

in deception and abuse of trust, resulting in an increase in fraudulent activities involving the use of information technology (Shevchuk, 2020).

The interaction between digitalization, the pandemic, and crime has resulted in various consequences, including the following:

The pandemic has prioritized the need for survival, and the use of convenient tools for public interaction has become an opportunity for internet fraud and security breaches.

While certain types of crime remained latent, the pandemic did not affect their manifestation, such as criminal activities related to road traffic safety and transportation.

A significant trend observed during the pandemic is the increase in cybercrime.

We will now examine how different countries have been affected by digitization during the pandemic and its impact on the structure of crime.

According to statistical data, Ukraine experienced a significant decrease in many types of criminal offenses during the first month of the pandemic compared to the same period in 2019. However, cybercriminals in Ukraine created over 10,000 fake resources related to the pandemic, resulting in an increase in cyber fraud by more than 200% by the end of March 2020. Similarly, After the introduction of a special regime in Bulgaria, there was a significant decrease in the total number of crimes registered. Analyzing crime trends in Bulgaria in the first few months of the past three years, there was a decrease in crime indicators in February and an increase in March 2020. However, the quarantine period provided favorable conditions for cybercrime and fraud. During the state of emergency in Bulgaria, cybercrime increased by approximately one-third compared to previous months. Almost half of these cases involved hacking attacks on corporate networks for industrial espionage and extortion, while the rest targeted personal data and financial theft (Zabarnyi, 2021). The first month of the coronavirus pandemic saw a decrease in crime of more than 70% (Zabarnyi, 2021). Spain and the United Kingdom also saw crime decrease by more than 70% during the first month of the pandemic. Meanwhile, in the US, the level of crime decreased in certain states such as Illinois, Pennsylvania, and Indiana, as the number of calls to the police decreased due to the pandemic. However, the expanded use of online stores and

services, as well as online payments, significantly increased the number of frauds, especially cybercrimes, highlighting the impact of quarantine restrictions and digitalization on crime.

Conclusions

The pandemic has had a significant impact on human civilization, creating new opportunities for population interaction through digitalization tools, while also bringing new risks that lead to new forms of crime and affect overall crime levels.

The impact of digitalization during the pandemic has affected crime in both coronavirus and post-coronavirus conditions. A new type of crime, known as "coronavirus crime," has emerged due to the impact of the pandemic and digitalization. This type of crime is characterized by its content, which reflects both the viral disease itself, as well as the methods of interaction and measures taken to limit, reduce or stop the spread of the disease. The experiences of various countries, including the United States, Great Britain, and Bulgaria, show that digitalization during the pandemic has led to changes in the structure and level of crime. Specifically, there has been an increase in cyberattacks and cybercrimes against organizations and individuals due to the rise in online services, purchases, and electronic payments. Additionally, the loss of jobs among the population has contributed to an increase in online fraud.

Moving forward, it is crucial to conduct further scientific research on the specifics of crimes committed in the digital environment during the pandemic and explore ways to prevent them.

Bibliographic references

- Arkusha, L., & Mandrychenko, Z. (2020). General characteristics of criminal activity under quarantine conditions. *Modern Problems of Criminology and Criminal and Executive Law*, 24, 201-204. Retrieved from <https://acortar.link/dbISGW>
- Bandurka, O., & Bandurka, I. (2020). *Crime and modernity*. Kharkiv: KhNUVS. Retrieved from <http://dspace.univd.edu.ua/xmlui/handle/123456789/6885>
- Batyrgareeva, V., Borisov, V., Yevteeva, D., Kalinina, A., Kolodyazhny, M., & Shramko, S. (2020). Spread of the COVID-19 pandemic in Ukraine: socio- legal and criminological problems. *The issue of*

- combating crime. *Law*, 40, 9–19. Retrieved from <http://pbz.nlu.edu.ua/article/view/237640/236323>
- Bradley, B. (2020). How the stay-at-home order has impacted Chicago's crime statistics. *WGN NEWS*. Retrieved from <https://acortar.link/uoRPxT>
- Denisova, T. (2020). Nihilism and despair as manifestations of the determination of crime in the conditions of a pandemic. Kharkiv: Pravo. ISBN 978-966-998-048-9
- Golovkin, B. (2017). Electronic crime prevention system in big cities. Kharkiv: Pravo.
- Golovko, O., Shpak, K., & Mykyta, A. (2021). Crime dynamics during the Covid-19 pandemic: domestic violence and cyberviolence. *Law and innovative society*, 1(16), 70-78. Retrieved from https://apir.org.ua/wp-content/uploads/2021/06/Golovko_Shpak_Mykyta16.pdf
- Interpol. (2020). Interpol warns of financial fraud linked to COVID-19. Retrieved from <https://www.interpol.int/en/News-and-Events/News/2020/INTERPOL-warns-of-financial-fraud-linked-to-COVID-19>
- Kalinin, A. (2020). Virus Pandemic VS Law and Order: Criminological Forecast. The issue of fighting crime, 39, 39-45. Retrieved from <http://pbz.nlu.edu.ua/article/download/220498/220168>
- Kryzhanovskiy, A. (2020). Covid-19, law and legal order: metamorphoses of the pandemic era. *Legal Bulletin*, 2, 7-16. Retrieved from http://yurvisnyk.in.ua/v2_2020/3.pdf
- Kulyk, K. (2019). Use of Smart Building technology in the crime prevention system in Ukraine. Kharkiv: Law. Retrieved from <https://scholar.google.com/citations?user=Jpj1fYgAAAAJ&hl=ja>
- Litvinov, O. (2020). Digitization: on the verge of a digital Dachau. State and crime: new challenges in the postmodern era. Kharkiv. Retrieved from http://dspace.univd.edu.ua/xmlui/bitstream/handle/123456789/9635/Didzhytalizatsiia_Ly tvynov_2020.pdf?sequence=1&isAllowed=y
- Novikov, M., & Novikova, M. (2021). Theoretical and legal aspect of cyberviolence: concepts and content. *Legal Bulletin "Air and Space Law"*, 1(58), 61–67. Retrieved from <http://www.law.nau.edu.ua/images/Nauka/10.pdf>
- Romanov, M. (2020). Digitization and ensuring human rights during the COVID-19 pandemic. Kharkiv: Pravo.
- Shevchuk, T. (2020). Regarding the impact of the COVID-19 pandemic on crime. Modern legal and economic problems and social development of the state. Kharkiv. [File PDF]. Retrieved from <http://dspace.univd.edu.ua/xmlui/handle/123456789/12018>
- Streltsov, E., & Streltsov, L. (2020). Coronavirus and post-coronavirus crime: first quarantine assumptions. Active lex site. Retrieved from <https://acortar.link/8Q9cv6>
- Tisdell, C. (2020). Economic, social and political issues raised by the COVID-19 pandemic. *Economic Analysis and Policy*, 68, pp. 17-28. Retrieved from <https://www.sciencedirect.com/science/article/pii/S0313592620304082>
- Tretyak, A. (2020). Economic crimes and fraud: experience of Ukrainian organizations. Economic Truth website. Retrieved from <https://www.epravda.com.ua/columns/2020/12/17/669308/>
- Zabarnyi, M. (2021). Criminological analysis and crime trends in the period before and after the pandemic in Ukraine and in some foreign countries. *Carpathian Legal Gazette*, 3(38), 72-75. Retrieved from http://www.pjv.nuoua.od.ua/v3_2021/18.pdf

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Legal nature of the tasks and functions of the financial control of railway transport of Ukraine

Правова природа завдань та функцій фінансового контролю залізничного транспорту України

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Abstract

The purpose of the article is to reveal the legal nature of tasks and functions of financial control of railway transport of Ukraine. Research results. The essence of state financial control has been studied. The peculiarities of financial control on the whole and in railway transport in particular are determined. The concepts of "financial control", "tasks of financial control", "functions of financial control" are clarified. Practical meaning. The main tasks and functions of state financial control in general and in rail transport specifically are established. Value/originality. It was determined that the functions of the state financial control of railway transport of Ukraine should be understood as a certain system of tasks and responsibilities assigned to authorized state bodies and services in order to ensure efficient and economical use of railway transport funds.

Keywords: financial control, functions, railway transport, State, tasks.

Анотація

Метою статті є розкриття правової природи завдань та функцій фінансового контролю залізничного транспорту України. Результати дослідження. Досліджено сутність державного фінансового контролю. Визначено особливості фінансового контролю в цілому та на залізничному транспорті зокрема. Уточнено поняття «фінансовий контроль», «завдання фінансового контролю», «функції фінансового контролю». Практичне значення. Встановлені основні завдання і функції державного фінансового контролю загалом та на залізничному транспорті зокрема. Цінність/оригінальність. Визначено, що під функціями державного фінансового контролю залізничного транспорту України слід розуміти певну систему завдань та обов'язків, які покладені на уповноважені державні органи та служби, з метою забезпечення ефективного та економного використання коштів залізничного транспорту.

Ключові слова: фінансовий контроль, функції, залізничний транспорт, державний, завдання.

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Introduction

Financial control is a mandatory attribute of the economy of any country, as it is aimed at compliance with the law, financial discipline, prevention of financial offenses during the mobilization, allocation and use of funds, costs for the implementation of tasks and functions of the State and effective socio-economic development of all financial relations actors. Recently, a significant increase in the number of economic crimes has been observed in Ukraine; there is a rapid process of criminalization of banking and credit systems, foreign economic activity. Accordingly, it is necessary to strengthen the fight against crimes in the economic sphere; its effectiveness will depend on the legal framework, existence and validity of financial control methodologies and terminology. Taking into account these aspects, at the present stage of organization of effective financial control over the completeness of the formation and timeliness of revenues to the budgets of all levels, as well as over the legality and efficiency of the use of funds and property becomes one of the directions of modern economic and financial policy (Honcharuk et al., 2019).

However, in terms of the functioning of railway transport in Ukraine, the symbiosis of administrative and financial law is important, which complicates this topic and necessitates scientific research.

The purpose of the article is to reveal the legal nature of the tasks and functions of the financial control of railway transport of Ukraine based on the theoretical foundations of financial and administrative law, the norms of current legislation and the practice of the executive authorities.

Methodology

The methodological basis of the research is a set of general and special scientific methods and methods of scientific knowledge, the application of which made it possible to form a holistic and comprehensive idea of the legal regulation of financial control over the rail transport in Ukraine.

With the help of logical and semantic, deductive method, as well as methods of abstraction and generalization, the conceptual apparatus was deepened; the concepts of "financial control", "tasks of financial control", "functions of financial control" were clarified.

Formal and logical method was used to determine the features of financial control in general and over railway transport in particular.

Using the method of abstraction and generalization, the author's concept of the functions of state financial control of railway transport of Ukraine was formulated.

Structural and functional method was the basis for determining the essence of State financial control in the system of financial and legal relations.

Induction, deduction, and synthesis were applied when determining the main tasks and functions of public financial control.

The method of system analysis was used to identify the tasks of state financial control over railway transport.

Structural method was helpful when identifying the list of functions of state financial control (analytical, informative, preventive, corrective, mobilizing and law enforcement).

Hermeneutic method made it possible to investigate the views of scholars on the problem under consideration, as well as legal instruments governing this institution.

Literature Review

Prasiuk (2020) stresses that financial control is a universal category regulated by both public and private law, this is confirmed by its main functions: maintaining financial discipline, preventing financial offenses, applying coercive measures for their commission. The essence of financial control is control over the financial and economic activities of the object of control, which accumulates and spends funds for public purposes or uses public property or other financial resources.

In addition, the author notes that the essence of state financial control is also revealed through its tasks, which, in general, include: ensuring compliance with the requirements of financial legislation and financial discipline; detection, elimination and prevention of financial offenses, as well as provision of prerequisites for holding perpetrators liable; ensuring the fulfillment of financial obligations by all subjects of financial legal relations; checking the timeliness,

efficiency, rationality of public financial resources using.

Savchenko (2008) claims that the main tasks of state financial control are checking the timeliness and completeness of the formation of state funds; assessment of the legality and effectiveness of their distribution and usage, as well as assessment of the expediency and justification of decisions taken by relevant state bodies and certain persons and related to financial issues, management of state property, with the aim of preventing possible inappropriate and inefficient spending of costs, property, etc., detection of financial discipline violations and application to offenders of the measures of influence, provided for by the current legislation. That is, state financial control covers all operations related to the movement of state financial resources.

According to Hupalovska (2012), the goal of state financial control is reflected in more detail in the tasks aimed at its achievement. There are two main approaches to defining control tasks. According to the first one, the task of control is to identify the actual state of affairs, compare it with the intended goals, assess the situation and, if necessary, propose corrective measures. Pursuant to the second one, it is the controllability of the state and attitude of the objects of control towards the established norm. The tasks of state financial control are to secure legality, efficiency, financial discipline and rationality during the formation, distribution, possession, use and alienation of assets belonging to the state.

In the opinion of Pikhotskyi (2015), the basic tasks of state financial control are:

- to promote the implementation of the state financial policy;
- to ensure timely and complete fulfillment of financial obligations;
- to facilitate balance between income sources and directions of use of funds in accordance with the financial plans of economic entities;
- identify internal reserves for the growth of centralized financial resources;
- encourage rational use of available financial resources;
- ensure proper accounting and reporting;
- comply with current legislation and other regulatory acts.

Maksimova (2012) notes that financial control performs the following functions: 1) cognitive – identifies factors that negatively affect the development of productive forces and industrial

relations with the aim of regulating them; 2) practical – provides management of the economy using specific methods in relation to the rational usage of material, labor and financial resources. In our opinion, the definition of the cognitive function should be supplemented, since it lies in identifying not only negative, but also positive factors, the analysis of which can help raise the level of the domestic economy.

Results and Discussion

The main task of the state control system is to increase the effective activity of state authorities in protecting the interests of the country and its citizens by increasing the responsibility of these bodies and their officials for the performance of their duties. Such control, by its very nature, should be carried out on behalf of the State by special monitoring bodies not bound by any other functions (Pikhotskyi, 2015).

Slobodianyuk (2014) claims that state financial control is one of the most important functions of state administration, which lies in promoting the implementation of the state's financial policy, ensuring the process of formation and effective use of the country's financial resources to achieve its goals in the field of distributional relations.

Domestic scientists consider the tasks of state financial control at the macro- and micro levels. Thus, the authors identify the tasks of state financial control at the macro level:

- 1) exposure of activities aimed at concealing taxes and mandatory payments;
- 2) prevention of activities that monopolize markets;
- 3) blocking activities aimed at organizing production of goods and provision of services prohibited by the state;
- 4) termination of activities containing significant social threats;
- 5) prevention of activities violating the property rights of business entities, legitimate interests of the state and society in general, etc.

The tasks at the micro level include:

- 1) compliance with the rules of accounting and financial reporting;
- 2) ensuring payment discipline, uniform pricing standards and setting tariffs;
- 3) prevention of inappropriate and inefficient use of budget and other state funds;
- 4) compliance with state and communal procurement procedures;

discouraging of improper and non-targeted application of state and communal property; preventing misuse of credits and loans received under Government guarantees, etc. (Rusin & Shuliuk, 2018).

Other scientists note that the essence of financial control is revealed in the main tasks, which are:

- checking the timeliness and completeness of financial obligations to the state and local self-government bodies by controlled subjects;
- verification of the performance by state authorities and local self-government of the functions entrusted to them in the formation, distribution and use of monetary funds;
- verification of compliance with the correctness of financial transactions, preservation of funds and material resources;
- detection and elimination of violations of financial discipline;
- prevention of violations of legality in the field of financial activity, provision of compensation for material damage, identification and prosecution of perpetrators;
- identifying internal production reserves;
- improving efficiency;
- cost-effective use of material and monetary resources.

Implementation of the listed tasks of financial control is a necessary condition for ensuring law and order and legality in the process of carrying out financial activities. One of the aspects of legal order in the field of finance is financial discipline (Honcharuk et al. 2019).

Having analyzed the views of scientists regarding the definition of the tasks of state financial control, it should be said that the Law of Ukraine "On the Basic Principles of State Financial Control in Ukraine" is in force in Ukraine, according to which the implementation of state financial control is ensured by the central body of executive power, authorized by the Cabinet of Ministers of Ukraine to implement state policy in the field of state financial control. The legislator defines the main tasks of the state financial control body, which are: implementation of state financial control over the use and preservation of state financial resources, non-current and other assets, correct determination of budgetary requirements, identifying budgetary requirements and commitments, effective use of funds and property, status and reliability of accounting and

financial reporting in ministries and other executive bodies, state funds, mandatory state social insurance funds, budgetary institutions and business entities of the state sector of the economy, including business entities, in the authorized capital of which 50% or more of the shares belong to economic entities of the state sector of the economy, as well as to enterprises, institutions and organizations that receive (received during the period under review) funds from budgets of all levels, state funds and mandatory state social insurance funds or use (used during the audited period) state or communal property, in compliance with budget legislation, procurement legislation, activities of economic entities, regardless of the form of ownership, which are not defined by legislation as controlled institutions pursuant to a judicial decision in criminal proceedings (Law of Ukraine 2939-XII, 1993).

That is, in a general sense, the tasks of state financial control over railway transport of Ukraine should be understood as the activity of authorized state bodies, the purpose of which is to ensure the effective use of state budget funds and other financial resources of the state. Such tasks include:

- 1) control over the implementation of the budget and other state financial programs by the national railway carrier;
- 2) verification of financial statements of state organizations and enterprises in the field of railway transport;
- 3) monitoring of public procurements and control over their execution;
- 4) detection of violations in the sphere of use of state funds of railway transport;
- 5) development of recommendations for improving the management of state finances in the railway transport industry of Ukraine.

As for the functions of state financial control, some authors note that they are a manifestation of the essence of such control in practice. In their opinion, state financial control performs the following main functions: analytical, informative, preventive, corrective, mobilizing and law enforcement.

Analytical function of state financial control includes a range of actions for analysis, study of the implementation of current legislation in terms of the use of state budget funds; identification of deviations in formation of revenues and expenditures of a subject of financial activity; abnormalities in the field of financial activity of state institutions (ministries, departments, other

bodies); analysis of the causes of variations (investigation of the facts that caused them, identification of perpetrators).

Informational function of the state financial control is reduced to the fact that the data obtained as a result of its implementation should become the basis for making appropriate management decisions and taking corrective measures that will ensure the functioning of the economic entity in accordance with the norms established by the state.

Preventive function is a priority direction of control and audit work, aimed at identifying conditions contributing to the violation of norms and standards established by laws and regulations, incidents of mismanagement, shortages, thefts and abuses, as well as the identification of persons guilty of financial violations, and bringing them to justice in accordance with the law.

Corrective function ensures the development of proposals to eliminate identified violations of the financial and economic activity of enterprises and organizations, other subjects of control.

Mobilizing function involves elimination of the consequences of financial violations committed by business entities, conditions that contributed to them, and the development of organizational and legal measures to spread progressive management methods and prevent financial violations at other objects of state regulation.

Law enforcement function is a means of ensuring the legality of the actions by officials and citizens; it is associated with bringing to liability, as well as the application of state or public influence measures to officials and citizens guilty of shortcomings and violations (Rusin & Shuliuk 2018).

When determining the list of tasks of state financial control, the legislator also defined the functions assigned to the authorized body. Thus, state financial control body:

- 1) carries out state financial monitoring and control over: performing functions in the management of State property; targeted and effective use of state and local budget funds; addressable use and timely repayment of loans received under state (local) guarantees; reliability of determination of budgetary requirements when drawing up planned budget indicators; compliance of budget commitments made by the managers

of budget funds with the corresponding budget allocations, the passport of the budget program (in case of application of the program-target method in the budget process); accounting, as well as drawing up financial and budget reporting, passports of budget programs and reports on their implementation, estimates and other documents used in the budget implementation process; the state of internal control and internal audit of budget funds managers; elimination of identified deficiencies and violations;

- 2) develops proposals for eliminating identified shortages and infringements and preventing them in the future;
- 3) takes measures in accordance with the established procedure to eliminate breach of legislation revealed in the course of state financial control and holds the perpetrators liable;
- 4) exercises other powers determined by the laws of Ukraine and assigned to it by the Cabinet of Ministers of Ukraine (Law of Ukraine 2939-XII, 1993).

Conclusion

Since railway transport is one of the most important components of the transport infrastructure of Ukraine and is a necessary general condition for the production of any product, which ensures connections between industries, enterprises, regions of the country, and foreign countries (Sirko et al. 2022, p. 198), state financial control is necessary to ensure efficient and economical using costs and stable development of railway transport.

That is, the functions of state financial control of railway transport of Ukraine should be understood as a certain system of tasks and responsibilities assigned to the authorized state bodies and services in order to ensure efficient and economical use of railway transport funds. Most often, these functions may include checking the activity of railway enterprises for compliance with legislation and budget restrictions, analyzing the effectiveness of public funds use, monitoring compliance with budget restrictions, providing recommendations for improving financial management and ensuring transparency and availability of information on the usage of public funds in railway transport.

Bibliographic references

Honcharuk, S.M., Dolbneva, D.V., Pryimak, S.V., & Romaniv, E.M. (2019).

- Financial control: theory, terminology, practice: study guide. Lviv: Ivan Franko National University of Lviv. <https://acortar.link/aSIzE>
- Hupalovska, M. (2012). The budget control in the conditions of the market economy of Ukraine. (PhD Dissertation). Ternopil National Economic University. Ternopil, Ukraine. <https://acortar.link/K53hkX>
- Law of Ukraine 2939-XII. On the basic principles of state financial control in Ukraine, Bulletin of the Verkhovna Rada of Ukraine, Kyiv, Ukraine, January 26, 1993. Recovered from <https://zakon.rada.gov.ua/laws/show/2939-12#Text>
- Maksimova, V. (2012). Organization of state financial control: study guide. Odesa: ONEU. <https://acortar.link/iUFMxc>
- Pikhotskyi, V. (2015). The system of state financial control in Ukraine: conceptual foundations of theory and practice. (Doctoral Dissertation). Dolishniy Institute of Regional Research of NAS of Ukraine. Lviv, Ukraine. https://www.lnu.edu.ua/wp-content/uploads/2015/12/dis_pihotskyi.pdf
- Prasiuk, V.M. (2020). Administrative and legal regulation of the state financial control under the legislation of Ukraine. (PhD Dissertation). Zaporizhzhia National University, Zaporizhzhia, http://phd.znu.edu.ua/page/dis/07_2020/Prasiuk.pdf
- Rusin, V., & Shuliuk, B. (eds.) (2018). State financial control in public administration: training manual. Ternopil: Yu.V. Osadtsa. https://fpk.in.ua/images/biblioteka/3bac_finan/Posibnyk-z-DFK.pdf
- Savchenko, L. (2008). Legal foundations of financial control: training manual. Kyiv: Yurinkom Inter. <https://acortar.link/vh4bOS>
- Sirko, R., Kyslyak, L., Beznosiuk, O., & Bodnarchuk, M. (2022). The improvement of the institution of railway transportation in the context of modern challenges. Amazonia Investiga, 11(60), pp. 197-205. <https://doi.org/10.34069/AI/2022.60.12.21>
- Slobodianyuk, Yu. (2014). Public audit in Ukraine: theory, methodology and organization. (Doctoral Dissertation Abstract). Odessa National Economic University. Odessa, Ukraine. <https://acortar.link/meXRtp>

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Suicide among minors in Ukraine: Manifestations and ways to prevent

Суїцид серед неповнолітніх в Україні: прояви та шляхи попередження

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Abstract

The article aims to find out the essentiality of such a concept as “juvenile suicide” and the search for ways to prevent it. The object of the study is social relations in the field of combating suicide among minors. During the research, the authors used a particular set of general scientific and unique scientific methods, which ensured the objectivity of the display of the research subject: the comparative legal method, the method of formal logic, the comparison method, and the hypothetical-deductive method. There is much work to improve suicide prevention methods among minors in Ukraine but using foreign experience and the help of other countries, our state can create a reliable and effective program, which the authors are sure, will reduce the risk of suicide among people under the age of 18. It should also be noted that preventing suicides among minors needs attention from both: the state and society because it is possible to overcome manifestations of suicidal behaviour

Анотація

Метою статті є з'ясування сутності такого поняття як «суїцид неповнолітніх» та пошук шляхів запобігання йому. Об'єктом дослідження є суспільні відносини у сфері протидії суїциду серед неповнолітніх. Під час дослідження автори використовували певну сукупність загальнонаукових та спеціальних методів, які забезпечували об'єктивність відображення предмета дослідження: порівняльно-правовий метод, метод формальної логіки, метод порівняння, гіпотетико-дедуктивний метод. В Україні ведеться велика робота з удосконалення методів профілактики суїцидів серед неповнолітніх, але використовуючи зарубіжний досвід та допомогу інших країн, наша держава може створити надійну та ефективну програму, яка, на переконання авторів, знизить ризик суїциду серед осіб, які є повнолітніми. Слід також зазначити, що запобігання суїцидам серед неповнолітніх

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and, in the future, to save many young lives only. The main areas of improvement of legislation aimed at combating suicide of minors have been formed. In addition, developing a criminological program to combat suicides of minors is socially determined.

Keywords: minors, suicide, racism, child abuse, prevention.

Introduction

Suicide is a global public health problem, accounting for more than 700,000 deaths annually (Favril, Yu, Uyar, Sharpe, Fazel, 2022). The topic of suicide has always been complex and urgent for the world community, and the suicide of minors is generally considered almost a tragedy for the population of any country. Unfortunately, the number of juvenile suicides and attempts on them is constantly increasing every day. Various tragic cases are discussed in different parts of the world, and it is not easy to understand the root causes of such a phenomenon. Every day, more and more minors die of suicide due to various reasons: bullying, cyberbullying, racism, domestic violence, or dangerous online games that make them commit suicide.

The authors decided that minors are more likely to think about suicide during the statistical analysis. Almost 85% think about suicide at least once, but almost none realise the outcome. Juveniles generally feel they can express their position and show others what they deserve because of suicide or at least an attempt.

In addition, in the conditions of war, the issue of violence against children by the occupiers is particularly acute. In the future, such violence becomes a determinant of suicidal behaviour.

Unfortunately, the preventive actions of teachers or parents often do not affect them at all. However, many parents and teachers do not try to explain to their children or students that suicide is a tragedy, first, for family and friends, as well as sad statistics of the impairment of the demographic situation of any country.

Between 2001 and 2021, suicide statistics among juveniles in Ukraine can be considered relatively high – 3,569 people. At the same time, from 2001 to 2004, the number of juvenile suicides

потребує уваги як з боку держави, так і суспільства, оскільки подолати прояви суїцидальної поведінки і в майбутньому врятувати чимало молодих життів можна лише так. Сформовано основні напрями удосконалення законодавства, спрямованого на протидію самогубствам неповнолітніх. Крім того, розроблено кримінологічну програму протидії самогубствам неповнолітніх.

Ключові слова: неповнолітні, самогубства, расизм, жорстоке поводження з дітьми, профілактика.

constantly exceeded 200 people. At the same time, the authors can find that such suicides are committed mainly in Odesa, Donetsk, and Dnipropetrovsk regions. Moreover, the tendency to suicide among juveniles is still growing. That is why the choice of this topic is relevant.

The article aims to find out the essentiality of such a concept as “juvenile suicide” and the search for ways to prevent it. The object of the study is social relations in the field of combating suicide among minors.

Theoretical framework

Suicide and self-harm tend to be under-reported, and underappreciated, and affect every country and society worldwide (Oyesanya, Lopez-Morinigo, & Dutta, 2015). Suicide is the leading cause of death worldwide (Clyde & Corpuz, 2021)

Suicide is an extraordinarily complex and multifaceted phenomenon involving many contributing and contributing variables. Interaction between various factors such as neurobiology, personal and family history, stressful events, and sociocultural environment may determine this (Turecki, 2016).

Modern scientific criminological literature defines suicide as a deliberate forcible deprivation of one's life, committed on its own accord and not caused by irresistible external factors (for example, hunger) or mental disorders. And although suicide, unlike other forms of violent death, is not recognised as an unlawful act and, according to current legislation, does not entail any negative criminal consequences for the person who committed it (Ostropilska, 2015).

In the genesis of such behaviour, the leading role is played by value deformations of the individual, immortality of socially adapted behaviour, defects of volitional self-regulation, and moral consciousness of the individual. Suicidal behaviour may be conditioned by the level of moral culture of society and the significance of the consequences of social processes (urbanisation, decrease of living standards in transitional periods, weakening of state power, expansion of opportunities for criminal activity) (Tohobytska, 2013).

So how did juvenile suicide develop? Maybe, they started to imitate the actions of adults. Or, in the era of modern technology and the prevalence of suicide topics, is it the only way out of any situation?

It is impossible to determine precisely when children and teens started committing suicide attempts. In some countries, such cases could quickly have been silenced because they were not massive and could have caused a great resonance. In other countries, due to the high mortality of minors, nobody paid attention to this.

Consequently, the authors want to define juvenile suicide as a deliberate deprivation of his life by a person under the age of 18 against the background of one or several factors that provoked a negative attitude to life and were able to put the person's psychological health in a hopeless state for solving specific situations. Suicides of minors have several characteristics that are usual for the behaviour of a child or adolescent during the period of exacerbation of suicidal behaviour and may be manifested in various forms and methods.

Suicide is one of the most common causes of death among minors in Ukraine, the prerequisites of which are negative psychosocial factors (Bilsen, 2018).

Methodology

During the research, the authors used a particular set of general scientific and unique scientific methods, which ensured the objectivity of the display of the research subject. Thus, the comparative legal method allowed for studying foreign experience on the researched issue. The method of formal logic made it possible to study the peculiarities of the determinants of suicidal behaviour among minors. Moreover, the hypothetical-deductive method is to study the essence and consequences of suicide and outline

countermeasures (part Types of Juvenile Suicide Prevention).

Also, we used media Analysis (in part Racial Issue as a Motivating Factor for Suicide and Suicide as Part of the Game). The analysis method was used during the analysis of the concept of "suicide" and "suicide of minors (part of the Theoretical framework). The article contains references to 23 sources, including articles indexed on the scientometric databases Scopus and Web of Science, 1 normative source.

Results and discussion

Suicide as Part of the Game

Teenagers who deliberately harm themselves are less likely to resort to lethal methods. We must consider factors that may be associated with suicidal behaviour, which has increased in recent years (McClure, 2001).

Unfortunately, Ukraine has a relatively high percentage of suicides among minors. According to official statistics of 2012 in Ukraine, there were 34.5 suicides per 100,000 people per year. At the same time, the World Health Organization (WHO) estimates the figure of more than 20 people as critical (Tocka.net, 2012). If the authors refer to the statistics of 2021, then 123 suicides were committed by minors. One child committed suicide every third day (Blyskavka Media, 2018).

Nevertheless, why is everything going on like this? Why do children commit suicide more and more? Many parents accuse Internet space, and there are appropriate grounds for this. During 2015-2021, so-called coordinated suicidal games began to spread in social networks, the finale of which was to commit suicide by a player. The most popular games are "Blue Whale" and "Red Owl". A game for a participant begins with the fact that he or she published hashtags on the page that define the subtext of interest in the topic of suicide and help to find new players (#явивгре, #тихийдом, #синий, #f57, #синийкит, #морекитов, #ждуинструкцию – blue whale). After these actions, the moderator contacted the participant, who initially interviewed the fresher about the problems and attitude to suicide in the course of the dialogue, and later gave a link to a site that helps to track the geolocation of the person who went through this link and defined the rules of the game: during 50 days (12 days in red owl) the player must do different tasks and film it on a video or make a photo.

Furthermore, at the end of the game, after 50 days, the player must commit suicide. In case of refusal of the participant from the game, the moderators began to blackmail him or her by knowing about the location and the physical abuse with the child or its family and friends. Quite often, participants were forced to take intimate photos and send them and were later threatened to make them public. Blackmail often demoralises teenagers, and after all these things, they often commit suicide.

Especially the game "Blue Whale" has received great resonance not only in the Commonwealth of Independent States (CIS) countries but also all around the world (Poland, Moldova, Bulgaria, Turkey, Israel, and others). Media workers have noticed the rapid popularity of the English hashtag #bluewhale and the Italian one. This game began to spread even in the countries of Africa, Asia, Europe, and America. For example, in the United Kingdom in April 2017, the police sent special warnings to schools about the game "Blue Whale". Both games (Blue Whale and Red Owl) were designed mainly for minors (13–17 years old) (News. Infomercial, 2017).

During all these things that happened to juveniles in Ukraine on February 8, 2018, the Verkhovna Rada of Ukraine adopted a law that introduced amendments to the Criminal Code of Ukraine on Article 120 "Bringing to suicide". Now, the first part of this article says: "Bringing a person to suicide or attempt of suicide, resulting from cruel treatment, blackmail, systematic humiliation of human dignity or systematic unlawful coercion against actions that contradict her will, self-inclination, as well as other acts contributing to suicide – shall be punishable by restraint of liberty for a term up to three years or imprisonment for the same term" (Law № 2341-III, 2001).

Racial Issue as a Motivating Factor for Suicide

Another global cause that can lead to the suicide of minors is the racial issue. Now the topic of racism is very relevant and is constantly attracting attention. Perhaps no one has heard of suicide cases due to racism, but this does not mean they do not exist. The number of such situations is gradually increasing, but unfortunately, not all of them are made public. The authors can bring an example that has happened in the UK. Dagmar Przybic, a 16-year-old girl of Polish origin, committed suicide by hanging herself in a school closet on May 17, 2016. As it turned out, the girl was often insulted by her Polish roots and was repeatedly called "a

dumb Polish", sayings that Dagmar should return to her country. Furthermore, the girl often told her parents and boyfriend that she was abused, but in what way she did not specify (Independent, 2016).

Ukraine also hosts many different minorities with their cultures, religions, and views on life. Moreover, it is imperative to defend absolutely everyone who can be exposed to racist images. Because of their unformed psyche and point of view, children can go for radical actions to end bullying.

Thus, in 2017 in Cherkasy, there was a situation in the children's playground when children insulted a 4-year-old boy because of the dark colour of his skin. Older children and some coevals who offended Danny McGuowan said they would not play with him because he was black, dirty, and not like them. The boy's mother timely noticed what was happening because who knows how it could end. Even children resort to racism and are ready to offend others (The Jason Foundation, 2018).

As the authors see, suicide based on a racist image is possible. It is impossible to predict how this topic will evolve accurately, but, in our opinion, this problem should be solved before it is too late.

Thus, minors have and even can find many reasons to commit suicide. It can be family and domestic problems or conflicts with peers which make the minor question their significance in the lives of loved ones. An important reason for this is bullying in all its manifestations, which strongly affects children. The issue of racism and Internet influence can also be seen in the mortality statistics of minors because of suicide in recent years.

Having analysed the situation, the authors can say that America and Europe are very concerned about juvenile suicides. Given the ever-increasing number of children and adolescents as suicide victims, psychologists and educators are paying more and more attention.

If the authors analyse the statistics of child suicides worldwide, one of the highest percentages is in highly developed countries (Japan, USA, and others).

For example, the government of Japan 2017 published data indicating that the percentage of deaths from suicide has increased significantly over the past three decades. Although the trend

of suicidal deaths is gradually falling, it remains one of Japan's significant problems.

From April 2016 to March 2017, 250 children in primary, secondary and senior schools committed suicide, the most significant number since 1986, according to data published by the Ministry of Education. Moreover, almost none of the children left any explanation of why they decided to do this. Nevertheless, those who still could explain to him remembered the reason for caring about who they will be after graduation and what they will achieve in life. Other reasons include family problems and bullying at school (New York Times, 2018).

The USA, having conducted a series of experiments, also concluded that suicidal ideation among minors is growing and continue to gain popularity. The Centers for Disease Control and Prevention reported that between 1999 and 2015, at the age of 5 to 12 years, 1,309 children committed suicide. Thus, during these 17 years, one child under 13 died of suicide almost every five days. Nevertheless, from 2013 to 2015, the frequency of child suicide and the ages of 11 and 12 increased significantly (one child every 3.4 days) (Hanna, 2017).

As for the European countries, Great Britain recognised the significant increase in juvenile suicide. As was noted, between 2010 and 2017, the number of such suicides increased by 67%. The Office of National Statistics of the United Kingdom notes that only in 2017, 187 juveniles under the age of 19 committed suicide, up 15% from 2016 (162 people). In July 2018, it was announced that the number of suicides among adolescents in London, the state's capital, also significantly increased, even more than 4 times the average. The growth rate was 107% over 3 years (2013-2016) – from 14 to 29 people (Khan, & Bulman, 2018).

Everyone knows that suicidal children or teens are often subjected to physical violence by parents or others around them. Therefore, for example, Lithuania, 2014, passed a law prohibiting any physical punishment of minors in any situation. Now, in Ukraine, such a ban mainly concerns exclusively parents, guardians, or relatives (UN news, 2018).

Types of Juvenile Suicide Prevention

Behind each suicide and attempt is the long struggle of these people, as well as the experience of trauma and suffering of their relatives and

friends. Together, suicide prevention is a global priority (Levi-Belz, Gvion, & Apter, 2019).

When studying the issue of suicide prevention among minors, it is important to analyse a person through the prism of relationships, where a suicidal act can be a response to internal and external stresses (McClure, 1984). For this reason, prevention strategies must be a comprehensive approach that addresses the population's diverse needs rather than an intervention aimed solely at those perceived to be in crisis (Chiang, Paynter, Edlin, & Exeter, 2021). However, each age group needs an individual suicide intervention program (Kim, Kim, Oh, & Cha, 2020).

Of course, one of the most popular types of juvenile suicide prevention is the creation of a hotline.

Such assistance for people with suicidal thoughts has been introduced in the US, Canada, the UK, France, and many other countries. Ukraine is not an exception. The authors also have a hotline that is not massive and widespread among children and teens. The essence of such a hotline is that a child or a teenager can call the number and get psychological help or tell the unknown interlocutor their problems, why he wants to commit suicide, and whether it is possible to help it somehow (Vycherpno, 2017).

The method of meeting with the victim of a suicide attempt is also quite popular. In such cases, the invited person shares his experience, and often such guests publicly admit that committing suicide was a mistake. Everyone tells his story, which can have particular importance for an individual child or teenager and help to solve problems of their own.

As to ways to improve preventive measures to avert juvenile suicide in our country, then, in our opinion, the primary right in this area should belong to the state because its internal state policy should be oriented towards the development and introduction of effective measures against as a phenomenon of suicide in general, as its manifestations. This main direction of preventive action can be the most complicated because an effective system of suicide prevention has not been created yet.

Thus, the problems of the manifestation of suicidal behaviour of minors are institutions of health care, rehabilitation centres, and social protection institutions. Also, public organisations play a vital role in this sphere. Today there is an

International Association for the Prevention of Suicide, and, according to its recommendation, suicide prevention services have been opened in many Ukrainian cities. However, considering the socio-economic situation in the state, the low level of social protection, the psycho-emotional level of citizens, and other problems of our society require more effective measures for the prevention of minors, and, in our opinion, it is necessary to start precisely from educational institutions.

Our second proposal is to introduce a systematic survey monitored by specially appointed individual civil servants who will cooperate with psychologists and maintain statistics that will help the state coordinate its activities in minors' health.

Also, it would be advisable for the Ministry of Healthcare of Ukraine to take control of the issue of popularising the hotline for suicidal minors and may even expand this resource, which could save many juveniles' lives. Sometimes it is enough for a minor to be heard with his problems, so such a proposal can be the key to reducing the number of suicides of minors.

Conclusions

Juvenile suicide refers to the act of a person under the age of 18 taking their own life. It is a tragic and complex phenomenon that can be influenced by a range of biological, psychological, and environmental factors. The reasons for juvenile suicide can vary, but often include mental health issues, family or relationship problems, school-related stressors, substance abuse, and social isolation or bullying. It should be noted that the legislator should more accurately determine the circumstances of suicide incrimination in social networks and the Internet in general. Thus, crimes involving suicide and are committed on the Internet can be completed in the form of punishing the perpetrator for his wrongful acts.

Nowadays, juveniles get more and more pressure directly through their pages on social networks, so such changes would be as actual and effective as possible for investigating crimes. After all, officers only sometimes focus on pressure over the Internet and its detrimental effect.

Thus, there is much work to improve suicide prevention methods among minors in Ukraine but using foreign experience and the help of other countries, our state can create a reliable and effective program, which the authors are sure,

will reduce the risk of suicide among people under the age of 18. It should also be noted that preventing suicides among minors needs attention from both: the state and society because it is possible to overcome manifestations of suicidal behaviour and, in the future, to save many young lives only by uniting both sides.

Bibliographic references

- Bilsen, J. (2018). Suicide and Youth: Risk Factors. *Front. Psychiatry, Sec. Public Mental Health*, 9. Retrieved from: <https://doi.org/10.3389/fpsy.2018.00540>
- Blyskavka Media. (2018). Child suicide in Ukraine, three or eleven cases a week? [online] Retrieved from: <https://blyskavka.media/2018/06/06/children-suicide-ukraine/>
- Chiang, A., Paynter, J., Edlin, R., & Exeter, D.J. (2021) Suicide preceded by health services contact – A whole-of-population study in New Zealand 2013-2015. *PLoS ONE*, 16(12), e0261163. Retrieved from: <https://doi.org/10.1371/journal.pone.0261163>
- Clyde, J., & Corpuz, G. (2021). COVID-19 and suicide: when crises collide, *Journal of Public Health*, 43(4), 747–748. Retrieved from <https://doi.org/10.1093/pubmed/fdab115>
- Favril, L., Yu, R., Uyar, A., Sharpe, M., & Fazel, S. (2022). Risk factors for suicide in adults: systematic review and meta-analysis of psychological autopsy studies. *Evidence-Based Mental Health*, 25. Retrieved from: <https://ebmh.bmj.com/content/25/4/148>
- Halian, A., Halian, I., Popovych, I., Zavatskyi, Y., Semenov, O., & Semenova, N. (2021). Stress Resistance in the Situation of Uncertainty as a Factor of Development of Adaptive Ability of Medical Personnel. *BRAIN. Broad Research in Artificial Intelligence and Neuroscience*, 12(1), 251-264. <https://doi.org/10.18662/brain/12.1/181>
- Hanna, J. (2017). Suicides under age 13: One every 5 days. *CNN Health*. Retrieved from <https://edition.cnn.com/2017/08/14/health/child-suicides/index.html>
- Independent. (2016). No significant racism' in death of Polish teenager who was told she didn't 'belong', rules coroner. [online] Retrieved from: <https://acortar.link/COxXbW>
- Khan, S., & Bulman, M. (2018). Teenage suicides in England and Wales rise 67% since 2010. *Independent*. Retrieved from <https://www.independent.co.uk/news/uk/ho>

- me-news/teenage-suicides-england-and-wales-2010-ons-a8522331.html
- Kim, S. H., Kim, H. J., Oh, S. H., & Cha, K. (2020). Analysis of attempted suicide episodes presenting to the emergency department: comparison of young, middle aged and older people, *International Journal of Mental Health Systems*, 14, Article number 46. Retrieved from: <https://ijmhs.biomedcentral.com/articles/10.1186/s13033-020-00378-3>
- Law № 2341-III. (2001). Criminal Code of Ukraine. Review of the Bulletin of the VRU. Retrieved from: <https://zakon.rada.gov.ua/laws/show/2341-14#Text>
- Levi-Belz, Y., Gvion, Y., & Apter, A. (2019). The Psychology of Suicide: From Research Understandings to Intervention and Treatment, *Front Psychiatry*, 10. Retrieved from: <https://doi.org/10.3389/fpsy.2019.00214>
- McClure, G. M. (1984). Recent trends in suicide amongst the young. *British Journal of Psychiatry*, 144, 134–138.
- McClure, G. (2001). Suicide in children and adolescents in England and Wales 1970–1998. *British Journal of Psychiatry*, 178(5), 469-474. Retrieved from: <https://doi.org/10.1192/bjp.178.5.469>
- News. Infomercial. (2017) Blue Whale is a game that kills teenagers. [online] Retrieved from: <https://i-visti.com/news/747-siny-kit-gra-yaka-vbivaye-pdltkv.html>
- New York Times (2018). Suicides Among Japanese Children Reach Highest Level in 3 Decades. Retrieved from <https://www.nytimes.com/2018/11/06/world/asia/japan-suicide-children.html>
- Oyesanya, M., Lopez-Morinigo, J., & Dutta, R. (2015). Systematic review of suicide in economic recession. *World Journal of Psychiatry*, 5(2), 243. Retrieved from: <https://doi.org/10.5498/wjp.v5.i2.243>
- Ostropilska, A. A. (2015). Theoretical and legal foundations of penitentiary suicide research: historical analysis and current state. *Comparatively analytical law*, 4, 340-343 Retrieved from: http://pap-journal.in.ua/wp-content/uploads/2020/07/4_2015.pdf
- The Jason Foundation. (2018). Youth Suicide Statistics. [online] Retrieved from: <http://prp.jasonfoundation.com/facts/youth-suicide-statistics/>
- Tohobytska, V. D. (2013). Peculiarities of preventive measures to prevent the occurrence of suicidal cases among employees of the State Emergency Service of Ukraine. *Visnyk of National Defence University of Ukraine*, 5, 307-312. (In Ukrainian)
- Tochka.net. (2012). Child suicide: shocking numbers and reasons. [online] Retrieved from: <https://lady.tochka.net/20870-detskie-samoubiystva-shokiruyushchie-tsify-i-prichiny/>
- Turecki, G, & Brent, D. A. (2016). Suicide and suicidal behaviour. *Lancet*, 387, 1227-39. Retrieved from: [https://doi.org/10.1016/S0140-6736\(15\)00234-2](https://doi.org/10.1016/S0140-6736(15)00234-2)
- UN news. (2018). The WHO intends to protect children in the European region from cruelty. [online] Retrieved from: <https://news.un.org/ru/story/2018/11/1343091>
- Vycherpno. (2017). Racism on the playground" Cherkasy children discriminate against a boy because of his dark skin. Vycherpno Information Agency. [online] Retrieved from: <https://acortar.link/Upp2AJ>

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The category of the transcendental in the Ukrainian postmodern novel

Категорія трансцендентного в українському постмодерному романі

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Abstract

The forms of artistic embodiment of aspects of the category of the transcendent in the texts of Ukrainian postmodernists are the focus of this article which are studied through the analysis of the characters' worldview, the identification of dominants and meanings of human existence, and the correlation of the vision of the category of the transcendent in the novels with modern spiritual concepts. The most striking authorial concepts of the transcendental in Ukrainian postmodern prose refer to the relationship between the human and divine planes of existence, the mechanisms of transforming inspiration into a literary text, the irrational nature of creativity, the concept of reincarnation, ritual as a way of accessing the realm of the transcendental and the understanding of «nothing» concept.

Key words: postmodernism, genre, transcendental, irrational nature of creativity.

Анотація

Форми художнього втілення аспектів категорії трансцендентного у текстах українських постмодерністів перебувають в центрі наукової уваги у даній статті і досліджуються через аналіз світогляду героїв, визначення домінант та смислів людського буття, співвіднесення бачення категорії трансцендентного у текстах романів із сучасними духовними концепціями. Найяскравіші авторські концепції трансцендентного в українській постмодерністській прозі пов'язані із відношенням між людським та божественним планами буття, механізмами перетворення натхнення у художній текст, ірраціональною природою творчості, концепцією реінкарнації, ритуалі як способі долучення до сфери трансцендентного, розумінням поняття «ніщо».

Ключові слова: постмодернізм, жанр, трансцендентне, ірраціональна природа творчості.

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Introduction

The categories of the transcendental are eternal components of human consciousness and part of the subconscious, since they have been integrated as collective attitudes since primitive times and preserved as part of folklore, religion and sacred teachings (Scott, 2003, p. 448–449). The category of the transcendental lies between religion and philosophy, but it has vivid manifestations or evidence of inclusion in the author's worldview in the plane of literary texts, including Ukrainian postmodern prose of the late twentieth and early twenty-first centuries.

The categories of the transcendental include «questions concerning space, time, and the possibility of reaching eternal reality», images of «God, human nature, or tribal and cultural knowledge given in divine revelation», «the image of universality», etc. (Scott, 2003, p. 449).

The social changes of the late 1990s in Ukraine and the radical change in the society's outlook led to the fact that postmodernism marks the loss of unconditional faith in scientific rationality, while the irrational becomes an integral part of life. The new state of the society was evidenced by the popularity of esoteric teachings in Ukraine in the 1980s and 1990s, such as reiki, transcendental meditation, NLP, qigong and yoga, psychedelic practices, mantra chanting. Most of these doctrines are based on the assumption of the existence of thought vibrations and take transcendental philosophy as their starting point. To varying degrees, these concepts have found their audiences and have had a significant impact on the worldview of Ukrainian society as a whole, forming at least a willingness to accept this type of philosophical concept.

At present, there is a noticeable convergence of literature and philosophy: in particular, there is a widespread view of philosophy as an art of thought expression, and philosophical texts are increasingly being presented in the form of literary genres, such as parables, essays, stories, novels, etc. (Gurbanska, 2019, p. 47). As Richard Bach, an American writer whose work is associated with flying and flying in a metaphorical context, wrote in his «Messiah's Handbook», «the only way to convey some truths is through the language of a fairy tale» (Bach, 2008, p. 12). As it was mentioned, «<...> in the twentieth century postmodernity ruined neo-mythological opposition between the text and reality, declaring that the text does not reflect reality but creates a variety of new realities, which are not sometimes interrelated or

interdependent» (Levchenko 2021, p. 99), and the categories of the transcendental are widely involved in the creation of these new realities.

The art of postmodernism in the context of general entropy and the statement of the incompetence of worldview concepts shows the search for meaning-making potential in exotic religions and philosophical doctrines that contain the idea of the possibility of centring human life around a certain idea or concept and give meaning to human life. The postmodern novel actively explores the problematics of the transcendental, the category finds artistic embodiment in the worldview of the characters, the events of their lives, and in some texts, completely independent concepts of the transcendental are formed that capture the imagination and testify to the search for worldview dominants in the sphere of meaning, purpose and ways of human existence.

«Each of your texts, – Yuriy Izdryk notes, speaking about the place of the category of the transcendental in the novel as a large genre, is a projection of your mental structure, which was in a certain state when you created this text <...> in such a huge array of prose speech, there is always an ideological aspect <...> in this projection, there is also a sector that is responsible for ideology in every person. For ideology, for worldview, for the interpretation of God. Because everyone has a place for God, and man fills this place with something» (Nesterovych, 2014). «I will be frank, – admits L. Deresh's character, I have always considered myself a hallucination catcher and treated even the smallest vision with the respect it deserves. I cherished a special openness to all kinds of clouds of consciousness...» (Deresh, 2007, p. 189). Yuriy Izdryk's protagonist reflects: «People of our time lack a philosophical approach to life – they perceive everything in a simplistic and pragmatic way, not feeling the complexity of the universe» (Izdryk, 2010, p. 71). Reaching the limits of the transcendence is also possible through engaging in destructive practices: the protagonist of the novel by S. Zhadan feels like «a river flowing against its own course» (Zhadan, 2007, p. 181).

The purpose of this article is to clarify the forms and varieties of manifestation of the category of the transcendent in postmodern novelism on the example of the works by Yu. Andrukhovych, S. Zhadan, L. Deresh, Yu. Vynnychuk, and Yu. Izdryk.

Theoretical Framework

The categories of transcendence and mysticism have been paid attention to in their studies by C. Spurgeon (Spurgeon, 1995), E. Underhill (Underhill, 1911), L. Levy-Bruhl (Levy-Bruhl, 1994), C. Duprel (Duprel, 1904), M. Eliade (Eliade, 2001) and others. In order to determine the nature of transcendence, to which the hero of the text aspires or joins, it is offered to identify textual parallels with certain contemporary spiritual concepts.

Methodology

The intertextual method was used to determine the polyphony of the analysed texts, in particular the category of the transcendental in the postmodern novels. The method of receptive aesthetics allowed us to outline such definitions of the category of the transcendental in Ukrainian postmodern novels as emotional nature of artistic perception, literary creativity, in particular, the issue of sources of reception and creative inspiration, as well as to draw some parallels between literary texts and authorial concepts of the transcendental at the level of powerful reception. The hermeneutical method of the study involved the principles of ambiguity, parallelism, paraphrase, and two-level completeness of meanings in the plane of the spiritual parabola of the transcendental.

Results and Discussion

Late twentieth-century novels reflect esoteric doctrines and concepts, artistically embodied by the authors. The concept of the «Law of Attraction» is the most widely represented, with various interpretations in the texts. One can find evidence of the concept of unpredictable chance (based on the book «The Black Swan» by N. N. Taleb (Taleb, 2010)): «I was afraid that chance was taking advantage of us all the time and every day. I would like to do something against it» (Andrukhovych, 1996a, p. 18). To define the essence of the concepts expressed in the literary texts, we will cite some parallels with one of the well-known texts of the channeling direction (channel as a way of connection to the «universal mind», an immense storehouse of information that has existed since the birth of the Universe), a book by N. D. Walsh «Conversations with God. An Unusual Dialogue» (Walsh, 2001). Yu. Izdryk writes: «<...> he only had time to feel the acute joy of the player and the physiological sense of harmony, well known to the creators» (Izdryk, 2010, p. 155). In the work by N. D. Walsh we find: «I

wish the whole process of life to be a feeling of constant joy, of ongoing creation, of infinite expansion and complete completeness in every moment of the present» (Walsh, 2001, p. 53). The hero of the novel by L. Deresh «asked himself in a chorus: «Who are we?» And we answered that we are an infinite number of parts of the whole, bliss, knowledge of bliss, and love from knowledge. And we understood that we are the fullness of wisdom and that this wisdom is eternal, one and in everyone» (Deresh, 2012, p. 192–193). N. D. Walsh writes: «And I decided <...> that each part, being less than the whole, would be able to look at the rest of It and see the same greatness <...>. My divine intention in dividing Me was to create sufficient parts of Me so that I could know Myself in sensations <...>. And thus I endowed each of the innumerable parts of Me (all My spiritual children) with the same power to create that I Myself have as a whole» (Walsh, 2001, p. 13–15). L. Deresh writes: «Whoever seeks the Tree finds the Earth. He who seeks the Earth finds Water. He who seeks Water finds Fire. He who seeks Metal finds Wood. He who seeks God finds himself. He who seeks himself finds God» (Deresh L. 2012, p. 58). And N. D. Walsh underlines: «My purpose in creating you, My spiritual offspring, was that I could cognise Myself as God. I had no other way to do this than through you. Thus, it can be said <...> that My purpose for you is that you should know yourselves as Me» (Walsh, 2001, p. 16). The outlined parallels determine the worldview vectors of the writers and clearly demonstrate compliance with the concept of N. D. Walsh.

In the postmodern prose of the 90s, there are attempts to create a concept of influence on the sphere of the transcendental. Yu. Vynnychuk in his novel «Tango of Death» builds the concept of recalling previous lives by a person through listening to the music performed in a special way (Vynnychuk, 2012, p. 101–102). In the novel «Jacob's Head» by L. Deresch, the concept of reincarnation is based on a «Tibetan source» (Deresh 2012, p. 30–31). The novels of the 1990s and 2000s show attention to ritual as a way of approaching the realm of the transcendental for a specific purpose: absolution (Izdryk, 2010, p. 269), transition to another state, transformation, sacrifice (Andrukhovych, 1996b), purification (Izdryk Yu., 2010, p. 313), and obtaining the necessary knowledge (Vynnychuk, 2012, p. 195). One of the magical components that appears in some texts is the sacralised image of voice or singing (Andrukhovych, 1997, p. 123).

Transcendence into oneself is one of the defining features of Yuriy Izdryk's work: «...the need for a philosophical look inward is my defining feature» (Izdryk, 2010, p. 180–181). In one of his interviews, the writer points out: «As soon as you realise that everything around you is actually inside you, you realise to what extent your whole life, and everything in the world, depends on you. And then you realise that God's greatest mercy is in your freedom...» (Nesterovych, 2014). The concept of «here and now» is important to the writer, it is at the centre of many teachings that involve movement towards the level of the absolute. Awareness of oneself in a certain temporal and spatial constant is the initial and final moment of meditation, the moment of «grounding» – restoring connection with reality after contact with the hypostases of the absolute.

Yuriy Izdryk's characters often use superhuman abilities, thus shifting the narrative towards mysticism (dividing into three ravens for easy pursuit of Okru, moving out of the body by the power of imagination (Izdryk, 2010, p. 45–46), invisibility to the mirrors and cameras (Izdryk, 2010, p. 55), the author invents strange properties of things: the standing of freshly poured sand as a «dune wall» (Izdryk, 2010, p. 309) contrary to the laws of physics, «transcross» as an image of a high-tech device, a set of elements with the property of actual immateriality (Izdryk, 2010, p. 110–111).

The novel transforms the philosophical concept of Nothing, which captures the absence, non-existence of a certain entity, or the absence, negation of being in general: «...by the mere effort of my constant willlessness, a hexagonal nothing was kept at coordinate zero, which did not stand out from the cramped surrounding space. I will not say that this was the first nothing I had seen, but it looked the most disgusting, unacceptable, unbearable» (Izdryk, 2010, p. 305). This category is an important part of the transcendental, since, according to the Christian religion, angels and the visible universe were created from nothing; in Hinduism, nothing is associated with the absolute, which existed beyond the opposition of the existing and non-existent.

Although S. Zhadan's character states: «I do not believe in memory, I do not believe in the future, I do not believe in providence, I do not believe in heaven, I do not believe in angels, I do not believe in love...» (Zhadan, 2007, p. 219), in his dreams, the images of his friends are transformed into images of angels (Zhadan, 2007, p. 189). V. Stibal writes about the relationship between

the planes of existence of humans and angels in her book «Thetahealing: Advanced Level»: on the Third Plane «we learn to live in a physical body and control our thoughts, and where we are given a chance to come to the realisation that we are an integral part of All That Exists» (Stibal, 2008, p. 197). According to V. Stibal, the cycle of learning on the third plane of existence is connected with overcoming dysfunctional human programmes, which is the reason for the appearance of a person in the world, after which he or she has a chance to return to the fifth plane of existence. The «angels» in the above fragment of the novel by S. Zhadan carry a metaphor for the transcendence of the spiritual essence beyond the human (the characters of the novel mirror the images of angels and «beat each other up» – the dream in the novel, like the dreams of an ordinary person, processes information or a situation lived during the day). However, the characters are not yet able to complete their destructive programmes. In this, S. Zhadan, perhaps unconsciously, unfolds the metaphor of «being stuck in the background of life», the impossibility of a different life, of reaching higher spiritual horizons.

Speaking about the stimulation of creative activity by chemical substances, Yu. Izdryk points out: «If we are talking about me not as an author, but as a human being, I do not like any states of altered consciousness» (Pyrkalo, 2005). For the writer, the moment of creating a text is completely irrational, more powerful than intellectual potential, it is not a principle of obligatory daily work: «This feeling is similar to the so-called 'revelation', when the essence of the world or some phenomenon is revealed not as a result of study and analysis, but simultaneously, as a complete picture. Here, it happens with every single word, with phrases, with the order of words in a sentence, with a combination of sentences in a paragraph or stanza, and so on. In what you feel in such moments, there is a lot – I think the vast majority – that is completely incomprehensible, unconscious <...> these incredible, mysterious, cosmic, latent connections between words and their meanings, which are actually the meaning of every worthwhile text. For me, this feeling is a universal method of text creation. This, in fact, is what is called inspiration – when you see a complete picture of verbal intertwining and undertake, to the best of your ability, to capture them and show at least some fragment of this complete picture to the others» (Nesterovych, 2014).

In his understanding of the mechanism of

transforming «revelations» into «corpora of texts» Yu. Izdryk is close to the concept of artistic creativity outlined in the famous bestseller «The Big Magic» by E. Gilbert. As the writer explains, she has devoted her entire life to the service of creativity, trying to understand how it works, and all the hypotheses she has found are completely based, in Gilbert's terminology, on magical thinking. «I mean the supernatural, the mystical, the inexplicable, the fantastic, the divine, the transcendental, the extraterrestrial», the author states (Gilbert, 2017). According to E. Gilbert, ideas, including plot ideas, heroes, styles, and the language of future books, are energy forms of life that also inhabit our planet. Ideas are driven by one's aspiration: to be embodied – of course, through interaction with a person who brings the idea to material reality. An idea, according to the writer, sends universal physical and emotional signals of inspiration, signs that remind you of it, and it will not leave you alone until it captures your attention in its desire to be embodied. E. Gilbert writes not exclusively about writer's inspiration, meaning any creative work. The topic of the irrational nature of creativity, entering the sphere of the transcendental in the process of creating (reading, receiving, accepting) a text is similarly presented in the work of L. Hyde (Hyde, 2007, p. 295).

Conclusions

The outlined tendencies and certain parallels between literary texts and author's conceptions of the transcendental testify to their powerful reception and comprehension in the texts by Yu. Andrukhovych, S. Zhadan, Yu. Izdryk, L. Deresh, and Yu. Vynnychuk, as well as to their significant genre-forming potential as a marker of the genre component of the spiritual novel, the novel of transcendence, and the novel of search within the diffuse genre definitions of postmodern novelism.

Among the concepts of the transcendental actualised in the texts or ideologically close to them are the following: transcendental meditation, thetahealing, the law of attraction, reincarnation, L. Hyde's gift theory, N. N. Taleb's theory of unpredictability, E. Gilbert's theory of creativity, etc.

Bibliographic references

Andrukhovych, Yu. (1996a). Perversion (In Slovak). In *Suchasnist*, 1, p. 9–85.
Andrukhovych, Yu. (1996b). Perversion. In *Suchasnist*, 2, p. 9–80. (In Slovak)

Andrukhovych, Yu. (1997). *Recreation*. Romany. Kyiv: Chas. ISBN 5-7101-0170-2.
Bach, R. (2008). *Pocket Guide to Messiah*. Kyiv: Sofia.
Deresh, L. (2007). *Arche: A Monologue That is Still in Progress*. Kharkiv: Folio. ISBN 978-966-03-4032-9.
Deresh, L. (2012). *Jacob's Head*. Kharkiv: KSD, ISBN 978-5-9910-2653-6.
Duprel, C. (1904). *The Mystery of the Human Being*. Moscow: I. N. Kushnerev & Co. Partnership Partnership.
Eliade, M. (2001). *Sacred and Secular. Myths, Dreams and Mysteries. Mefistofel and Androhin. Occultism, Divination and Cultural Preferences*. Kyiv: Osnovy.
Gilbert, E. (2017). *How Ideas Work. The Big Magic*. Moscow: Ripol Classic. Recovered from http://loveread.ec/read_book.php?id=64813&p=5#gl_12.
Gurbanska, A. (2019). *Philosophical Discourse of Modern Ukrainian Prose*. In *Philosophy of the Text in Modern Culture: Materials of the All-Ukrainian Scientific and Practical Conference*, Kyiv, 29 March 2019. Kyiv: KNUKiM, p. 47–52.
Hyde, L. (2007). *The Gift. How the Creative Spirit Transforms the World*. Moscow: Generation.
Izdryk, Yu. (2010). *AMtm*. Kharkiv: KSD. ISBN 978-966-14-0921-6.
Levchenko, N., Pecherskyh, L., Torkut, N., & Varenikova, O. (2021). *Communicative Model – Author, Hero, Text, Recipient in a Postmodern Novel*. *Postmodern Openings*, 12(3), p. 96–106.
Levy-Bruhl, L. (1994). *The Supernatural in Primitive Thinking*. Moscow: Pedagogy-Pres.
Nesterovych, E. (2014). *Just Izdryk*. Recovered from <http://zbruc.eu/node/18337>
Pyrkalo, S. (2005). *Izdryk: I wrote with a pleasure close to physical*. Recovered from http://www.bbc.com/ukrainian/entertainment/story/2005/12/051216_books_izdryk_ie.shtml
Scott, C. E. (2003). *The Problem of Transcendence*. In Winkwist C.-E. and Taylor W.-E. (Ed.). *Encyclopaedia of Postmodernism* (p. 448–455). Kyiv: Osnovy.
Spurgeon, C. H. (1995). *2200 Quotations from the Writings of Charles H. Spurgeon*: Baker Books.
Stibal, V. (2008). *Thetahealing: an Advanced Level*. Moscow: Sofia.
Taleb, N. N. (2010). *Black Swan. Under the Sign of Unpredictability*. Moscow: KoLibri.

Underhill, E. (1911). *Mysticism: A Study of the Nature and Development of Man's Spiritual Consciousness*. Grand Rapids, MI: Christian Classics Ethereal Library.

Vinnychuk, Yu. (2012). *Tango of Death*. Kharkiv: Folio. ISBN 978-966-03-6055-6

Walsh, N. D. (2001). *Conversations with God (an Unusual Dialogue)*. Book 3. Kyiv: Sofia.

Zhadan, S. (2007). *Depeche Mode. Capital* (p. 3–225). Kharkiv: Folio. ISBN 978-966-03-3983-5

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Features of the political regime of Great Britain

Особливості політичного режиму Великої Британії

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Abstract

The purpose of this article is to study the features of the political regime of Great Britain. Methodology. Methodological research has found its tactical expression in the following research methods: monographic, logical method, dogmatic, systemic, system analysis, historical, analyzes and synthesis Research results. The structural elements of the form of the State, which is characterized, among other things, by the form of the State and political regime, are considered. It is established that the political regime is a broader concept than the State or State and legal one. Scientific approaches to the concept of political regime, its forms and features, which are usually analyzed to determine its essence, are studied. Practical meaning. On the basis of the proposed characteristics, the peculiarities of the political regime of Great Britain, which is defined as democratic, are described. Value/originality. It is determined that there was a threat of introducing a totalitarian regime in Great Britain, however, democracy protected the monarchy from totalitarianism.

Key words: democracy, features, Great Britain, political regime, totalitarianism.

Анотація

Метою цієї статті є дослідження еволюції політичного режиму Великої Британії. Результати дослідження. Розглянуто структурні елементи форми держави або державного устрою, який характеризується, між іншим, формою державно-політичного режиму. Встановлено, що політичний режим є ширшим поняттям, ніж державний або державно-правовий. Досліджено наукові підходи до поняття політичний режим, його форми та ознаки, які прийнято аналізувати для визначення його суті. Практичне значення. На основі запропонованих ознак охарактеризовано особливості політичного режиму Великобританії, який визначено як демократичний. Цінність/оригінальність. Визначено, що у Великій Британії існувала загроза запровадження тоталітарного режиму, проте, монархію від тоталітаризму захистила демократія.

Ключові слова: демократія, ознаки, Великобританія, політичний режим, ознаки, тоталітаризм.

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Introduction

The form of the state or its system is characterized, among other things, by the form of the State-political regime. Such a regime is also called political, sometimes – State and legal. Each of these modes has its own characteristics and content. Political regime has a broader concept than State or State and legal regime.

In the system of elements of the form of the State, the political regime performs the role of an internal one, and it is this purpose that determines the specificity of its structure and content. It really occupies a special and significant place, since it is precisely through the formalized signs of the political regime, in which the main characteristics of political rule are embodied.

There are three forms of political regime: 1) democratic; 2) authoritarian; 3) totalitarian. Democracy and authoritarianism are the main forms of political regime. A specific type of authoritarian political regime is totalitarianism. Its existence does not depend on the form of government in the country. In particular, the experience of monarchical countries – Italy, Great Britain and Japan – indicates that the monarchical form of government and the totalitarian political regime can coexist or oppose each other. In particular, in contrast to the Italian one, the British experience of coexistence with totalitarianism turned out to be unsuccessful for the latter.

Therefore, the purpose of this article is to study the evolution of the political regime of Great Britain in order to find out exactly how democracy managed to "defeat" totalitarianism in this country.

To achieve this goal, we should solve the following questions: 1) to investigate the concept of "political regime"; 2) to examine the difference between the State regime and political regime; 3) to clarify, on which criteria political regimes differ; 4) to study distinctive features of democratic regime; 5) to pay attention to the historical development of the British political regime; 6) to characterize the political regime of Great Britain, using the following criteria for differentiation: a) procedures and methods of formation of power institutions; b) style of political decision making; c) the relationship between the authorities and citizens

Methodology

The search for methodological foundations of the research was carried out in the following directions:

- study of scientific works of famous scholars who used general scientific methodology to study a specific branch of science;
- analysis of the scientific works of leading scientists who, simultaneously with the general problems of their area, investigated its specific issues;
- generalization of the ideas by the scientists who directly studied this problem;
- analysis of general concepts in this area;
- study of scientific works of Ukrainian and foreign scientists.

Methodological research has found its tactical expression in the following research methods.

Monographic approach was useful when examining the works by domestic and foreign scholars, who have studied the characteristics of the British political regime.

Logical method, as well as dogmatic approach helped to deepen the conceptual apparatus and to investigate the definitions of State regime, political regime, democracy.

Systemic approach made it possible to examine the structural elements of the form of the State, which is characterized, among other things, by the form of the State and political regime.

System analysis method was helpful when identifying forms and features of political regime, which are usually analyzed to determine its essence. This method was also used when studying distinctive features of a democratic regime.

Historical method was of assistance when investigating the formation of the British political regime.

The method of analyzes and synthesis was applied to characterize the peculiarities of the political regime of Great Britain.

Literature Review

The issue related to such a phenomenon as the regime in relation to the state is key in the theoretical understanding of its form. Therefore, a considerable amount of attention has been paid to this problem.

In particular, Garretón (2004) believes that the political regime includes an established mediation between the State and society solving the problem of managing society through the relationship between people and the country, forms of representation and participation, systems of conflict resolution and provision of needs.

Schmitter and Karl (1991) share the opinion that the regime or system of government determines the methods of access to the main public institutions of the State; characteristics of actors to be allowed or excluded from this access; and the rules followed in the process of making binding public decisions. For this ensemble to function properly, it must be institutionalized in a certain way, so to speak, various models must be known, tested in practice, and accepted by most, if not all, political actors. Increasingly the predominant mechanism of institutionalization appears the written body of laws supported by a written constitution, although many political rules may have an informal, reason-dictated, or traditional basis.

Font and Cardoso (2001) emphasize that it is important to distinguish between the concepts of political regime and the concept of the State. By the concept of "political regime" they mean formal rules connecting the main political institutions (legislative power to the executive, executive to the judiciary, to the party system, to them together), as well as the result of the political nature of the connections between citizens and rulers (democratic, oligarchic, totalitarian or any other).

The definition of the term "State" is a complex matter, but there is some degree of agreement that this concept refers to a basic alliance, a "contract of superiority" between social classes or groups of dominant classes and norms that guarantees their dominance over subordinates.

O'Donnell, Schmitter and Whitehead (1991) argue that by regime or political regime we understand an ensemble of patterns, explicit or implicit determining the forms and channels of access to the main governmental positions, the characteristics of actors, who is generally recognized and who is excluded from such access, and the resources or strategies they may be accustomed to accessing. This necessarily involves institutionalization, meaning that the patterns that define the regime must be sufficiently known, applicable in practice, and accepted, at a minimum, by those who define those same patterns as participant in the process.

Where a regime really exists, actual or potential disagreement is unlikely to threaten these specimens due to its weakness or absence, manipulative politicization or outright repression.

Pempel (1990) emphasizes that regimes represent a social order and include a kind of "fusion" between State institutions and specific segments of the socio-economic model. In short, the political regime will be determined by a social coalition, powers of that State, and the resulting institutionalization and bias of the State policy.

The analysis of the varieties of political regimes and their features definitely enriched the array of characteristics of this phenomenon. The studies by a number of scientists make it possible to outline the evolution of the understanding of the term "political regime" and become an impetus for further scientific elaborations corresponding to the modern development of society.

Many questions regarding the structure, functioning and evolution of democratic political regime have been studied in the form of scientific research, but it is clear that the field for scientific research remains quite wide today.

Results and Discussion

The political regime is a set of ways and methods of exercising power by the State. Some researchers are of the opinion that "political regime" is too broad a concept for this phenomenon and prefer to use another one – "State (state-legal regime)". In contrast to the concepts of the form of government and the form of the State system, which refer to the organizational side of the State form, the term "State regime" characterizes its functional side – the forms and methods of exercising State power. The State regime is a set of ways and methods of exercising State power in society.

The concept of "State regime" is not the same as the concept of "political regime", although they are close to each other. The state regime is a type of political regime that has a broader meaning than the state regime. The concept of "political regime" includes not only the methods of activity of state bodies, but also the forms of activity of all elements of the political system of society: political parties, public organizations, and other associations of citizens. In contrast to the form of State government and the form of state organization, the State regime characterizes the order of state activity and determines its

functional direction. The State regime is the most unstable element of the State form (Kyrychenko & Kurakin, 2010).

Political regime is a form of organization and functioning of the political system, which determines specific procedures and methods of organization of government institutions, relations between citizens and the state, decision-making style, etc. In essence, this concept means how the government and the one who heads it use power, control and manage social processes. Political regimes are distinguished according to the following criteria: 1) the method of formation of authorities; 2) the relationship between the central and regional authorities; 3) the role of political parties, public organizations in public life; 4) legal status of the individual; 5) political culture; 6) the nature of the implementation of the State's functions; 7) the method of formation of authorities. In political science, 3 main types of political regimes are distinguished: totalitarian, authoritarian and democratic (Skakun, 2001, p. 97).

To determine the essence of the political regime, it is necessary to pay attention to the following signs: a) procedures and methods of formation of power institutions; b) style of political decision making; c) relationship between the authorities and citizens. It is worth noting that the listed features make it possible to easily distinguish established autocracies or democracies, but they are not very suitable for defining transitional regimes (Matsiievskiy, 2006, p. 18).

All researchers agree that a democratic regime operates in Britain. However, there was a period in British history when democracy was under threat. Thus, the king in Great Britain in 1936 was Edward VIII, who sympathized with Hitler. It was in the year of his reign that Germany demilitarized the Rhineland, because the king believed that the latter historically belonged to Germany and that it would be possible to conclude a special pact with Hitler, under which the latter undertook to be responsible for the population of the Rhine. After his abdication, he left for the Continent, where he married Bessie Wallis Simpson and visited a number of European countries as the Duke of Windsor. It was then that "The Times" published articles dedicated to Edward's visit to Germany: "His Royal Highness smiles and salutes to the crowd of people who have gathered under his windows near the hotel...". In July 1940, after the capture of France, the couple moved to Portugal, where they lived, communicating with circles close to the German embassy. Subsequently, they

planned to go on a cruise on a yacht that belonged to a friend of H. Goering. The intelligence services of the allies in the anti-Hitler coalition took quite seriously the rumors about the relations of Edward's wife with the German Foreign Minister J. Ribbentrop, during his stay as the German ambassador in London and later.

Moreover, there are even assumptions that A. Hitler discussed the possibility of Edward's restoration to the English throne in the event of victory in the war. In addition, Edward gave an interview to a Portuguese publication that was devastating for the anti-Hitler coalition, which was the last straw for the British government during the war. In August 1940, the couple was arrested and sent from Portugal on a warship to the Bahamas, where Edward was appointed governor. So, as we can see, there was a threat of introducing a totalitarian regime in Great Britain due to Edward VIII's connections with A. Hitler. However, fortunately, this did not happen: the government of Great Britain, led by S. Baldwin, stood in the way. Taking advantage of the king's matrimonial plans, which were not perceived positively in English society, the government forced Edward VIII to abdicate. That is, in fact, democracy protected the monarchy from totalitarianism (Sukhonos et al., 2017, p. 26).

Democracy is a political regime based on the recognition of the people as the source of power, their right to participate in the decision-making of State affairs combined with a wide range of civil rights and freedoms.

Distinctive features of democratic regime are:

In the economic sphere: • the rule of private property, which is protected by law; • market mechanism of managing the economy; • partial State regulation of the economy (antimonopoly legislation, the presence of a state order, etc.);

In the political sphere: • the leading principle "everything that is not prohibited by law is allowed"; • the population participates in the formation and implementation of State power with the help of direct and representative democracy; • decisions are made by the majority taking into account the interests of the minority; • the existence of civil society with its developed structure and the rule of law; • electability and changeability of central and local state authorities, their accountability to voters; • real legitimacy of state power; • "power" structures are under the democratic control of society, are used only for their direct purpose, their activities are regulated by laws; • the law reigns in all

spheres of public life; • human and citizen rights and freedoms are proclaimed and actually ensured; • methods of persuasion, agreement, compromise; methods of violence, coercion are limited; • real implementation of the principle of separation of powers into legislative, executive and judicial ones.

In the ideological sphere: • political and ideological pluralism; • multi-party system, competition of political parties, existence of political opposition on legal grounds; • transparency, lack of censorship (Hal et al., 2011, p. 24).

Having considered the general features of a democratic regime, let us move on to those characterizing the political regime of Great Britain, using the features for differentiation proposed by Matsiievskiy (2006).

- a) procedures and methods of formation of power institutions.

The highest legislative body in the United Kingdom and the Royal Overseas Territories is the Parliament of the United Kingdom of Great Britain and Northern Ireland. It is headed by the British monarch.

Parliament is bicameral, including an upper house called the House of Lords and a lower house called the House of Commons.

The House of Lords is not elected, it includes Lords Spiritual (higher clergy of the Anglican Church) and Lords Secular (members of the peerage). Members of the House of Lords have extensive experience and thorough knowledge of various professions and industries. Many members of the House of Lords have successful careers in business, culture, science, sport, academia, law, education, health and the public service. They use their professional knowledge to investigate matters of public interest to the state and to solve problems affecting the citizens of Great Britain (UK Parliament, 2023a).

The influence of the Pan-European process of democratization led to the need to minimize the anachronisms present in the political system of Britain, in particular, the so-called undemocratic institutions, which primarily concerned the review of the House of Lords hereditary status. Therefore, in 1997, T. Blair's government began to modernize the Parliament and reform the specified Chamber.

The result of this reform activity was the House of Lords Act (Legislation, 1999), which significantly changed its structure. After the adoption of the specified document on June 01, 2000, the number of members was reduced by almost half. Out of 750 hereditary peers, only 92 were left with the right to sit and vote in the House of Lords. The right to participate in the activities of the House of Lords was retained by those Lords who were given the title by the monarch in recognition of their personal merits. As part of the reform, the position of Lord Chancellor was also removed, and the position of Speaker became called Lord Speaker (since 2006, it became elective). The Lord Speaker is elected by the members of the House of Lords for a term of five years and no more than two consecutive terms. The Lord Speaker is not a member of the government.

The House of Commons, on the other hand, is a democratically elected chamber. The population of Great Britain elects 650 members of the Parliament who represent their interests and solve their problems in the House of Commons. The latter consider and propose new laws and can scrutinize government policy by asking ministers questions about current affairs in the House of Commons or in committees of the House of Commons. The House of Commons is managed by a group of deputies who are members of the House of Commons commission. Members of the House of Commons discuss important political issues of our time and make proposals for new laws (UK Parliament, 2023b).

The Parliament of Great Britain is rightfully considered the oldest in the world, because its formation and evolution has been going on since the 11th century. In addition, the British legislative body became a prototype for the parliaments of a number of other European countries, which were created according to its model.

Parliament is the true center of political life in Great Britain, the concentration of the State power. Inside the British Parliament, there is an uncompromising competition for power, the positions of the main political forces are outlined, and there is a struggle between the current government and the opposition. An essential indicator of the level of democratic development of Great Britain is that the opposition has the right to a political struggle for power and real opportunities to legally come to power. Given the complex composition of the political class of Great Britain, parliamentary competitions have become the unique mechanism for making state

decisions, which most optimally determines the future vectors of the State's development (Yakovenko, 2017, p. 65).

The country's Government is usually headed by the leader of the party that won the election and has the largest number of seats, and the House of Commons consists of members of the Cabinet, non-Cabinet ministers and junior ministers (about 100 in total). The Prime Minister single-handedly forms the composition of the Government and determines which ministers are part of the Cabinet.

The Cabinet of Ministers of Great Britain is part of His Majesty's Government and the highest executive body. It consists of government officials chosen by the Prime Minister, most of them are government ministers, basically, heads of departments in the positions of «state secretaries». Formally, the members of the Cabinet are elected exclusively from one of the chambers of the Parliament.

There are two key constitutional conventions in the United Kingdom governing the conduct of the executive. They provide for two main forms of responsibility of the Cabinet: the first is the individual responsibility of the minister, that is, his (her) obligation to report to the Parliament for his (her) words and actions and for the words and actions of civil servants subordinate to him. The second is the collective responsibility of ministers, which, among other things, provides that decisions taken by the Cabinet or committees are binding on all members of the Government, regardless of whether individual ministers agree with them or not (Webley & Samuels, 2021).

Note that in Great Britain, the executive power is not separated from the legislative one, as the members of the Cabinet are simultaneously members of the Parliament.

The judicial system of Great Britain at the present stage remains complex and decentralized. Due to the fact that case law is an essential part of the Constitution, the system of higher courts is very extensive. The highest court in the United Kingdom is the House of Lords, which hears appeals from the appellate courts of England and Wales, as well as Scotland (in civil cases only). The opinion of the House of Lords is referred to the appropriate appellate body, which formulates an order in accordance with that opinion.

The Supreme Court of England and Wales is headed by the Lord Chancellor and consists of

three independent judicial institutions – the Court of Appeal, the High Court and the Crown Court. Judges of the Supreme Court are appointed by the Queen for life on the recommendation of the Lord Chancellor from among barristers (lawyers who are to act exclusively in the higher courts).

The lower courts of the British court system include county courts and magistrates.

Being historically very conservative, the UK's judicial system has become an object for reform following the country's accession to the European Union. The main confirmation of the victory of the European development choice was the Constitutional Reform Act (Legislation, 2005). Its importance is difficult to overestimate, because for the first time in almost 900 years, the independence of the judiciary, supported by historical traditions, was enshrined at the legislative level. The main changes introduced by this Law include:

- a. entrusting government ministers with the duty to maintain the independence of the judiciary and prohibiting them from influencing court decisions through any specific access to judges (Article 3);
- b. reforming the post of the Lord Chancellor, which lies in the transfer of its judicial functions to the Chief Justice of England and Wales (his new name is the Lord Chief Justice). Currently, he is responsible for the training, placement and administration of judges, representing the views of the judiciary of England and Wales before the Parliament and the Government of the country (Article 7);
- c. establishment of the Supreme Court, separate from the House of Lords, with an independent system of judicial appointments, its own staff, budget and premises (Articles 23 – 27);
- d. formation of an independent Judicial Appointments Commission, which is responsible for the selection of candidates for judicial positions and recommends them for appointment to the State Secretary for Justice. This Commission acts as the guarantor that each candidate for the position of judge will be recommended exclusively for personal merit, and the appointment system must be modern, open and transparent (Articles 61, 63);
- e. introduction of the position of a special ombudsman, who is responsible for hearing complaints submitted regarding the consideration of cases in courts and judicial appointments, and issuing recommendations

in accordance with the law based on the results of this activity (Article 62).

In addition, the Service of Tribunals (Courts of the First Level) was created, which brought together a significant amount of the administration of separate tribunals, resulting in common and consistent approach to all persons seeking legal protection in these courts.

b) style of political decision making.

In Great Britain, the highest source of power is the sovereign – the Head of State; however, he has very little practical influence on its implementation. The institution of a monarch outside of politics is actually one of the important guarantees that politicians will always find a way to resolve their conflicts.

The constitutional system of Great Britain contains various formal mechanisms on which the influence of various institutions on power depends. These include, for example, the right of veto (in the legislative sphere, the monarch has the right of absolute veto; however, the last time he used this right was in 1707). But the most important indicator of how these formal powers are implemented is not their legal boundaries; rather, it is the degree to which the political process recognizes their exercise as legitimate under certain circumstances.

As a result, political power is distributed and everyone who has an influence on how it is exercised begins to cooperate. In this regard, the most revealing thing is that the legislative function in the country does not belong exclusively to the Parliament – it is divided between two chambers on the one hand, and the Government – on the other. Everyone has their own defined role in this process, which, in turn, is only the basis for practical influence and an incentive for cooperation.

In practice, the Government controls the legislative initiative – only the Government has the right to propose draft laws that can be included in the code of laws. The Parliament often conducts a preliminary review of the proposals of the executive power; it also plays an important retrospective role in ensuring accountability for government action, which includes responsibility for implementing legislation once it is enacted and for its effectiveness.

An example of how political legitimacy is more important than formal powers is the House of

Lords, which is endowed with a wide range of possibilities, but rarely implements them in practice. The "restraint" of the House in the exercise of its powers is explained by the direct recognition that the active use of power by an unelected House cannot be recognized as legitimate from a political point of view (indeed, the House's intensive use of its formal powers at the beginning of the 20th century was a sufficient reason for their reforming and reduction). The House's formal right to delay or sometimes block the adoption of a law gives it the opportunity to be heard.

Likewise, there is theoretically a supreme executive veto over legislation passed by both Houses, but it has not been used for over 300 years. In practice, the control of legislative initiative is sufficient enough to ensure that the government must approve or at least agree with all laws. The legitimacy of using the right of veto can be questionable both from a constitutional point of view (because it has not been used for a very long time) and because this procedure requires the Monarch's personal intervention.

c) the relationship between the authorities and citizens.

Since April 2018, a kind of transformation of society began in the UK, when the Ministry of Justice of the UK published "The national framework for greater citizen engagement" (Ministry of Justice, 2008). In the specified document, the list of issues of national importance, which must be discussed and developed jointly with citizens, is provided. Among them: 1) issues capable of leading to significant constitutional changes; 2) issues in which the active participation of the citizens is necessary to obtain a noticeable effect – for example, the fight against smoking or obesity; 3) if there are several policy options, on which the government has not reached a final conclusion; 4) if there is a public benefit from studying complex and difficult compromises between different political decisions.

Besides, this consultative document establishes a number of basic criteria inherent in effective mechanisms for building public confidence and describes in detail two new forms that can be used along with standard consultation procedures:

- 1) public summits: large groups of people gather (usually 500 – 1000 persons) to discuss one or more related issues. The summit takes place in the personal presence

of the participants or online. The recommendations of the summit are submitted to the Parliament for further consideration;

- 2) public juries: an independent public forum designed to analyze and discuss important issues of public policy. Public juries have much in common with juries in the court system. The public jury collects expert information on the discussed topics, may ask questions to relevant experts, and then makes its decision. In turn, the Government is obliged to publish its own response to such a decision – either as a general response to the results of broad public consultations, or in the form of a separate public document;
- 3) petitions to Westminster: The Rules Committee of the House of Commons has proposed an electronic system of submitting petitions, which would work in parallel with the traditional one. It is proposed to discuss separate electronic petitions in the House of Commons three times a year. The principle of e-petition was also characterized as a valuable mechanism of public participation in the local self-government. It is interesting that even before the publication of this program document, numerous local authorities have introduced electronic petition submission procedures in parallel with the traditional "paper" process.

This electronic tool turned out to be one of the most effective mechanisms for increasing public participation in local decision-making processes. Adhering to the course of more responsible and transparent policy, the British government organized a consultative platform "Have your say" (Department of Communities and Local Government, 2006).

The British Ministry of Justice notes that any mechanisms for strengthening citizen participation in democratic processes and enhancement trust will achieve their goal only if they meet the following criteria: 1) take into account the interests of relevant population groups. For this, they should be considered useful, and their participants feel better informed as a result of their application; 2) ensure the widest possible representation and accessibility, involvement of broad sections of the population and participation in the process of proportional selection of relevant audiences; 3) are trustworthy, and therefore people feel their importance. For this purpose, an effective objective standard for the application of mechanisms of public involvement in the discussion of national policy issues must exist

and be effectively implemented: there must be feedback from the participants in the discussions and a mandatory evaluation of the results at the appropriate level; 4) openness and transparency: participants must know in advance the possible extent of their influence and how the government will take into account their conclusions. There must be mutual understanding as to when and how these mechanisms will be applied; 5) systemic nature and integration into the policy-making process, otherwise people will consider them a publicity stunt that undermines the legitimacy of the process; 6) correspond to the fundamental principles of representative democracy. The government and parliament should continue to leave some room to consider the effect of any policy changes – particularly where resource needs will increase significantly. The government considers it extremely important that these mechanisms complement and do not question the supremacy of our system of representative democracy, and there should be a clear understanding of the relationship between these mechanisms and the consideration of issues in the parliament (Makarenko, 2016, p. 335).

Conclusion

So, we saw that in Great Britain there was a threat of the introduction of a totalitarian regime, but, in fact, democracy protected the monarchy from totalitarianism.

Currently, in this country, power institutions organically interact with each other, not only not "encroaching" on each other's sphere of authority, but also consciously limiting their own rights for the sake of achieving common interests. To resolve conflicts, authorized persons will rather use the method of persuasion than to "press" competitors with their authority, because there is always a political price that will have to be paid for this. The more important the issue, the higher this price will be. For example, it can be expressed in parliamentary time: using more parliamentary time to discuss one problem limits its amount to solve others.

In addition, the policy of Great Britain allows us to talk about a high level of development in the field of relations between the government and society in the context of strengthening mutual trust and ensuring good governance, which promotes democracy, the rule of law and sustainable economic development (Leshchenko & Zaika, 2018, p. 50).

Bibliographic references

- Department of Communities and Local Government (2006). Strong and prosperous communities. The Local Government White Paper. <https://acortar.link/xxyaFk>
- Font, M., & Cardoso, F. H. (2001). *Charting a New Course: The Politics of Globalization and Social Transformation*. Fernando Henrique Cardoso. US: Rowman & Littlefield Publishers. <https://acortar.link/dAy9Sn>
- Garretón, M. A. (2004). *Incomplete Democracy: Political Democratization in Chile and Latin America*. US: UNC Press Books. <https://uncpress.org/book/9780807854839/incomplete-democracy/>
- Hal, B., Yehorova, O., Zienkin, M., Kolisnyk, D., Lytvynenko, V., & Poukh, A. (2011). *Political Science: Educational and methodological guide for external students*. Dnipropetrovsk: DVNZ "National Mining University". https://ipt.nmu.org.ua/ua/library/Politologiya_dlya_ekstern.pdf
- Legislation (1999). House of Lords Act, 1999 (c. 34). <https://www.legislation.gov.uk/ukpga/1999/34>
- Legislation (2005) Constitutional Reform Act 2005 (p. 4). <https://www.legislation.gov.uk/ukpga/2005/4/contents>
- Leshchenko, R.M., & Zaika, A.V. (2018). "Relations between State and Civil Society in Great Britain: Experience for Ukraine". *Forum Prava*, 3, pp. 48–55. <https://acortar.link/9Ee718>
- Kyrychenko, V. M., & Kurakin, O. M. (2010). *Theory of state and law: modular course: training manual*. Kyiv: Center of Educational Literature. http://books.zntu.edu.ua/book_info.pl?id=163022
- Makarenko, L. P. (2016). "Problems of communicative interaction between the state and civil society". *Hileya*, 106(3), pp. 334–338, <https://acortar.link/b6BrVI>
- Matsiievskiy, Yu. (2006). *Between authoritarianism and democracy: the political regime after the "Orange Revolution"*. *Political Management*, 5, pp. 18-32. <https://core.ac.uk/download/pdf/38339071.pdf>
- Ministry of Justice (2008). *A national framework for greater citizen engagement. A discussion paper – published July 2008*. <https://data.parliament.uk/DepositedPapers/Files/DEP2008-1881/DEP2008-1881.pdf>
- O'Donnell, G. A., Schmitter, P. C., & Whitehead, L. (1991). *Transitions From Authoritarian Rule: Comparative perspectives*. Baltimore: Johns Hopkins University Press, 1991. <https://hdl.handle.net/1814/22003>
- Pempel, T. J. (ed.) (1990). *Uncommon Democracies: The One-Party Dominant Regimes*. Cornell University Press. <http://www.jstor.org/stable/10.7591/j.ctvr7f8kn>
- Schmitter, P. C., & Karl, T. L. (1991). *What democracy is . . . and is not*. *Journal of Democracy*. <https://acortar.link/AgTgSk>
- Skakun, O. (2001). *Theory of the State and Law: a textbook*. Kharkiv: Konsum. <http://politics.ellib.org.ua/pages-cat-51.html>
- Sukhonos, V.V., Volochay, Yu. V., & Sokolenko, O.P. (2017). "Monarchical Form of Government and the Totalitarian Political Regime: Dichotomy of Antinomy and Symbiosis". *Legal horizons*, 4(17), pp. 22-29. <https://acortar.link/NxXpPf>
- UK Parliament (2023a). House of Lords. <https://www.parliament.uk/business/lords/>
- UK Parliament (2023b). House of Commons. <https://www.parliament.uk/business/commons/>
- Webley, L., & Samuels, H. (2021). 12. Responsible Government and Constitutional Conventions. In *Complete Public Law: Text, Cases, and Materials*. Oxford: Oxford University Press. <https://doi.org/10.1093/he/9780198853183.03.0012>
- Yakovenko, N. (2017). "British Experience on Democratic Interaction between Power and Opposition". *The Problems of World History*, 1(3), pp. 63-80. <https://bibliotekanauki.pl/articles/894467>

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Digital tools for anti-crisis management of enterprises: the Ukrainian case

Herramientas digitales para la gestión anticrisis de las empresas: el caso Ucraniano

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Abstract

The political and economic situation in Ukraine has led to an increase in the likelihood of crisis phenomena at enterprises, which is manifested in a decrease in financial results or even losses, reduced financial stability and production volumes, deteriorating quality of services and products. Many enterprises, which have become uncompetitive, unfortunately, are now bankrupt. The ability of business entities in time to analyze the financial condition and develop anti-crisis measures, as well as the implementation of necessary anti-crisis solutions help to reduce the likelihood of bankruptcy or crisis phenomena, which will allow businesses to restore their solvency, improve financial stability and emerge from this state with the lowest major tasks of crisis management. Given the presentation, the main purpose of the work is to summarize the theoretical material and develop right Business process modeling according to IDEF.0 standard was used as the main digital toolkit. Modeling of business processes with the use of these digital

Resumen

La situación política y económica de Ucrania ha provocado un aumento de la probabilidad de que se produzcan fenómenos de crisis en las empresas, que se manifiestan en una disminución de los resultados financieros o incluso pérdidas, una reducción de la estabilidad financiera y de los volúmenes de producción, y un deterioro de la calidad de los servicios y productos. Desgraciadamente, muchas empresas que han dejado de ser competitivas están en quiebra. La capacidad de las entidades empresariales en el tiempo para analizar la situación financiera y el desarrollo de medidas contra la crisis, así como la aplicación de soluciones necesarias contra la crisis ayudan a reducir la probabilidad de quiebra o crisis fenómenos, lo que permitirá a las empresas a restablecer su solvencia, mejorar la estabilidad financiera y salir de este estado con las tareas principales más bajas de gestión de crisis. Dada la presentación, el objetivo principal del trabajo es resumir el material teórico y desarrollar derecho Modelado de procesos de negocio de acuerdo con

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tools will allow to take into account all potential factors of anti-crisis management of Ukrainian enterprises, focusing on the flow of information, the validity of decisions, and the direct effectiveness of crisis management.

Keywords: crisis management, digital tools, sustainable development, business process, management decision-making.

Introduction

The process of crisis management for modern enterprises comes first in the context of general financial management, since today in the world there are more and more risks and threats to business entities, which determines the importance of both classical crisis management and preventive management. The article considers approaches to crisis management in a sequential manner. The first stage was to identify the signs of a crisis in order to determine whether there are threats to the financial balance of an enterprise and its further stable development. The author also specifies the sequence of stages of analysis to identify a crisis at an enterprise, which will also allow for determining the causes of the existing crisis and taking a more balanced approach to the problem of forming an anti-crisis program. The next step in the work is to analyze the business processes of crisis management using the IDEF0 standard, which allows for a clear identification of the sequence of stages of crisis management at an enterprise. Further, approaches to building an anti-crisis strategy for an enterprise that is able to ensure the stable development of the enterprise in the long term with a focus on overcoming crisis phenomena were identified.

The article develops a comprehensive approach to the implementation of anti-crisis financial management for Ukrainian companies, which will allow identifying the manifestations of the crisis at an early stage and determining the ways to overcome it.

Theoretical Framework or Literature Review

In modern literature, the concept of “crisis at the enterprise” is interpreted as various negative factors: from existing problems that worsen the financial condition of the enterprise to the impossibility of normal functioning and bankruptcy.

la norma IDEF.0 se utilizó como el principal conjunto de herramientas digitales. El modelado de procesos de negocio con el uso de estas herramientas digitales permitirá tener en cuenta todos los factores potenciales de la gestión anti-crisis de las empresas ucranianas, centrándose en el flujo de información, la validez de las decisiones y la eficacia directa de la gestión de crisis.

Palabras clave: gestión de crisis, herramientas digitales, desarrollo sostenible, proceso empresarial, toma de decisiones de gestión.

Analysis of scientific sources, namely: Emilova (2022), Aleksieienko & Poltina (2020), Buriak, Petchenko (2021), Katamadze (2022), Loginov et al., (2021), Nani & Safitri (2021), Zinisha, Kharchenko, Avdeev, Pavlova, & Maltsev (2021), Khalina, Bazyliuk, Chornenka, Krasilych & Korzh (2019), Mocanu (2018), Usova et al., (2021) Voskolupov, Balanovska, Havrysh, Hohulia & Drahnieva (2021) and Ihnatenko (2022) showed that the most relevant to the presented research is to understand the essence of the concept of crisis as an objective process that can be both an impetus to optimize the work of the enterprise and lead to fatal consequences in case of inability to adapt to new conditions and develop. The analysis of the works of domestic and foreign scientists has demonstrated the existence of two approaches to the definition of the term “crisis”, namely: positive and negative. The content of the positive approach is to perceive the crisis as a turning point in the development of enterprises and an objective process that is characteristic of each life cycle. Supporters of this method are: Bieńkowska & Tworek (2022), Feshina, Konovalova & Sinyavsky (2019), Sylkin et al., (2019), Melnyk, Shuprudko, Kolosovska, Berest & Pasichnyk (2020) and Starosta (2014). In turn, Akhmetshin, Brager, Pokramovich, Andreyko & Alenikova (2018), Christa & Kristinae (2021), Lobova, Bogoviz & Alekseev (2022), Lowe (1971), Popova (2020) and Yessenbekova & Turezhanov (2021) adhere to a negative approach and believe that the crisis is a serious threat to the viability of enterprises and, as a result, an increase in the risk of possible bankruptcy. Thus, the concept of “crisis” is associated with such categories as a contradiction, loss, danger, threat, critical period, completion or turning point in any process, etc.

In our opinion, the point of view of Metelenko (2018) on the unpredictability of the crisis is controversial, since the crisis process is preceded by a number of negative factors, actions, and

factors; no global crisis was foreseen. Therefore, it is logical to state that the crisis is an objective process, but the occurrence of which can adversely affect the activities of the enterprise and be an obstacle to adapting to new conditions and opportunities for development.

For the activity of the enterprise, crisis phenomena have a double meaning, but usually, it is a negative impact, which often leads to bankruptcy. Crisis phenomena are moments of aggravation that arise in the correlation between individual elements of the enterprise as a system

and with its environment. Fig. 1. shows the signs of the crisis state of the enterprise

For forecasting and timely detection of crisis phenomena at the enterprise, the probability of bankruptcy is first diagnosed, if the results of the study revealed unsatisfactory results, then the causes of this situation are analyzed (Fig. 2).

The next step should be the analysis of losses from the consequences of the crisis and the development and justification of an anti-crisis program based on the resource capabilities of a particular enterprise.

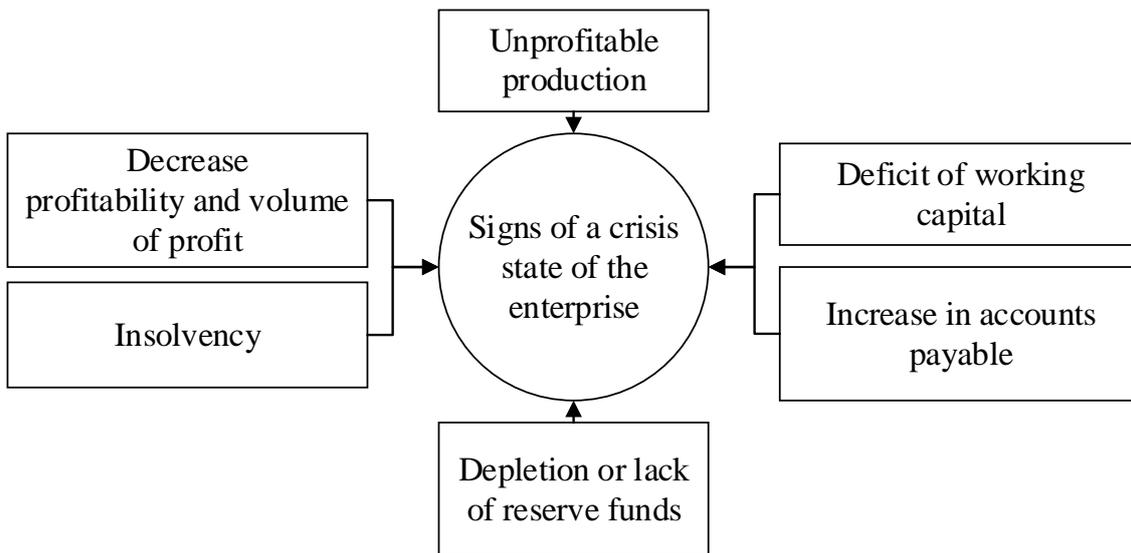


Figure 1. Signs of the crisis of the enterprise. Source: created by authors

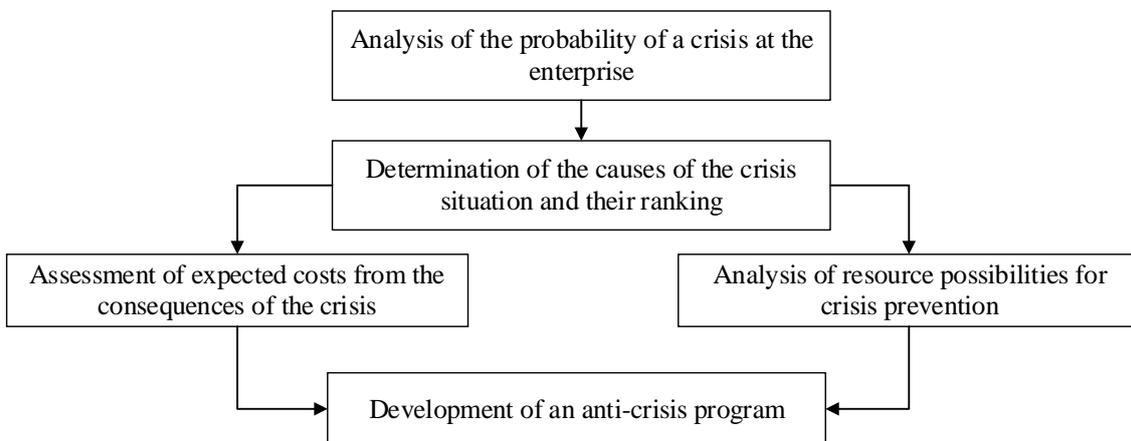


Figure 2. Sequence of analysis to identify the crisis at the enterprise. Source: created by authors

The crisis is a complex phenomenon and requires multidirectional and corrective actions and, above all, preventive ones. There is no single best

way out of the crisis. Each enterprise should have its own crisis prevention strategy, use a set of complex actions and efforts of different parts of

the enterprise which should be adapted to the causes and symptoms of crisis. The important attention at the enterprise should be paid to the construction of an effective system of anti-crisis management. Anti-crisis financial management is a comprehensive system of management, the purpose of which is to prevent a financial crisis at the enterprise, as well as elimination of negative consequences. According to the authors, the process of implementation of crisis management at the enterprise should be defined as a system of measures, which is developed for each enterprise separately, taking into account the specifics of activity, organizational form, stage of crisis process, and aimed at preventing the crisis and eliminating threats to the normal functioning and development of enterprises. The crisis management mechanism involves the following: the object (crisis phenomena arising under the influence of changing internal and external environment and expressed in a deviation of the actual performance of the enterprise from the planned, normative) and the subject of management (responsible bodies of crisis management, depending on the specific organizational structure of the enterprise), the formation of target management processes, its resource provision (material, labor, financial, information resources, etc.), choice of measures. The object of crisis management is the crisis itself, resulting from the influence of external and internal factors on the activities of the enterprise. Subjects are competent employees or bodies who study and eventually decide on a crisis management program which one to choose depending on the specifics of activity, purpose, chosen methods, and level of resources of the enterprise. The objectives of crisis management are to get out of the crisis, to avoid or neutralize the consequences.

Methodology

In conditions of market uncertainty, one of the primary tasks of management is to identify, form and analyze the current and future opportunities of the enterprise. This process requires the processing of significant amounts of information, which can only be achieved by using modern digital tools, among others which include the construction of business models detailed in Aleksieienko, Leliuk & Poltinina (2020). One of the most common methods of modeling today is the use of the structural-functional method, whose task is to establish the elements required to perform the functions of a particular system, identifying the relationship between them. The structural-functional analysis focuses on identifying the overall flow of information, its typification, selection from a large array of qualitative and quantitative sides of the phenomenon the most essential, important, and outstanding. This method according to the IDEF.0 standard is described in detail in Aleksieienko, Poltinina & Leliuk (2020). The peculiarity of the IDEF0 standard is that it allows to present the improvement algorithm by means of a diagram, to visualize the sequence of actions of forming the main directions. The structural and functional model is an approach in describing and explaining systems, in which their elements and dependencies between them within a single whole are studied, individual social phenomena perform a certain function in maintaining and changing social systems.

Results and Discussion

As a result of the study, the model of the anti-crisis management business process for Ukrainian enterprises was built using digital tools, namely the Ramus software environment - fig. 3.

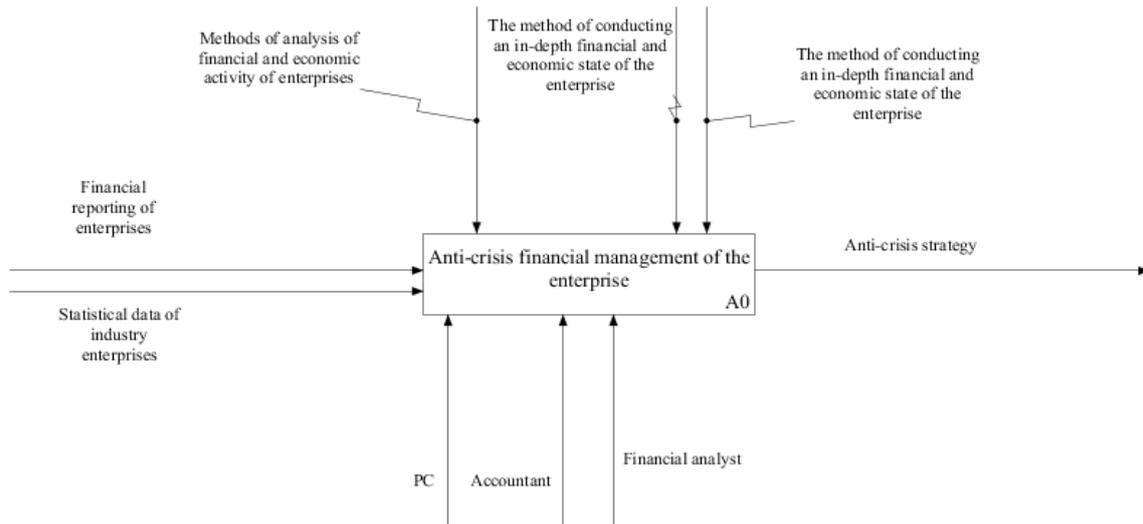


Figure 3. Context diagram of the business process model of crisis management for Ukrainian enterprises. Source: created by authors

As can be seen from Fig. 3, today the enterprises carry out the anti-crisis financial management, guided by methodological recommendations to analyze the financial condition based on financial statements data and information on the state of development of the industry. In this case, the result of implementing the process of crisis financial management is the formation of anti-crisis strategy of the enterprise, which, in turn, is one of the components of the development strategy of the enterprise.

Directly the process of crisis management, implemented at the enterprise, needs to be detailed in order to be able to identify its advantages and disadvantages, and in the future to consider its advantages and disadvantages and to optimize, in accordance with the needs of the market.

To detail the stages of crisis management, the context diagram decomposition approach is used (Fig. 4).

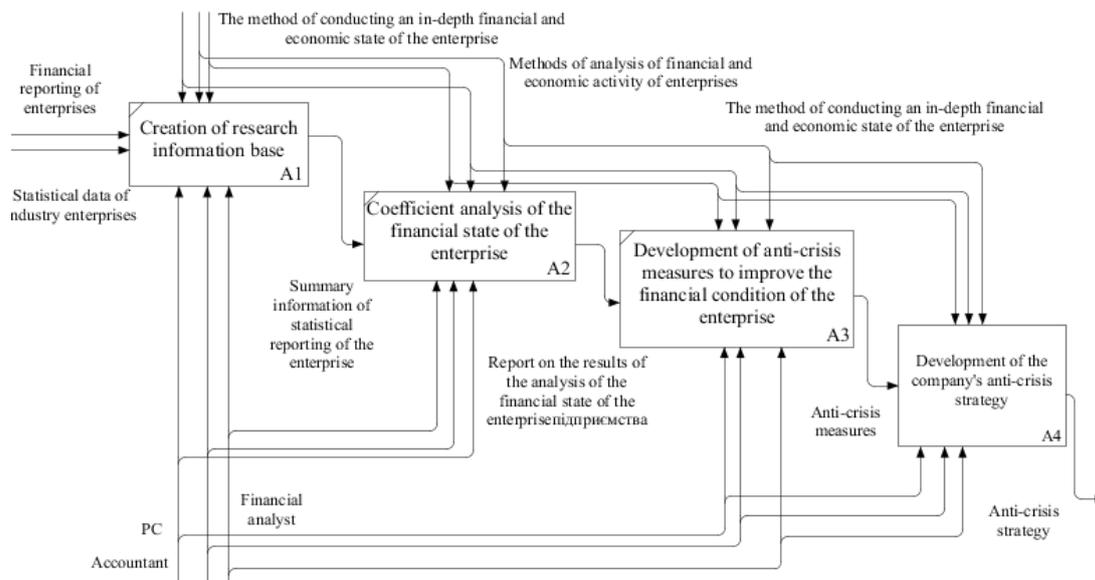


Figure 4. Decomposition of the AS-IS context diagram “Anti-crisis management in the enterprise” Source: created by authors

From Fig. 4 shows that the process of anti-crisis financial management consists of four blocks:

Creation of the information base of the research (A1);
 coefficient analysis of the financial condition of the enterprise (A2);
 development of anti-crisis measures to improve the financial condition of the enterprise (A3);
 development of anti-crisis strategy at the enterprise (A4).

In Fig. 4 the aspect that is important is that it is proposed to perform crisis management functions not only to the accountant but also to the financial analyst, who is able to understand the financial problems of the enterprise more comprehensively and make more informed financial decisions. In general, crisis management significantly differs from traditional management, has its own specifics associated with significant changes in the operating environment of the enterprise, as well as the unpredictability of the situation and new management problems that arise in the environment of functioning of Ukrainian enterprises, in particular under martial law.

The task of overcoming of crisis and the financial and economic stability of enterprises cannot be

considered as one-time business practice compressed in time, or as a set of necessary active actions of enterprise specialists with the application of tools for the elimination of debtor's insolvency. This is a dynamic process in which the management of the enterprise after the crisis has a separate functional purpose, therefore, it is not logical to carry it out exclusively at the level of accounting functions, that's why in the business process financial analyst is shown as a full-fledged participant of anti-crisis management, that is considered in Yankovskaya, Mustafin, Endovitsky & Krivosheev (2022). The next step is to proceed to the decomposition of the business process to develop an anti-crisis strategy of the enterprise - Fig. 5. In general, diagnosis of crisis phenomena is carried out at the first stage to determine the need for anti-crisis management, as well as to clarify its form and type. The main tools of diagnostics are: express-diagnostics; monitoring and evaluation of general indicators of financial situation; diagnostics with the application of financial analysis and methods of evaluation of the probability of bankruptcy; methods of evaluation of enterprise potential (competitiveness of enterprise); implementation of other additional measures.

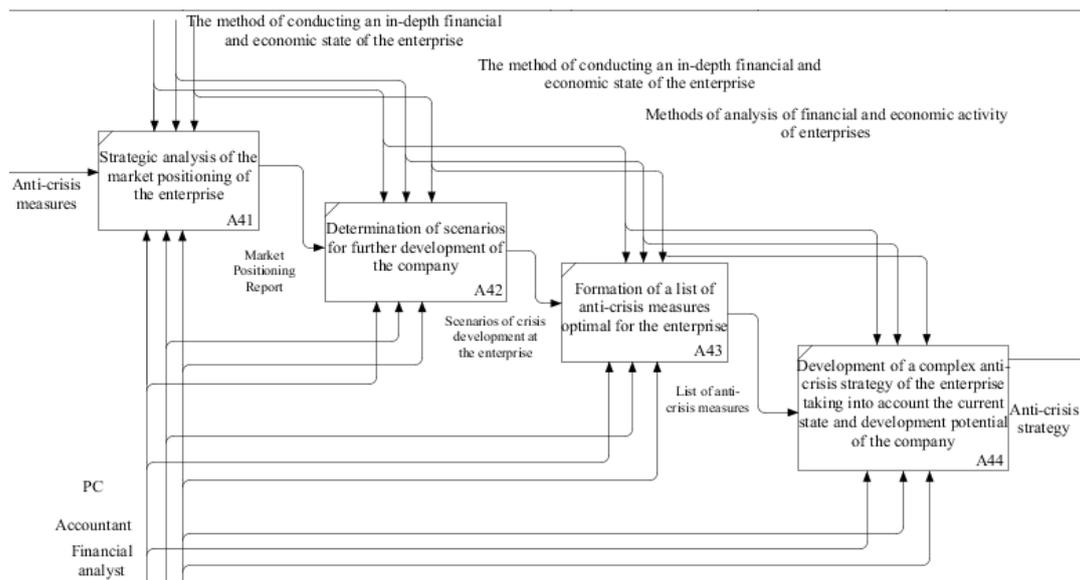


Figure 5. Decomposition of the block “Development of anti-crisis strategy of the enterprise” within the business process of anti-crisis management of the enterprise
 Source: created by authors

After all stages of assessment and analysis the development of the anti-crisis strategy of the enterprise is carried out - fig. 5, focused on the system development of the enterprise and its

adaptation to the unstable external environment. In general, the main goal of anti-crisis measures is an improved financial condition in the future, which is possible to change in relation to the

present and worth, desirable or necessary to achieve. However, today it is very difficult to predict the potential state of the enterprise, as it is also very difficult to predict the prospect of military action in Ukraine and its impact on the national economy and domestic enterprises.

Development and adoption of management decisions are made in accordance with the purpose of anti-crisis measures - prevention, neutralization (stabilization), or overcoming (elimination) of crisis phenomena in the enterprise.

At the prevention of crisis, the key direction of strategic decisions is realized within the framework of the strategy of formation of financial resources, financial support of accelerated growth, financial maintenance of stable growth, achievement of financial safety. Herewith orientation of management measures is focused on support of investment into production processes; motivation of shareholders; substantiation of the feasibility of investment projects; support of solvency by means of control of payments of customers; optimization of production costs; revision of money management system; formation of reserve funds of accumulation of financing of necessary increase of current and non-current assets for providing of high rates of production volume growth; control of dynamics of short-term liabilities. The development of a complex anti-crisis strategy can become a key direction of the formation of optimal measures, aimed at overcoming of crisis or preventing its occurrence.

The preparation and subsequent implementation of an anti-crisis financial strategy involves the implementation of the following basic measures:

- Diagnosis of processes and trends leading to crisis states;
- Forecasting the emergence, development, and possible consequences of crisis situations
- Anti-crisis support (revealing of processes and tendencies that lead to crisis situations)
- making preparations in advance for emergencies (crisis prevention);
- organization and coordination of effective actions to overcome crisis situations and their consequences.

Consequently, when developing an anti-crisis strategy, it is the directions and measures that should be taken into account. And further implementation of the strategy will be aimed at the most effective use of the potential of the

enterprise and the implementation of effective measures to minimize external and internal threats.

Thus, in modern conditions, the introduction of crisis management in the practice of domestic enterprises becomes a necessary condition for bringing them out of the financial crisis. Successful anti-crisis management requires the use of different methods. According to the causes of the crisis, the enterprise should choose the method that best helps to eliminate the internal causes of the crisis or neutralize external ones. In addition, when implementing an anti-crisis policy, it is necessary to refer to foreign experience and to take measures which would help the leading countries' economies to come out of the crisis. And it is extremely important to observe a certain mechanism of anti-crisis measures, which will allow not only to react to crisis phenomena in time but also to prevent their development.

Conclusions

The analysis of the essence of crisis management allowed to determine that the process of implementation of crisis management at the enterprise should be understood as a system of measures developed for each enterprise separately, taking into account the specifics of its activities, organizational form, stage of the crisis process and aimed at preventing the crisis and eliminating threats to the normal functioning and development of enterprises.

In order to improve the process of anti-crisis financial management of the enterprise, implemented the use of digital tools implemented for modeling business process according to standard IDEF0, built a model which reflects the basic direction of optimization of the crisis management process. The uniqueness of the model consists that anti-crisis management at the enterprise is offered to carry out through the construction of an anti-crisis financial strategy which provides realization of such basic measures, as: diagnostics of processes and tendencies which lead to crisis conditions; forecasting of occurrence, development, and possible consequences of crisis situations; realization of anti-crisis support (discovery of processes and tendencies which lead to crisis situations); carrying out the advance preparation for the case of occurrence of anti-crisis situations; realization of the anti-crisis strategy. The improved model allows, based on complex research of the crisis development level at the enterprise, to develop a strategy of anti-crisis

financial management and form a system of measures to overcome the crisis at the enterprise. That's why the implementation of the anti-crisis strategy will allow to realize the complex approach of anti-crisis management.

Bibliographic references

- Akhmetshin, E., Brager, D., Pokramovich, O., Andreyko, M., & Alenikova, M. (2018). Modern theoretical and methodological approaches to personnel management in manufacturing enterprises. *Revista Espacios*, 39(31), 11–15. <https://www.revistaespacios.com/a18v39n31/18393111.html>
- Aleksieienko, I., Leliuk, S., & Poltinina, O. (2020). Information and communication support of project management processes and enterprise value. *Development Management*, 18(3), 1–13. [https://doi.org/10.21511/dm.18\(3\).2020.01](https://doi.org/10.21511/dm.18(3).2020.01)
- Aleksieienko, I., Poltinina O., & Leliuk S. (2020). Information support of the management process of the economic entity. *Modern science: problems and innovations: II Intern. scientific-practical. conf. (3-5 May 2020, Stockholm)*. Stockholm, 2020. <http://repository.hneu.edu.ua/bitstream/123456789/26133/1/15.pdf>
- Ayu Nani, D., & Dina Safitri, V. A. (2021). Exploring the relationship between formal management control systems, organisational performance and innovation: The role of leadership characteristics. *Asian Journal of Business and Accounting*, 14(1), 207–224. <https://doi.org/10.22452/ajba.vol14no1.8>
- Bieńkowska, A., & Tworek, K. (2022). Controlling and its influence on organizations' functioning under conditions caused by the COVID-19 pandemic. *Sustainability*, 14(24), 16644. <https://doi.org/10.3390/su142416644>
- Buriak, I., & Petchenko, M. (2021). Analysis of the dilemmas of building an accounting system for the needs of future economic management. *Futurity Economics & Law*, 17–23. <https://doi.org/10.57125/fel.2021.03.25.3>
- Christa, U. R., & Kristinae, V. (2021). The effect of product innovation on business performance during COVID 19 pandemic. *Uncertain Supply Chain Management*, 151-158. <https://doi.org/10.5267/j.uscm.2020.10.006>
- Emilova, I. (2022). The Anti-Crisis Management in The Process of Global Integration. *LUMEN Proceedings*, 18, 45-50. <https://doi.org/10.18662/lumproc/gidtp2022/05>
- Feshina, S. S., Konovalova, O. V., & Sinyavsky, N. G. (2019). Industry 4.0—transition to new economic reality. In *Industry 4.0: Industrial Revolution of the 21st Century* (pp. 111–120). Springer International Publishing. Doi: 10.1007/978-3-319-94310-7_11
- Ihnatenko, R. (2022). Technologies of targeting advertising: the essence and effectiveness. *Financial and Credit Activity Problems of Theory and Practice*, 1(42), 428–435. <https://doi.org/10.55643/fcaptop.1.42.2022.3715>
- Katamadze, G. (2022). Business entity's preventive-anti-crisis strategy model and possibilities of its implementation in Georgia. *Economics. Ecology. Socium*, 6(2), 38–45. <https://doi.org/10.31520/2616-7107/2022.6.2-4>
- Khalina, O., Bazyluk, V., Chornenka, O., Krasilych, I., & Korzh, M. (2019). Formation of organizational support for the management of the economic security of engineering enterprises: Methodical and practical aspects. *Business: Theory and Practice*, 20(0), 317–328. <https://doi.org/10.3846/btp.2019.30>
- Lobova, S. V., Bogoviz, A. V., & Alekseev, A. N. (2022). Sustainable AI in environmental economics and management: Current trends and post-COVID perspective. *Frontiers in Environmental Science*, 10. <https://doi.org/10.3389/fenvs.2022.951672>
- Loginov, M., Usova, N., & Nedorostkova, E. (2021). Developing digital retail services as a tool of ensuring consumer market sustainable development in the Sverdlovsk region. *SHS Web of Conferences*, 94, 01028. <https://doi.org/10.1051/shsconf/20219401028>
- Lowe, E. A. (1971). On the idea of a management control system: Integrating accounting and management control. *The Journal of Management Studies*, 8(1), 1–12. <https://doi.org/10.1111/j.1467-6486.1971.tb00833.x>
- Melnyk, S., Shuprudko, N., Kolosovska, I., Berest, I., & Pasichnyk, M. (2020). Anti-crisis personnel management in the process of ensuring the economic security of the enterprise. *Business: Theory and Practice*, 21(1), 272–281. <https://doi.org/10.3846/btp.2020.11438>
- Metelenko, N. (2018). Conceptual model for assessing financial safety in the system of



- economic security of industrial enterprise. *Management and Entrepreneurship Trends of Development*, 4(06), 95–110. <https://doi.org/10.26661/2522-1566/2018-4/06-11>
- Mocanu, N. (2018). Implementation of anti-crisis management technologies. *International Journal of Innovation in the Digital Economy*, 9(4), 11–23. <https://doi.org/10.4018/ijide.2018100102>
- Popova, Y. (2020). Economic or financial substantiation for smart city solutions: a literature study. *Economic Annals-XXI*, 183(5–6), 125–133. <https://doi.org/10.21003/ea.v183-12>
- Starosta, A. (2014). Anti-crisis Management Strategies. The case of companies in the Greater Poland Voivodeship. *Management*, 18(1), 255–266. <https://doi.org/10.2478/manment-2014-0019>
- Sylkin, O., Kryshchanovych, M., Zachepa, A., Bilous, S., & Krasko, A. (2019). Modeling the process of applying anti-crisis management in the system of ensuring financial security of the enterprise. *Business: Theory and Practice*, 20, 446–455. <https://doi.org/10.3846/btp.2019.41>
- Usova, N.V., Loginov, M.P., & Nedorostkova, E.E. (2021). Anti-crisis strategies of the digital retail services market development. *Benefit*, 4(41), 23–29.
- Voskolupov, V., Balanovska, T., Havrysh, O., Gogulya, O., & Drahnieva, N. (2021). Marketing management as a tool for preventing crisis of agricultural enterprises. *Financial and Credit Activity Problems of Theory and Practice*, 5(40), 410–417. <https://doi.org/10.18371/fcaptop.v5i40.245192>
- Yankovskaya, V. V., Mustafin, T. A., Endovitsky, D. A., & Krivosheev, A. V. (2022). Corporate social responsibility as an alternative approach to financial risk management: Advantages for Sustainable Development. *Risks*, 10(5), 106. <https://doi.org/10.3390/risks10050106>
- Yessenbekova, Z., A., & Turezhanov, S. (2021). Circular bioeconomics: conceptual aspects. *Economic Annals-XXI*, 193(9–10), 45–53. <https://doi.org/10.21003/ea.v193-05>
- Zinisha, O., Kharchenko, E., Avdeev, Y., Pavlova, N., & Maltsev, I. (2021). Features of application of International Financial Reporting Standards (IFRS) by international companies. *Economic Annals-XXI*, 188(3–4), 188–194. <https://doi.org/10.21003/ea.v188-22>

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Digital art in designing an artistic image

El arte digital en el diseño de una imagen artística

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Abstract

The research aim lies in describing new approaches in art. The use of digital art allows displaying an artistic image that perceives new ideals. The development of digital art in the era of global digitization implies introducing several modern tools for designing an artistic image. The paper raises the issue of the media of digital works, including photographic paper and canvas. The technological and automated side of some or all digital works is also described. The question of their uniqueness or singularity is raised. The paper reveals the aesthetic aspect of a computer-designed work, which depends primarily on the parameters of brightness, contrast, and saturation of the creative software used, as well as the parameters chosen for printing. Since this aspect is the same as for a traditional work reproduced in printed form, from a purely artistic point of view, a digital work can resemble a traditional work in every way if it borrows elements from it, such as hand-painted or digitally drawn textures. Moreover, when traditional techniques are combined with digital techniques, creative ways are likely to multiply because of the variety of techniques. Consideration is given to the use of

Resumen

El objetivo de la investigación es describir nuevos planteamientos en el arte. El uso del arte digital permite mostrar una imagen artística que percibe nuevos ideales. El desarrollo del arte digital en la era de la digitalización global implica la introducción de varias herramientas modernas para diseñar una imagen artística. El artículo plantea la cuestión de los soportes de las obras digitales, entre ellos el papel fotográfico y el lienzo. También se describe el aspecto tecnológico y automatizado de algunas o todas las obras digitales. Se plantea la cuestión de su unicidad o singularidad. El artículo revela el aspecto estético de una obra diseñada por ordenador, que depende principalmente de los parámetros de brillo, contraste y saturación del software creativo utilizado, así como de los parámetros elegidos para la impresión. Dado que este aspecto es el mismo que el de una obra tradicional reproducida en forma impresa, desde un punto de vista puramente artístico, una obra digital puede parecerse en todo a una obra tradicional si toma prestados elementos de ésta, como texturas pintadas a mano o dibujadas digitalmente. Además, cuando las técnicas tradicionales se combinan con las digitales, es

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correction tools to facilitate modification of the composition.

Keywords: art, composition, design, digitalisation, pixel.

Introduction

To understand digital art, its design and production, it is necessary to realize the difference between art that uses digital technology as a primary tool to create more traditional objects - photography, print, or music - and art that uses it as a medium. In the latter, work is produced, stored, and presented only digitally and uses its interactive or participatory potential (Kress & Van Leeuwen, 2020).

Digital technology and interactive media challenge traditional notions of creativity, audience, and artist. The artist is no longer the sole creator of the work, but often the mediator or animator of the interactions between the audience and the artwork. The creative process itself is often the result of a complex relationship between the artist and a team of programmers, engineers, scientists, and graphic designers. A number of digital artists undergo engineering and design training themselves.

The digital environment also poses different challenges to the traditional art world: exhibition space, collection, sale, storage. The term digital applied to art is quite controversial because of its semantic blurring: "art design", "media art," "multimedia," "transmedia" (Du, 2020). This terminology is sometimes unconvincing because of the literal English translation and too noticeable is the load of the word "media," which certainly encompasses a reality different from the reality that emerges in the artistic practice of the 21st century. This paper aims to describe methods of designing an artistic image using digital technology. Assignment - definition of the concept of digital art, analysis of its typology, evolution, and distribution channels. The research questions are the next: Does digital art undermine aesthetic codes with the help of all the resources of modern techniques? Are the pieces of digital art the result from the electronic and computer revolution? Is the combination of art and digital technology giving birth to new artistic practices, new forms of works, and new relationships with the viewer?

probable que se multipliquen las formas creativas debido a la variedad de técnicas. Se tiene en cuenta el uso de herramientas de corrección para facilitar la modificación de la composición.

Palabras clave: arte, composición, diseño, digitalización, píxel.

Theoretical Framework or Literature Review

In contrast to the visual arts, digital art can have different definitions: classical and formal, analogue and manufactured. Increasingly, artistic practices are inseparable from technological and computer advances, perceived as a revolution in the art world. The technique of digital work is quite "incidental" and goes beyond its role as a tool and an aesthetic, symbolic characteristic (Dominguez, Messina, Donoso-Guzmán & Parra, 2019).

Rooted in the Dadaist movement of the 1920s, digital art is closely associated with the work of Marcel Duchamp and Man Ray (Randall, 2020). In the 1960s, the Fluxus contemporary art movement, influenced by Dadaism, mainly touched on visual art as well as music and literature and aimed to erase the boundaries between art and contemporary life through devastating humour (Oppenlaender, 2022). The concepts, specificity, and aesthetics of digital art are often inspired by science fiction novels.

The transition from the industrial age to the digital age was accompanied by a growing interest among artists at the crossroads of art and technology. Digital art evolved to bring together a wide range of practices, from the creation of object-oriented projects to works aimed at developing process-oriented virtual objects (Neate, Roper & Wilson, 2020). However, it was not until the 1990s that digital art gradually entered the art world. Today, the relationship between "digital art" and "contemporary art" is quite complex.

Like any human activity, art has bowed to the digital revolution and, in fact, has begun to revise its own *raison d'être*. Yot (2019) in this regard describes the changes brought about by digitalization: the multiplication of sources, the dematerialization of media, immediacy, and virtuality, transversality, and networking.

Digital art is taking root and following the contours of developments related to computer science. This is evidenced by the semantic variants of "cybernetic art" and "computer art,"

which began to emerge with the arrival of consumer microcomputers in the 1980s (Humm, 2022). At first, the visual work - computer images, 3D, “new” images - was synonymous with digital art practice. Therefore, the transition from analog to digital may be the only criterion for identifying the specificity of a digital work of art. But this key point is not a support for the qualification of video art. It only marks an extension of the other modalities of projection, installation, diffusion, exhibition. Li (2020) traces the branching of digital art from the beginnings of electronic music and experimental cinema to the motifs of kinetic art. Gintere (2019), argues that it is video art that is the ancestor of digital art, realized by means with the intention also in this diversion of function and purpose of the technical object to make it a work of art. Furthermore, in all its forms (projection, virtualization, installation and/or device), digital art questions the relationship between man-machine-environment in the artist-work-public.

Methodology

This study is based on a comprehensive approach, proper use of methods of system analysis, synthesis, generalization, as well as historical and comparative approaches, through

Table 1.
Characteristics of digital art

Interactivity	Presence of a sensory component
Minimum interactivity	Navigation in the information space

Table: author's own development

The first factor characterizing digital art is interactivity. Whereas classical works of art (painting, sculpture) have remained static, subordinate only to the contemplative side, digital art works prefer a sensory component: in particular, touch and gesture, hitherto absent in the art world. Art of a device loaded with sensors, digital art in its interactive version is driven by a new attitude, not a passive one. Appropriation is also a feature of the “multiple choice work” (Koch, Taffin, Lucero & Mackay, 2020). The second question was if the pieces of digital art the result from the electronic and computer revolution? Indeed, digital arts are a source of genuine “inter-action,” requiring movement of the work toward the viewer and, conversely, from the viewer to the work. This interaction is reduced according to a modality that differs depending on the installed devices.

which the image system of modern digital art and the opportunities it offers in creating an artistic image is defined. The chosen methods of research meet the goals and objectives: in covering the historical component of the emergence of digital art - historical and cultural method; to identify its factors and typology of digital artistic image method of abstraction and comparison. In addition, the work used a theoretical analysis of the literature.

Results and Discussion

The results of the work give strict answers to the research questions. First, giving answer to the question if digital art undermine aesthetic codes with the help of all the resources of modern techniques one should admit that the use of digital technology in the design of the artistic image means that from the production of the work to the presentation, only the digital platform is used and that it represents and explores its inherent possibilities. The digital art image is, among other things, interactive, participatory, dynamic, and customizable according to the artist's vision, and these features give rise to a special aesthetic. There are factors that best characterize digital art (Table 1):

The minimal interactivity is always the navigation in the information space. More complex interactivity may prescribe the generation of a programming algorithm. In this case, it is simultaneously controlling the observed process for the viewer and the author (Aldouby, Hasler, Nadav & Friedman, 2022). Interactivity can be the possible input of the artist. Interactivity may or may not have any real impact on the content or form of the work. Contributions in this case are combined with digital processing. Finally, interactivity can be a breeding ground for mediated interpersonal communication. This is where alteration - real-time collective action - is at the heart of the art project (Block, 2020).

The creation of an artistic image in digital art occurs differently in its various forms (Fig. 1):

combined in a multitude: online art, web art, google art, software art, ascii art, code art (Lee & Lee, 2019). Again, the multiplication of qualifiers associated with this art and online - by and for the Internet - is indicative of protean creativity, whose evolution and forms are indexed to the evolution of new media technologies. Net art is really “media art” and “code art,” also playing with cultural codes, communication codes (Walker, 2019). It is an art that borrows factors of mobility, fluidity, and virtuality from the Internet and new communication technologies to create an artistic image, changing the inner character of the work. Bioart - our lives are influenced by digital technology, and art is influenced by biotechnology. We are talking about laboratory techniques for creating an artistic image. The artist's work is about molecular biology.

Robotized art is the artistic reprogramming of industrial machines and robots for aesthetic purposes. Addresses the living, in continuation of bio-art or attempts at a recomposed and augmented body, the experience of cybersex, and the ultimate avatar, posthuman performance art (Whitaker, 2019). Worked artworks in sound art and some music-making devices.

Computer Game - Contemporary artists also invest their talents in video games. In a computer game, artists create artistic images already in a transformed form, through dematerialization, new media, and the players themselves.

Augmented reality - combining the real and virtual worlds, capturing our senses, and enriching our perception, augmented reality opens an impressive window into the foggy Internet universe (Liu, Liang, Xu, Wang, Hao, Dong & Yu, 2022). To create an artistic image in augmented reality, the artist simply has to download an AR app, select a “layer” of data to overlay on reality and point the phone screen in the desired direction.

Thus, digital art is the marker of our time, the basic aesthetic and cultural form that unites the intimate and the common. Digital art holds up to society the broken mirror of modern subjectivity.

Conclusions

Digital art is consonant with modernity; it designs and reproduces our daily lives transformed by new technologies and the Internet. In contrast to contemporary art, digital art does not simply undermine aesthetic codes but makes use of all the resources of modern

techniques; and especially those resulting from the electronic and computer revolution. This combination of art and digital technology is giving birth to new artistic practices, new forms of works, and new relationships with the viewer.

As in other fields, the birth of “digital” art is part of the beginning of the birth of the computer mainstream. The software makes it possible to create the latest artistic image. It is the medium, that is, the computer and its associated technical objects, which becomes the object of artistic practice. But the foundations of this new artistic construction rest with video art and kinetic sculpture, based on design image and movement. In the same way, kinetic art is already an art of “motorization,” mobility, and interaction with the environment or the public. Another characteristic of digital art is its complexity and diversity, which continues to grow with technological advances. Motion sensors, for example, allow artists to experiment with previously unseen types of art in terms of the formation of artistic images. But the status of the artist is doubled by the status of technology.

The symbol of digital art is Net Art. Art borrows from the Internet the factors of mobility, fluidity, virtuality and has changed the internal character of the work. The Internet is both a place of production, but also a place of performance, participation, experimentation, and communication. A place with which galleries and museums cannot compete.

The digital artwork is, among other things, depending on the intentions and techniques it involves, a “multiple choice work” a work in constant creation, animated by algorithmic programs. It can also be a “living” work, as in the case of bio-art, combining art, science, and biotechnology.

However, the creation of an artistic image using digital code is a fragile work, dependent on the technical environment, its quality, its programming, its maintenance, and storage. The next few centuries will show whether digital art will be as sustainable as classical art.

Bibliographic references

Aldouby, H., Hasler, B. S., Nadav, T., & Friedman, D. (2022). Viewing images of jagged texture in digital artwork affects body sensations: A virtual reality study. *Psychology of Aesthetics, Creativity, and the Arts*. <https://doi.org/10.1037/aca0000522>

- Belting, H. (2022). An anthropology of images. In *An Anthropology of Images*. Princeton University Press. <https://doi.org/10.1515/9781400839780>
- Block, B. (2020). *The visual story: Creating the visual structure of film, TV, and digital media*. Routledge. <https://doi.org/10.4324/9781315794839>
- Cetinic, E., & She, J. (2022). Understanding and creating art with AI: Review and outlook. *ACM Transactions on Multimedia Computing, Communications, and Applications (TOMM)*, 18(2), 1-22. <https://doi.org/10.1145/3475799>
- Dominguez, V., Messina, P., Donoso-Guzmán, I., & Parra, D. (2019, March). The effect of explanations and algorithmic accuracy on visual recommender systems of artistic images. In *Proceedings of the 24th International Conference on Intelligent User Interfaces* (pp. 408-416). <https://doi.org/10.1145/3301275.3302274>
- Du, J. (2020). Research on optimization of portrait sculpture data based on 3D image and mobile edge computing. *IEEE Access*, 8, 224452-224460. <https://doi.org/10.1109/ACCESS.2020.3043010>
- Gintere, I. (2019, May). A new digital art game: the art of the future. In *SOCIETY. INTEGRATION. EDUCATION. Proceedings of the International Scientific Conference* (Vol. 4, pp. 346-360). <http://journals.rta.lv/index.php/SIE/article/view/3674>
- Humm, M. (2022). Modernist women and visual cultures. In *Modernist Women and Visual Cultures*. Edinburgh University Press. <https://doi.org/10.1515/9781474469395>
- Koch, J., Taffin, N., Lucero, A., & Mackay, W. E. (2020, July). Semantic Collage: enriching digital mood board design with semantic labels. In *Proceedings of the 2020 ACM Designing Interactive Systems Conference* (pp. 407-418). <https://doi.org/10.1145/3357236.3395494>
- Kress, G., & Van Leeuwen, T. (2020). *Reading images: The grammar of visual design*. Routledge.
- Lee, J. W., & Lee, S. H. (2019). User participation and valuation in digital art platforms: the case of Saatchi Art. *European Journal of Marketing*. <https://doi.org/10.1108/EJM-12-2016-0788>
- Li, F. (2020). The digital transformation of business models in the creative industries: A holistic framework and emerging trends. *Technovation*, 92, 102012. <https://doi.org/10.1016/j.technovation.2017.12.004>
- Liu, Y., Liang, C., Xu, H., Wang, F., Hao, Y., Dong, J., ... & Yu, P. (2022). Digital Art Pattern Design Based on Visual Material Colouring Intelligent Programming System. *Mathematical Problems in Engineering*, 2022. <https://doi.org/10.1155/2022/2450074>
- Neate, T., Roper, A., & Wilson, S. (2020, October). Painting a Picture of Accessible Digital Art. In *The 22nd International ACM SIGACCESS Conference on Computers and Accessibility* (pp. 1-3). <https://doi.org/10.1145/3373625.3418019>
- Oppenlaender, J. (2022, November). The Creativity of Text-to-Image Generation. In *Proceedings of the 25th International Academic Mindtrek Conference* (pp. 192-202). <https://doi.org/10.1145/3569219.3569352>
- Randall, L. M. (2020). Images in the margins of gothic manuscripts. In *Images in the Margins of Gothic Manuscripts*. University of California Press. <https://doi.org/10.1525/9780520376045>
- Walker, J. A. (2019). *Art in the age of mass media*. Routledge. <https://doi.org/10.4324/9780429039386>
- Whitaker, A. (2019). Art and blockchain: A primer, history, and taxonomy of blockchain use cases in the arts. *Artivate*, 8(2), 21-46. <https://doi.org/10.1353/artv.2019.0008>
- Yot, R. (2019). *Light for visual artists: understanding & using light in art & design*. Hachette UK.

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The historical policy plan as it relates to the progression of the Russian-Ukrainian war

El plan político histórico en relación con la progresión de la guerra ruso-ucraniana

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Abstract

Russian aggression against Ukraine since 2014 and its new explosion in 2022 actualized historical issues. The purpose of the article is to analyze the strategy of historical politics in the context of the development of the Russian-Ukrainian war. The methods of system analysis, forecasting, historical-comparative approach were used to write the research. The results highlighted the emergence and peculiarities of the use of the term “historical policy”, investigated the problems of creating and functioning of a unified policy, and the peculiarities of the organization of the historical policy strategy. The article examines that in countries without undeveloped academic freedom, historiography depends on the direction of the political situation. It is the ruling elites who act as the main customers for the formation of historical theories, the writing of relevant narratives, and the creation of concepts that change history in its affirmative template. Among the problems on the way to the formation of historical policy, the existence of significant

Resumen

La agresión rusa contra Ucrania desde 2014 y su nueva explosión en 2022 actualizaron cuestiones históricas. El propósito del artículo es analizar la estrategia de la política histórica en el contexto del desarrollo de la guerra ruso-ucraniana. Los métodos de análisis de sistemas, la previsión, el enfoque histórico-comparativo se utilizaron para escribir la investigación. Los resultados pusieron de relieve la aparición y las peculiaridades del uso del término “política histórica”, investigaron los problemas de la creación y el funcionamiento de una política unificada y las peculiaridades de la organización de la estrategia de política histórica. El artículo examina que en los países sin una libertad académica poco desarrollada, la historiografía depende de la dirección de la situación política. Son las élites gobernantes las que actúan como principales clientes para la formación de teorías históricas, la redacción de relatos relevantes y la creación de conceptos que cambien la historia en su plantilla afirmativa. Entre los problemas en el camino hacia la formación de la política histórica, se ha corroborado la existencia

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contradictions in the interpretation of events, the use of history for political manipulation, and insufficient attention to national minorities have been substantiated. The conclusions emphasize the importance of the formation of historical policy based on scientific knowledge, rather than a political vision.

Keywords: historical policy, strategy, Russian-Ukrainian war, humanitarian policy, Ukraine.

Introduction

Russian aggression in Ukraine, which began in 2014 with the occupation of Crimea and support for pro-Russian separatists in eastern Ukraine, has taken on a new global dimension since February 2022. The challenge to the world security organization system has also become a defining issue for domestic Ukrainian realities. With the invasion and military destruction, academic confrontation has intensified significantly. Russian disinformation, which had been actively used since 2014, received new substantial infusions, but this time faced active Ukrainian resistance. The reason for this is the confrontation in the field of humanities, part of which is caused by historical policy, thanks to which it was possible to stop the spread of Russian historical myths and fictions. Addressing this issue is relevant because in the future the debunking of stereotypes and outright fakes of Russian propaganda is gradually transformed into a kind of “information war zone”, the existence of which has become a distinctive feature of the Russian-Ukrainian war.

The use of historical “arguments” as occasions for aggressive foreign policy in the XXI century. has turned the official Kremlin into a pariah in the diplomatic sense of the word (Kurapov et al., 2022). At the same time, the gigantic domestic market for the consumption of propaganda information allows Moscow's information troops to freely use “historical” rebukes. Unfortunately, for a long time, part of Ukrainian society had free access to such information. Its closure has created a certain vacuum, which Ukrainian sources of historical information must fill. A balanced policy in the sphere of history has the task to simplify and accelerate such a transition.

The purpose of the article is to analyze the strategy of historical policy in the context of the development of the Russian-Ukrainian war. Achieving this goal requires the implementation of certain tasks:

de contradicciones significativas en la interpretación de los acontecimientos, el uso de la historia para la manipulación política y la insuficiente atención a las minorías nacionales. Las conclusiones subrayan la importancia de la formación de una política histórica basada en el conocimiento científico, más que en una visión política.

Palabras clave: política histórica, estrategia, guerra ruso-ucraniana, política humanitaria, Ucrania.

1. To characterize general ideas about modern historical politics.
2. Identify problems and prospects for the formation of historical policy in Ukraine.
3. Analyze the peculiarities of forming a historical policy strategy in modern Ukraine.

Theoretical Framework or Literature Review

The works of contemporary historians and political scientists who have studied the transformation of Russian-Ukrainian relations through the centuries and investigated the origins of the Russian-Ukrainian war and its hybrid mechanisms are important for this study.

Canadian political scientist Kordan (2022) in his work “Russia's war against Ukraine: historical narratives, geopolitics, and peace” explored the development of Russian-Ukrainian relations through the prism of historical, political, and economic aspects. The researcher notes that relations between these states have always been formed based on contrasting historical narratives, which can be defined as “the story of empire and colonial rule against sovereignty and self-determination”. The author further notes that by emphasizing identity, the Russian imperial historical narrative turns to the past and the state's control over it. At the same time, Ukraine's history, based on autochthonous and European origins, shapes a future based on the principles of freedom, unity, and autonomy. Canadian historian of Ukrainian origin Himka (2015), exploring the historical origins of the mentality of the Ukrainian people, noted that different historical experiences in the regional plane of Ukraine led to the emergence of different cultures and identities. Bulgarian researcher Michailova (2022) explored the historical origins of the Russian-Ukrainian confrontation. The Russian-Ukrainian conflict of 2014, which resulted in Russia's seizure of Crimea, is historically closely related to the collapse of the

USSR in 1991. At the same time, British and Canadian political scientist of Ukrainian origin Kuzio (2022) analyzed key events, the course of the Russian-Ukrainian war, and investigated its preconditions and causes of escalation. Ukrainian researcher Vushko (2017) described the importance of historians in the Russian-Ukrainian struggle. She notes that the military events entailed an intensification of historical debates, influencing history to become more relevant than ever before. Canadian historian Marples (2022) explored the specifics of the development of Ukrainian-Russian relations, outlined key aspects of the war's origins, and discussed its continuation and possible outcomes. Hurska (2021) characterized Russia's hybrid strategy in the context of Black Sea politics. Bertelsen (2017) experienced the Revolution of Dignity (2013-2014) in Ukraine and outlined the relationship of these events to Russian aggression. Martz (2022) described the course and development of the Russian-Ukrainian confrontation, focusing on the analysis of Russian army crimes against Ukraine. Sidorova et al. (2022) identified key features of humanitarian policy formation in the context of military conditions. At the same time, works of Ukrainian historians such as Gromenko (2022), Parshyn (2020), Spys (2022), Ryvchin (2022) provide insight into the vectors of Ukrainian policy through the centuries and the development of the Russian-Ukrainian confrontation. The work of researchers who have studied the development of Ukrainian military law is also important for this study. Zakharchuk (2022) investigated the peculiarities of legal regulation of military law through the prism of foresight.

Therefore, the researchers focused on several important aspects of the formation of historical memory policy in Ukraine: the importance of the "Russian factor" and its influence on historical perceptions in Ukraine, the need to get rid of this influence through the prism of the events of the occupation of Crimea in 2014 and the subsequent deployment of full-scale aggression; the relevance of attempts to formulate the basic principles of the concept of historical memory. At the same time, the challenges associated with responding to Russian propaganda, which uses historical narratives as a justification for aggression, will require further analysis.

Methodology

This work uses general scientific and special historical methods of knowledge. The study is based on the system analysis, through which the importance of the strategy of historical policy in the context of the development of the Russian-Ukrainian war is defined. Through the prism of system analysis, the decomposition of the system of the strategy of historical policy into separate elements is conducted and the holistic characteristic of how they interact for the purpose of the main goal - the effective organization of humanitarian policy of Ukraine is made. Possible strategic directions of historical policy are defined and described with the help of the prognostic method. Special historical methods of reality study are of particular importance in the study. In particular, through the prism of using a historical-corporative method, it was possible to characterize some established myths of the past events in Russian historiography (See Figure 1).

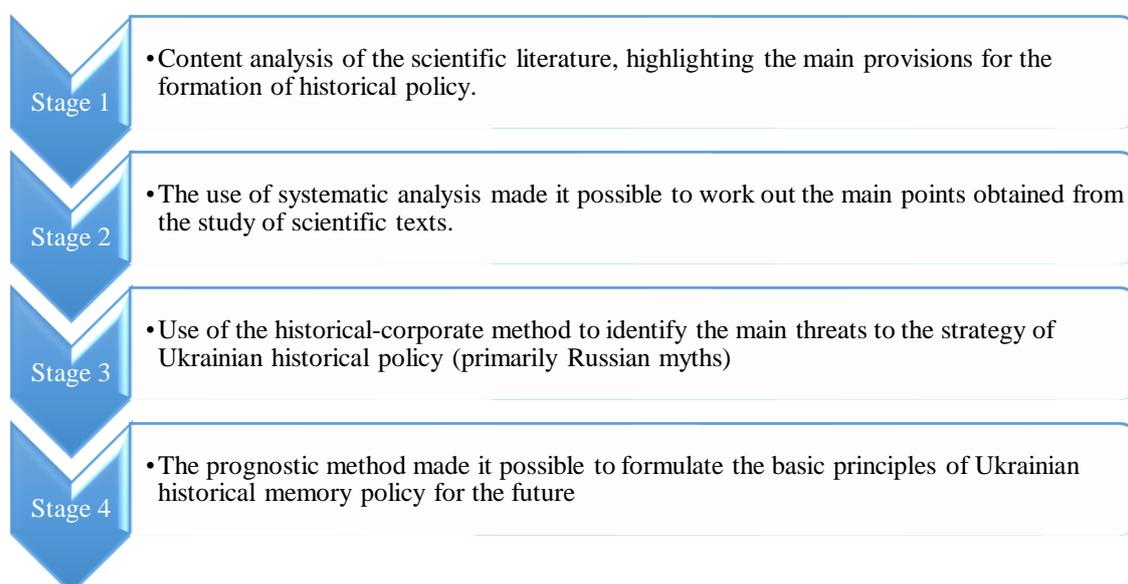


Figure 1. Sequence of research methods used.

Source: author's development.

This methodological model made it possible to fully reveal the purpose and objectives of the study. Its use in practice has not met with serious objections.

Results and Discussion

Historical Politics: An Explanation

The term historical politics refers to the set of practices through which certain political forces or states attempt to assert certain interpretations and explanations of past events as dominant (Gromenko, 2022). For this reason, contemporary researchers believe that historical politics has three functions, in particular: symbolic, interpersonal, and identification (Kellner et al., 1993). At the same time, the problem of the dependence (or independence) of historiography on political discourse dates back to the emergence of history as science itself. For example, in countries where academic freedom is underdeveloped, historiography depends on a certain political conjuncture, as diverse systems of political elites act as customers of historical theories, narratives, or concepts, modifying history into its affirmative template (Vushko, 2017). Consequently, history and politics have always been closely linked throughout the centuries, with authorities trying to apply individual historical manifestations in order to enhance their importance and influence on society. Such a fact is logical and justified, because when the authorities disregard historical experience, then in order to justify their policy, they try to turn history into instruments of politics, distorting historical processes themselves, falsifying historical phenomena and facts, giving them anti-scientific judgments.

Historical politics as an instrumental implementation of past events for political purposes is an old phenomenon. However, it

appeared and “successfully implemented” before the emergence of this concept. The term “historical politics” itself emerged in scholarship when its use reached a critical point: in the context of a variety of manipulations of past events in the interests of modernity (Higashi et al., 1993). It is clear that in the 1930s the concept of “historical politics” (Geschichtspolitik) began to be actively used in the works of German historians, in the 1970s - in the United States (Higashi et al., 1993). Obviously, in the USSR history became an element of ideological propaganda, so historians involved in the development and implementation of the historical policy were called “soldiers of the ideological front”. Nowadays, the historical policy is implemented on behalf of cultural, political, ethnic, or other social groups through the prism of the struggle for power, its content, or division. In a sense, the term is an element of the global phenomenon of the politicization of history and one of the manifestations of the increased attention of political practitioners, historians, and other researchers to the politics of memory (Kellner et al., 1993). We believe that the phenomenon of historical politics includes the transmission of various memories and experiences as well as forgotten historical facts. History policy is implemented by its subjects: the president, the government, the parliament, the National Academy of Sciences, and other government institutions. At the same time, it can also be implemented by the civil society, through various special associations or organizations, and by independent media outlets.

An integral part of historical politics is the phenomenon of historical memory (Sydorova et al., 2022). If we summarize the various interpretations of the nature of the relationship between history and memory, we can reduce them to the following positions (See Figure 2).

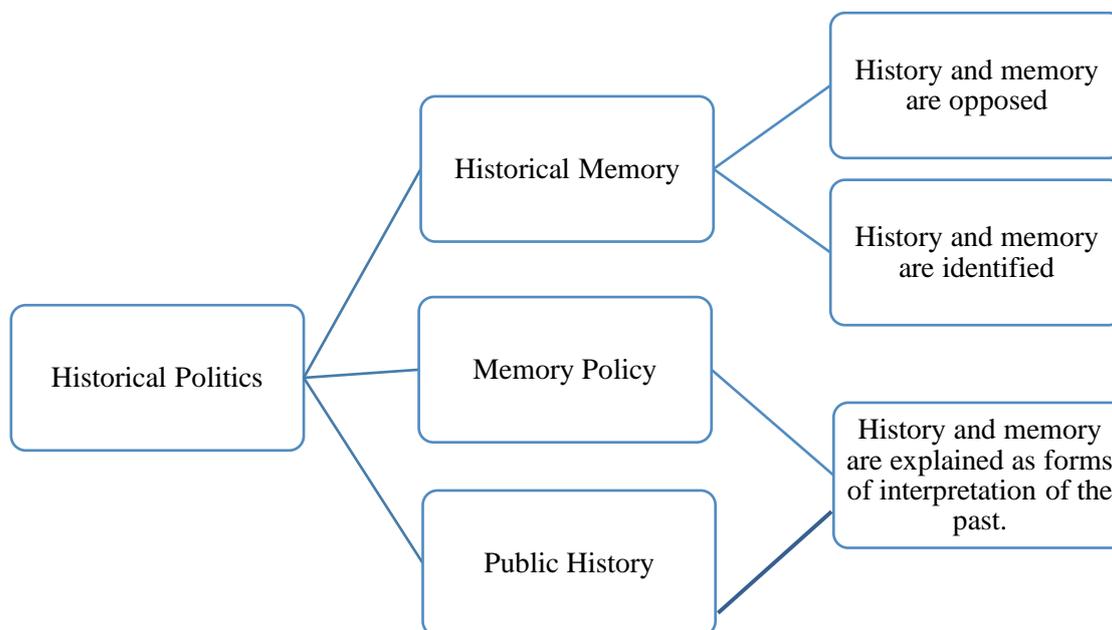


Figure 2. The relationship between historical politics and memory.

Developed by the authors of the article

Thus, in some concepts, history, and memory are opposing elements, even treated as incompatible. At the same time, history and memory are sometimes identified. The most common approach is that history and memory should be explained as specific forms of interpretation, interpretation, and representation of the past reality that are in manifestations of constant interaction and mutual complementarity (Higashi et al., 1993). Consequently, when considering the peculiarities of the formation of historical policy, special attention should be paid to the development of historical memory.

Problems of forming a unified historical policy in Ukraine

In general, the introduction of a unified historical policy in Ukraine may face a whole set of challenges. This set can be increased or decreased, but the main challenges will remain unchanged.

1. The existence of significant contradictions in the interpretation of events in Ukrainian history. One and the same historical fact may have different interpretations depending on the political, social, and cultural attitudes of different population groups (Sydorova et al., 2022). This can lead to clashes regarding the content of the historical policy and cause distrust of it among certain groups of the population. The free exchange of opinions among Ukrainian specialists has led to the normal democratic development of history

as a science (Himka, 2015). However, the installation of clear markers and assessments can be perceived negatively. In this context, an important detail is the lack of sources to describe many events. Even relatively modern documents are partially preserved in Russian archives, access to which has always been difficult for Ukrainian historians (Parshyn, 2020). Many archives have been destroyed or have been moved to Russian collections. For example, all Old Ukrainian chronicles of the Kyiv and Volyn traditions are preserved outside of Ukraine (Parshyn, 2018). For this reason, it is impossible to reproduce individual events in their entirety, they will always leave room for interpretations.

2. The use of history for the purposes of political manipulation. Historical politics can be used to support a particular political or national ideology. This can entail ulterior motives in historical politics and disrupt the objectivity of the reflection of history. A prime example of this risk is the contemporary historical politics supported by the Kremlin regime (Kordan, 2022). Its direction demonstrates significant distortions of the real course of events, which is done intentionally to justify certain political needs (Ivanov, Ivanov & Okipnyuk, 2021). In particular, it refers to the ethnic situation in the South and East of Ukraine, where the overwhelming majority, it would seem, has always been Russians (Hurska, 2021). The exaltation of such theses does not

do credit to Russian historians. At the same time, it does not exclude the possibility of a repetition of the “Russian” scenario, in which political interests will dominate over the scientific requirements of objectivity.

3. Insufficient attention to national minorities and other groups whose pasts are linked to the territories in which they live (Krasnozhan, 2021). Historical policies may not take into account the history of minorities and other groups, which can lead to a distortion of history and complicate the formation of national identity. Such a development is quite possible when the previous point is realized - neighboring peoples and ethnic minorities begin to be forgotten when political interests begin to prevail. The use of historical politics as a weapon against national minorities may contribute to the emergence of inferiority complexes, xenophobia manifestations, etc. (Michailova, 2022).
4. When creating a historical policy, the Ukrainian side should take into account the fact that the Russian government systematically turns to manipulations on historical topics, which allegedly explain and prove the prerogative of Russia on its territory and resources. It is known that the

rhetoric of the Russians applies the concept of the Russian world, which justifies the seizure of Ukrainian territories (Kuzio, 2022). In particular, for this concept, the seizure of the peninsula of Crimea has a notable meaning, since it was here that Prince Vladimir the Great was baptized. That is, this territory is supposedly symbolic for Russia (Ryvchin, 2022). However, first of all, one should take into account the fact that Vladimir Sviatoslavovich was the prince of Kyiv. At the same time, in the international legal plane, the justification of modern political actions and reactions by what happened to significant historical figures is not a legal basis.

Peculiarities of the formation of the strategy of historical policy of modern Ukraine

According to contemporary Ukrainian historian Gromenko (2022), when Ukraine lacks a clear Ukrainocentric Strategy of historical policy, the Ukrainian population will be doomed to constantly compete with Russian myths in the historical arena, without the ability to counterattack. Therefore, the main directions of the Strategy can be defined in advance (See Table 1).

Table 1.

The main directions of historical policy

The main directions of the strategy of historical policy

1. Debunking historical myths constructed by Russia
 2. Decommunization and decolonization
 3. The popularization of a Ukrainian-centric humanitarian policy
 4. Formation of the historical memory of contemporary dead heroes
 5. Lustration of collaborators in all spheres of activity (special emphasis on education and science).
 6. The domination of scientific interests over political ones in the research, popularization, and understanding of history
-

Authors' development

The main direction of modern historical policy should be the debunking of all Russian myths and their manifestation in Ukraine. Consequently, decommunization is important, which is now embodied through the prism of street renaming. After that, the main emphasis should be placed on revising and changing the basic Soviet legal and institutional norms, concepts, and principles. This will have the effect of eradicating Soviet methods of organization at the official level. At the same time, the key focus should be on incorporating European standards of doing business and taking into account Ukrainian realities and national traditions. Another important stage is the formalization of the

decolonization process. For this reason, it will be important to form the key foundations of deprivation of the public plane of monuments, names of institutions associated with the process of incorporation into the empires (Hurska, 2021). At the same time, the implementation of the historical policy of Ukraine should include the creation of new names of streets, monuments honoring the fallen in the Russian-Ukrainian war, and other modern heroes (Gyidel, 2021). This will unite the national idea and will be a kind of permanent memorial to the deeds and honor of contemporary Ukrainian heroes. A significant part of this direction is the creation of the National Military Cemetery, the formation of the

so-called National Pantheon of Ukraine (Martz, 2022).

At the same time, the popularization of Ukrainian-centered humanitarian policy should become an important direction of the modern Strategy (Spys, 2022). It means that the Ukrainian authorities should motivate specialists to form special courses, open seminars, lectures, webinars, programs on YouTube channels, TV channels, etc., which told the public about the real history of Ukraine and debunked all the myths on popular scientific plane. Related to this is also the popularization of Ukraine's historical past through the development of documentary and historical films (Marples, 2022).

Lustration of collaborators should be introduced in all fields of human activity, followed by a taboo for the realization of the profession. (Gromenko, 2022). This should be implemented in order to ensure that collaborative collaborators with the enemy and do not harm the implementation of Ukrainian-centric policies.

The historical policy should respond to all the above-mentioned problematic challenges. In particular, it should be based on the principles of consensus among scholars, which puts exactly the scientific element at the center. At the same time, it must be recognized that there are things that are blatantly horrible and criminal. For example, the Stalinist famine of 1932-1933 in Ukraine. It cannot be rehabilitated, substantiated, or justified in any other way (Zakharchuk, 2022). Similarly, Ukrainian historians are likely to condemn the actions of the Putin regime (Kaplina, 2022). It is important to note the probable involvement of legal decisions - if the relevant sessions of the tribunal are held, it will allow to recognize the criminal actions as criminal from a legal point of view (Kaplina, 2022). Accordingly, attempts to justify them will be punished, and even if there are researchers who do not agree with the conclusion of the court, this will be a sufficient argument to erase the respect of the criminals from the national memory.

Cooperation among historians would be facilitated by organizing and holding regular conferences where certain problematic issues could be discussed and recommendations for future controversies could be made (Bertelsen, 2017). A positive example was the congresses of Ukrainian historians held under the auspices of the National Academy of Sciences of Ukraine. Perhaps similar measures should be reinstated so

that they rekindle interest in historical policymaking.

Consequently, a particularly important step is the formation of the so-called "humanitarian front," the main task of which is to counter Russian and historical fakes (Russian aggression in the media). The subjects of the implementation of the humanitarian front should be scientists (historians, political scientists, cultural scientists, art historians, etc.), economists, educators, and journalists (Gushchyn et al., 2022). Such events will contribute not only to the implementation of effective humanitarian policy but also to the consolidation of the Ukrainian nation through the organization of various popular science projects and events.

Conclusions

Thus, the new stage of the Russo-Ukrainian war, which began in 2022, demonstrated the presence of not only a military clash but also a clash of ideologies. Russian historical policy has become the cornerstone of preparation for justifying aggressive actions in Ukraine. The Ukrainian side faced a lack of appropriate policy tools. The development of a separate policy in the historical sphere has become an urgent problem.

The article confirms that the components of the historical policy are public history, historical memory, and the politics of memory. Paying attention to these elements will be an extremely important task in the future, as the work of researchers continues, and relevant updates on the interpretation of certain events must be presented appropriately. The main challenges to the development of historical politics will be research and communication problems. First of all, we are talking about the existence of significant contradictions in the interpretation of certain events in Ukrainian history. One and the same historical fact may have different interpretations depending on the political, social, and cultural attitudes of different population groups. It is also possible for history to be used for political manipulation. Another challenge is the lack of attention to national minorities and other population groups, whose past is linked to the territories in which they live. These challenges can be overcome through a thoughtful historical policy strategy. The main directions of historical strategy should be: debunking the historical myths compiled by the Kremlin regime, de-communization, and decolonization, popularization of Ukrainian-centric humanitarian policy, formation of historical memory about contemporary dead heroes,

illustration of collaborators in all spheres of activity (scientific interests over political ones in research, popularization, and understanding of history.

Bibliographic references

- Bertelsen, O. (2017). Revolution and war in contemporary Ukraine: The challenge of change. Columbia University Press.
- Gromenko, S. (2022, July 16). Strategy of historical politics. Why Ukraine needs it. Glavcom. Retrieved from <https://acortar.link/EWXsFm>
- Gushchyn, O., Kotliarenko, O., Panchenko, I., & Rezvoryovych, K. (2022). Cyberlaw in Ukraine: current status and future development. *Futurity Economics & Law*, 2(1), 4–11. <https://doi.org/10.57125/FEL.2022.03.25.01>
- Gyidel, E. (2021). Ukrainian internally displaced persons and the future of Donbas. In *The war in Ukraine's Donbas* (pp. 109–122). Central European University Press. <https://doi.org/10.7829/j.ctv26jp68t.10>
- Higashi, S., Tajiri, R., Tanaka, J., & Okazaki, S. (1993). History and memory. *The American Historical Review*, 98(4), 1181. <https://doi.org/10.2307/2166616>
- Himka, J.-P. (2015). The history behind the regional conflict in Ukraine. *Kritika: Explorations in Russian and Eurasian History*, 16(1), 129–136. <https://doi.org/10.1353/kri.2015.0008>
- Hurska, A. (2021). Russia's hybrid strategy in the Sea of Azov. In *The war in Ukraine's donbas* (pp. 159–180). Central European University Press. <https://doi.org/10.7829/j.ctv26jp68t.12>
- Ivanov, O., Ivanov, Y., & Okipnyuk, V. (2021). Formation of Russian policy towards the baltic countries: Historical and legal lessons for modern ukraine. In *International conference on social science, psychology and legal regulation (SPL 2021)*. Paris, France: Atlantis Press. <https://doi.org/10.2991/assehr.k.211218.040>
- Kaplina, O. (2022). Prisoner of war: Special status in the criminal proceedings of Ukraine and the right to exchange. *Access to Justice in Eastern Europe*, 5(4-2), 8–24. <https://doi.org/10.33327/ajee-18-5.4-a000438>
- Kellner, H., Goff, J. L., Rendall, S., & Claman, E. (1993). History and memory. *The American Historical Review*, 98(3), 819. doi: 10.2307/2167552
- Kordan, B. (2022). Russia's war against Ukraine: Historical narratives, geopolitics, and peace. *Canadian Slavonic Papers*, 1–11. doi: <https://doi.org/10.1080/00085006.2022.2107835>
- Krasnozhon, N. (2021). Features and problems of local government reform and territorial organization of government in Ukraine and Latvia in 1991-2021. *Society. Document. Communication*, 1(12), 69-88. <https://doi.org/10.31470/2518-7600-2021-12-69-88>
- Kurapov, A., Pavlenko, V., Drozdov, A., Bezliudna, V., Reznik, A., & Isralowitz, R. (2022). Toward an Understanding of the Russian-Ukrainian War Impact on University Students and Personnel. *Journal of Loss and Trauma*, 1–8. <https://doi.org/10.1080/15325024.2022.2084838>
- Kuzio, T. (2022). Russian nationalism and Ukraine. *Russian Nationalism and the Russian-Ukrainian War*, 99-128. <https://doi.org/10.4324/9781003191438-4>
- Martz, C. (2022). Russian war crimes against Ukraine: The breach of international humanitarian law by the Russian Federation. *SSRN Electronic Journal*, 276. <https://doi.org/10.2139/ssrn.4106901>
- Marples, D. R. (2022). War in Ukraine's Donbas: Origins, contexts, and the future. Central European University Press.
- Michailova, S. (2022). An attempt to understand the war in ukraine – an escalation of commitment perspective. *British Journal of Management*. <https://doi.org/10.1111/1467-8551.12633>
- Parshyn, I. (2020). A littleknown mention about a document of lutsk bishop of 1319. *Ukraine: Cultural Heritage, National Identity, Statehood*, 33, 3–12. <https://doi.org/10.33402/ukr.2020-33-3-12>
- Parshyn, I. (2018). Diplomacy of the Galician-Volyn state: European narrative sources of the XIII-XV centuries. Lviv: Oshchipok MM.
- Ryvchin, A. (2022). Understanding the Russo-Ukrainian war through the prism of russian history. *Israel Journal of Foreign Affairs*, 1–4. <https://doi.org/10.1080/23739770.2022.2105487>
- Spys, O. A. (2022). The Russian-Ukrainian war is through the prism of religious understanding. In *The study of topical issues of modern society from the perspective of history, political science, sociology and philosophy* (pp. 112–115). Baltija

- Publishing. <https://doi.org/10.30525/978-9934-26-236-4-27>
- Sydorova, E., Yunin, O., Zhuravlov, D., Fomenko, A., & Shevchenko, S. (2022). Historical prerequisites for the formation of the foundations of the modern humanitarian policy of Ukraine. *Amazonia Investiga*, 11(58), 28–38. <https://doi.org/10.34069/ai/2022.58.10.3>
- Vushko, I. (2017). Historians at war: History, politics and memory in Ukraine. *Contemporary European History*, 27(1), 112–124. <https://doi.org/10.1017/s0960777317000431>
- Zakharchuk, A. (2022). Legal regulation in the field of arms control: forecast of future challenges. *Futurity Economics & Law*, 2(3), 4–11. <https://doi.org/10.57125/FEL.2022.09.25.01>

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The place and role of political advertising in the system of manipulative technologies: the linguistic dimension

El lugar y el papel de la publicidad política en el sistema de tecnologías manipulativas: la dimensión lingüística

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Abstract

Issues of language and political discourse form a very dense framework for theories and studies of argumentation, the new rhetoric. The political discourse analysis is gaining in scope and epistemological precision. However, discursive effects remain largely understudied regarding linguistic means as manipulative tactics. This phenomenon shapes the relevance of this study. It also analyses how linguistic traces of political discourse affect the population in terms of psychosociology and manipulative tactics. The ideology of discursive persuasion reveals issues in cognitive activity (meaning, intentionality, and strategy) that the speaker performs, as well as the impact on a known target. The study focuses on the norms and use of language, image,

Resumen

Las cuestiones del lenguaje y el discurso político constituyen un marco muy denso para las teorías y estudios de la argumentación, la nueva retórica. El estudio del discurso político está ganando en alcance y precisión epistemológica. Sin embargo, los efectos discursivos permanecen (casi) inexplorados en lo que se refiere a los medios lingüísticos como técnicas de manipulación. Este fenómeno configura la relevancia de este estudio. Este trabajo analiza cómo las huellas lingüísticas del discurso político afectan a la población en términos de psicología y técnicas manipulativas. La ideología de la persuasión discursiva revela cuestiones de la actividad cognitiva (significado, intencionalidad, estrategia) que realiza el hablante, así como el impacto en un

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text, and sound in political advertising. It also analyses scholarly works related to the topic, offering an analysis based on observations on political communication and its media staging of the functioning of sociolinguistic variation regarding the norms and representations that operate in this official/dominant language market and specific to the language of politics. Research related to advertising and advertising language in relatively recent studies is still approached with some caution. Therefore, this paper attempts to deal with them from the perspective of linguistics in its broader discussion. To do so, the article focuses on studying linguistic means specific to political advertising on billboards during political campaigns. The most peculiar aspects of the contextual and formal expression of political advertising on billboards are identified.

Keywords: manipulative rhetoric, political discourse, nonverbal means, psycholinguistic coding, billboard.

Introduction

Advertising has become an integral part of everyday life, a component that is becoming increasingly important and diverse. For this reason, the number of scientific publications on this topic is also growing. This trend is not ignored by the branch of linguistics. Language as a tool of advertising is a very relevant topic for research, although many works consider only individual components of advertising language and refuse the general linguistic volume.

Advertising as a general social phenomenon cannot be limited to one sphere of human life but takes its place in society as a whole – thus, it is always present in politics, economics, culture, and psychology and is often called propaganda. In the past, in terms of social manipulation, the word propaganda has always been synonymous with advertising.

Today, advertising has become an indispensable element of political strategies. It is influential in public life. With this in view, the choice of rhetorical techniques, their verbal and visual transposition and their adaptation to the cultural differences of the beneficiaries are vital to reaching the required acceptance and interpretation.

destinatario conocido. El estudio se centra en las normas y el uso del lenguaje, la imagen, el texto, el sonido en la publicidad política, este trabajo analiza trabajos académicos relacionados con el tema, que ofrecen un análisis basado en observaciones sobre la comunicación política y su puesta en escena mediática del funcionamiento de la variación sociolingüística en su relación con las normas y representaciones que operan en este mercado del lenguaje oficial/dominante y específico del lenguaje de la política. La investigación relacionada con la publicidad y el lenguaje publicitario en estudios relativamente recientes se aborda todavía con cierta cautela. Por ello, este trabajo es un intento de abordarlas desde la perspectiva de la lingüística en su discusión más amplia. Para ello, nos centramos en el estudio de los medios lingüísticos específicos de la publicidad política en vallas publicitarias durante las campañas políticas. Se identifican los aspectos más importantes de la expresión contextual y formal de la publicidad política en vallas publicitarias.

Palabras clave: retórica manipuladora, discurso político, medios averbales, codificación psicolingüística, valla publicitaria.

This study touches various disciplines concerning diverse topics in advertising (political science, communication science, psychology, sociology, business economics, and political economy) in order to research advertising from an interdisciplinary perspective.

The study on political advertising from a linguistic perspective also deals with studies in such areas as pragmatics, lexis, and syntax, and critical contributions to the field of linguistics.

Based on some 336 examples of political advertising presented in PR political companies, the paper aims 1) to propose a classification of the analytical study of this work, political advertising as an object of study in the field outside of the limits and scopes of linguistics; 2) to carry out a typological analysis between linguistics and all other disciplines dealing with advertising; 3) to highlight rhetorical techniques, their verbal and visual implementation, their assimilation and their interpretation by recipients.

Theoretical Framework or Literature Review

The manipulative purpose of political advertising is subject to diverse evaluations. They are expressed by means of epic/meta-linguistic

discourses and generate specific attitudes within political-media communication (Susser, Roessler & Nissenbaum, 2019). In addition, political discourse makes extensive use of grammatical (syntactic constructions, use of tenses and temporal devices) and lexical (regionalisms, archaisms, specific jargon, and other subcultural lexicons) variations (Addawood, Badawy, Lerman & Ferrara, 2019).

So, the components of political-media communication have always been the subject of all sorts of scholarly debate. According to Van Peer (2021), the importance of language use concerning dominant sociolinguistic norms should not be seen as the result of ubiquitous political marketing. Oviatt (2021) notes that the problematic relationship of manipulative norms is not deprived of powerful interest in terms of political rhetoric. Noggle (2021) views as the perception of linguistic phenomena whose deviant use has the anti-technocratic and anti-centralizing character of peripheral politics. If considering political advertising as a phenomenon of mass media society, it can be assumed that mass media play an important role in modern society, especially because of its role in public communication. Addawood, Badawy, Lerman & Ferrara (2019) study the relationship between advertising and the media. Scholars emphasize that political advertising has the most important structural influence on the media. Reisach (2021) analyses political advertising in a cross-cultural way. Cultures and languages are different, just as the language of advertising differs across cultures because it uses different cultural factors to effectively influence audiences. According to scholars, the most important in this differentiation is the degree of effectiveness comprehension for recipients of different cultural and linguistic communities. Citizens of different countries perceive advertising from other cultures differently. This is due to the different cultural backgrounds of their respective ideology. Let us try and achieve a mutual understanding of this issue.

Proceeding from the hypothesis that different representations of values are the basis of cultures, since values are understood as the core of each culture, the question arises whether recipients of different cultural backgrounds perceive political advertising messages differently, and if so, how they differ. Since advertising these days increasingly appeals to the feelings of recipients and carries a manipulative influence, politicians need to ensure that the actual political advertising conveys the values of the experience perceived by the consumer in the desired way because this

is the only way to get their attention (Yarmolyuk, 2022).

To summarize, political companies must consider the aspect of multinationalism and use a certain degree of cultural sensitivity in addition to linguistic knowledge (Di Domenico, Sit, Ishizaka & Nunan, 2021). In order to successfully sell a product or service, one has always resorted to psychology and oratory, and this is the main success strategy.

Thus, a deep knowledge of emotional values and the prevailing values of the present and the norms of society is important for an effective approach to manipulation through political advertising.

Methodology

The pragmatic perspective, through a thorough analysis of the manipulative function of language in political advertising, provides a detailed description of the language form; it considers vocabulary, phraseology, syntax, and punctuation, as well as individual components of political advertising, such as the title, the text itself, the slogan, etc., as well as image elements, which are usually in very close connection with language and text. In addition to linguistic and pragmatic tools, specific advertising strategies that analyse rhetoric, specialized and perceptual components, play an important role. In general, political advertising as a socio-psychological and sociological phenomenon includes all forms of conscious manipulation of people in relation to any object. Political advertising is seen as a means of public and planned message transmission, when the message influences the judgment and actions of groups, and thus serves a party or political bloc to achieve its goals. As part of the study of the place and role of political advertising in the system of manipulative technologies in the linguistic dimension, the second round of mayoral elections in the cities was analysed by the monitoring method: Kyiv, Lviv, Odesa, Kherson, Kamyanskyi, Lutsk, Sumy, Kramatorsk in November 2020 in Ukraine: (Kyiv - Vitaliy Klychko vs Oleksandr Popov, Lviv - Andriy Sadovyy vs. Oleh Synyutka, Odesa - Hennadiy Trukhanov vs. Mykola Skoryk, Kherson - Ihor Kolokhayev vs. Volodymyr Saldo, Kamyanskyi - Mykhaylo Positko vs. Volodymyr Melnychenko, Lutsk - Ihor Polishchuk vs. Bohdan Shyba, Sumy - Oleksandr Lysenko vs. Vadym Akperov, Kramatorsk - Oleksandr Honcharenko vs. Andriy Pankov. All types of political advertising offered by the candidates to the voters were analysed:

articles in newspapers, TV spots, booklets, and most importantly, billboard advertising.

Results and Discussion

Political advertising is always focused on the recipient. In addition to linguistic manipulations, PR campaigns intensively use methods of propaganda of deep psychology. The results of monitoring and analysing the events and facts of the election campaign for the local mayoral

elections in November 2020, studying the programs of speeches, media PR campaigns of candidates and propaganda on billboards showed that candidates use all possible methods of manipulation and argumentation in their election campaigns to the maximum extent possible. During the elections, candidates are actively practising newspaper publishing, cooperation with radio, FM radio projects, bookbinding and billboard campaigning (tab.1).

Table 1.
Linguistic and non-linguistic tactics in candidates' political advertising during the PR company.

The city	The candidates and their results during elections	Tactics and ways of manipulation	The number of manipulative linguistic means
Kyiv	Vitaliy Klychko 47.8%	Print media, TV, debates, slogan, headline, articles, main text, echo phrase, headline, colour billboard advertising	46
Lviv	Andriy Sadovyy 62.8%	Print media, slogan, headline, articles, main text, echo phrase, headline, colour billboard advertising	39
Odesa	Hennadiy Trukhanov 38%	Main text, echo phrase, slogan, headline, colour, billboard advertising	33
Kherson	Ihor Kolokhayev 30%	Slogan, headline comic text, the use of numbers, billboard advertising	27
Kamyanets-Podilsky	Mykhaylo Positko 40%	Print media, slogan, headline, articles, main text, echo phrase, headline	41
Lutsk	Ihor Polishchuk 37%	Slogan, headline comic text, the use of numbers, billboard advertising	29
Sumy	Oleksandr Lysenko 42%	Articles in newspapers, TV spots, internet, booklets, billboard advertising	41
Kramatorsk	Oleksandr Honcharenko 37%	Main text, echo phrases, slogan, headline, colour, billboard advertising	32
Kyiv	Oleksandr Popov 8.6%	Slogan, headline comic text, the use of numbers, billboard advertising	24
Lviv	Oleh Synyutka 37.2%	Main text, echo phrase, slogan, headline, colour, billboard advertising	43
Odesa	Mykola Skoryk 19%	Print media, internet, slogan, headline, articles, billboard advertising	33
Kherson	Volodymyr Saldo 17%	Main text, echo phrase, slogan, headline, colour manipulation, billboard advertising	32
Kamyanets-Podilsky	Volodymyr Melnychenko 35%	Slogan, headline comic text, fear and panic messages, the use of numbers, billboard advertising	25
Lutsk	Bohdan Shyba 13%	Articles in newspapers, internet, booklets, billboard advertising	27
Sumy	Vadym Akperov 14%	Main text, echo phrase, slogan, headline, colour manipulation, billboard advertising	22
Kramatorsk	Andriy Pankov 48%	Articles in newspapers, TV spots, booklets, billboard advertising.	41

Table: author's own development

The table above shows the multilevel nature of the influence of the print media, which is expressed in the use of linguistic and extra-linguistic components in the process of influence. If comparing the results of votes for candidates in percentage, one can see that the more manipulative language device used by a candidate in the media, radio, the Internet, and billboard advertising, the higher the percentage of votes for the candidate is. Thus, one can talk about the linguistic potential of influence in political advertising.

In this aspect, Ihnatenko (2022) analysing a similar work, writes that if comparing the advertising of the past with the present, the following changes are noticeable: if earlier the language of political advertising was mostly objective, informative and rational, today it has become quite emotional. As for the length of texts, there are also noticeable changes, namely, advertising messages of the past had a much longer text length than modern advertising messages (Hall, Xing, Ross & Johnson, 2021). One agrees that images in the PR campaigns of the candidates selected for the study are used much more often than audio and video messages. In this regard, researchers have found that the brain records and processes images better and more easily than texts, and “in the case of images, the information to be processed can be encoded in a dual way, both mentally and verbally”

(Hancock, Naaman, & Levy, 2020). According to Hacker (2021), the reason is consumer information overload, and the supply of information is constantly increasing with new information providers and new media channels. According to a research project by Mathur, Wang, Schwemmer, Hamin, Stewart & Narayanan (2023) on user consumption and behaviour, user spends only 2 seconds on an advertisement, and more than 95% of the information in an advertisement does not reach the target audience. Political advertising had to adapt to the situation and, with the help of experienced linguists and psychologists, manipulate with images and short but to-the-point messages (Lorenz-Spreen, Lewandowsky, Sunstein & Hertwig, 2020).

The traditional approach to persuasion through political advertising is coming to an end. In this context, Helberger, Dobber & de Vreese (2021) emphasize the importance of the Internet. The Internet represents a new solution for politicians, such as advertising outlets, agencies, and media, capable to influence the masses. Online publics represent a new interactive medium. There candidates and voters can interact directly (Karpitskaya & Chuyanava, 2021). While there is some debate about this, visualization and constant attention-grabbing through billboards have a much stronger manipulative, subconscious influence than the Internet (Fig. 1).

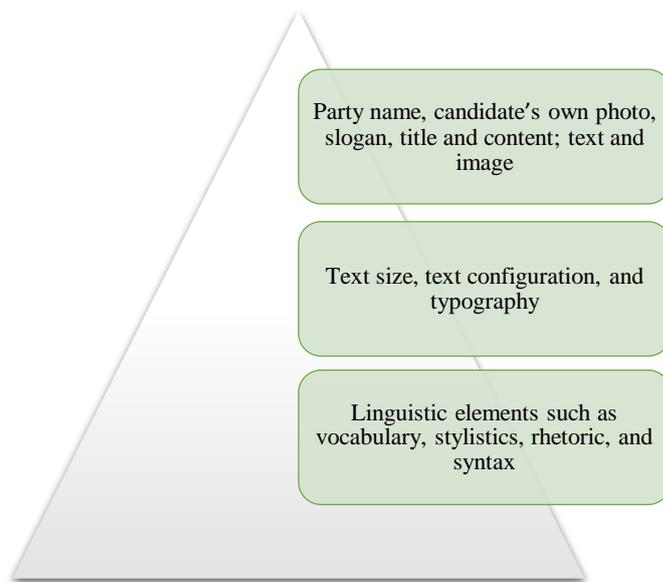


Figure 1. Critical aspects of the contextual and formal expression of political advertising on billboards. Figure: author’s own development

The figure highlights the descriptive methods applied to the linguistic analysis level of the political PR campaign in the November 2020

mayoral elections. The most important aspects of the contextual and formal expression of political advertising on billboards are identified. These are

the linguistic elements of advertising, such as the name of the party, the candidate's own photo, the slogan, the title and content; the text and images; text size, text configuration and typography; as well as linguistic descriptive elements, such as vocabulary, stylistics, rhetoric and syntax.

Already in the 1960s, the language of advertising was widely considered as an object of study in linguistics (Nenadić, 2019). Specialized linguistic works on the language of advertising and linguistic descriptive studies are linguistic phenomena at the level of lexis, syntax and stylistics that, based on political texts, analysed aspects of vocabulary, word choice, parts of speech, semantic redefinition, syntax, rhetorical devices, as well as the impact of the language of advertising (Petre, Duffy & Hund, 2019). A political advertising campaign is characterized during its development mainly by a number of dimensions of action in the advertising system: the initial phase, where the candidate contacts advertising agencies; the production phase, where advertising agencies go through all the stages of advertising design and advertising concept; the distribution phase, where the final campaigns are promoted through various advertising sources; the reception phase, which includes two areas of "reception" and "effect"; and the fifth phase is the processing phase, where the feedback of the received manipulative message is expected. Word, image, sound and symbol are the means of communication that contribute to the presentation and development of political advertising messages. Among the various means of promotion, visualization and constant contact with advertising, and in this case, billboards, takes the first place, and the

analysis model is based on the use of verbal and nonverbal linguistic means. Impressions of the image, combined with a professionally selected text, generate a second artificial reality in the recipient, which mostly consists of "internal images". Political advertising on billboards has a strong influence on the recipient's future behavior. One more important category in this aspect is the political text within diplomatic activities. According to Kuchyk & Kuchyk (2022) the manipulative meaning in political texts should be analysed in terms of in political linguistics. Its manipulative potential in political communication within political and diplomatic activities of multilateral cooperation is of great importance.

In this context, images are particularly effective. They can be symbols, written forms and font size, colour, or a picture of a person. When creating political advertising, certain criteria should be followed (Ryabchenko, Katermina & Malysheva, 2019). According to Vasishth & Gelman (2021), the first criterion is the choice of colours (or it can also be colourless). First of all, it is necessary to decide whether to create an advertisement in black and white or multicolour format. The second important criterion when creating an advertisement is the choice of the format (Silva et al., 2020). In this case, the principle applies that smaller ads attract less advertising effect. Exceptional ad formats, such as round or star shapes, are more likely to grab the reader's attention.

The results of this study showed that the order of placement.

Table 2.

Ways of forming new linguistic terms in political discourse

Changes in vocabulary composition	Formation of new linguistic signs by word formation
Genesis of word formation	Combination of lexemes and morphemes
Neologisms	Authors' neologisms

Table: author's own development

Similar to the advertising industry, which is constantly changing, the vocabulary of political advertising is not a consistent inventory but is constantly updated and changed due to the constant need for new linguistic elements. The need for new linguistic terms can be satisfied in two ways: either in the vocabulary or in the new words formation. New terms in the dictionary appear by combining existing linguistic signs with new meanings or by forming new linguistic signs through word formation, namely by forming new word roots. In word formation, this

is achieved by forming new words from existing and known lexemes and morphemes. Neologisms can interest the readers of an advertisement in a certain aspect and thus attract attention. According to Sætra & Mills (2022), derivatives that deviate from the norm or contradict the rules of existing formation models are particularly suitable for this purpose. Thus, words have an expressive character. According to Saurwein & Spencer-Smith (2020), stylistic figures fall into three broad categories: grammatical elements (nominal or verbal),

vocabulary elements (complex, limited, picturesque), and text structure elements (interesting, boring, descriptive). An important aspect of this study is to identify and analysed the rhetorical figures of advertising speech, to find out what is meant by rhetoric in political discourse. The main goal of any form of advertising is manipulation. In this sense, rhetorical figures are used, which undoubtedly develop a great appealing character. Rhetorical figures are “deviations from the normal sequence of linguistic elements”.

As for syntax, it is considered that political language prefers simple and short sentences. A possible reason is given by Hacker (2021) in his work, namely, that it's not logical to trust complex sentences to the quick-witted and inattentive reader.

Consequently, the manipulative aspect of political advertising in an anthropological-cultural and economic context is expressed through linguistic pragmatics.

In today's globalized world, effective advertising depends on such aspects as politics, economics, law, religion, culture, standard of living, level of education, and people's language. An example of this is the linguistic strategies of political advertising. They can vary greatly from one language to another because political discourse depends on culture, so there may be differences in economic systems, value orientations, and traditions, which are reflected in the linguistic means of style.

Conclusions

Having shown the peculiarities of political discourse rhetorical concept, it is possible to better understand the social problems of the concept “manipulation”. By “manipulation” one understands the idea of massive and constant influence on consciousness through advertising, media, television, etc., rather than attempts at disinformation or destabilization. Manipulation is always linked to a specific historical context, which sees a combination of large-scale propaganda efforts and the rise of mass media based on simplistic behaviorism. It is the expansion of this concept, from political propaganda to manipulation tactics that shows its inaccurate and generalized nature.

In political terms, public discourse is not as relevant as face-to-face pressure; morphologically, it is the shape of the audiences that determines the discourse, not the discourse

that determines the shape of the audiences. In this paper, one considers the pragmatic aspect of linguistics to be the basic one in analysing the manipulative impact of political advertising. Pragmatics has evolved into an empirical discipline, so that it increasingly integrates different language dimensions. Pragmalinguistics, psycholinguistics, and sociolinguistics are linguistic disciplines that analysed language signs in terms of their use by language users. In terms of advertising-pragmatic relations, pragmatics analyses the relationship between the advertising message and the recipients of the advertising message in the context of advertising. It analyses how the advertising message reaches the recipients and how they interpret it. The pragmatic aspect of political advertising concerns the effect of advertising messages of an idealistic, realistic or stereotypical nature or representations of foreign cultural practices. The analysis of political advertising on billboards during the November 2020 mayoral elections evaluated that the essence of the manipulative strategy is to form a positive emotional perception of the advertising text by the recipient. The design of billboards emphasizes optional components and is carried out with the help of linguistic and extralinguistic manipulative tactics. They are formally implemented through the use of certain nominal units and a specific compositional structure of the political advertising text.

Bibliographic references

- Addawood, A., Badawy, A., Lerman, K., & Ferrara, E. (2019, July). Linguistic cues to deception: identifying political trolls on social media. In Proceedings of the international AAAI conference on web and social media (Vol. 13, pp. 15-25). <https://doi.org/10.1609/icwsm.v13i01.3205>
- Di Domenico, G., Sit, J., Ishizaka, A., & Nunan, D. (2021). Fake news, social media, and marketing: a systematic review. *Journal of Business Research*, 124, 329-341. <https://doi.org/10.1016/j.jbusres.2020.11.037>
- Hacker, P. (2021). Manipulation by algorithms. Exploring the triangle of unfair commercial practice, data protection, and privacy law. *European Law Journal*. <https://doi.org/10.1111/eulj.12389>
- Hall, J. A., Xing, C., Ross, E. M., & Johnson, R. M. (2021). Experimentally manipulating social media abstinence: results of a four-week diary study. *Media Psychology*, 24(2), 259-275. <https://doi.org/10.1080/15213269.2019.1688171>

- Hancock, J. T., Naaman, M., & Levy, K. (2020). AI-mediated communication: definition, research agenda, and ethical considerations. *Journal of Computer-Mediated Communication*, 25(1), 89-100. <https://doi.org/10.1093/jcmc/zmz022>
- Helberger, N., Dobber, T., & de Vreese, C. (2021). Towards unfair political practices law: learning lessons from the regulation of unfair commercial practices for online political advertising. *J. Intell. Prop. Info. Tech. & Elec. Com. L.*, 12, 273. https://www.jpipitec.eu/issues/jipitec-12-3-2021/5338/helberger_pdf.pdf
- Ihnatenko, R. (2022). Technologies of targeted advertising: essence and efficiency. *Financial and Credit Activity Problems of Theory and Practice*, 1(42), 428-435. <https://doi.org/10.55643/fcaptp.1.42.2022.3715> (Ukrainian)
- Karpitskaya, M., & Chuyanava, A. (2021). Consumer protection in the field of advertising of the future. *Futurity Economics & Law*, 1(2), 16-20. <https://doi.org/10.57125/FEL.2021.06.25.3>
- Kuchyk, H., & Kuchyk, O. (2022). Political Communication in Multilateral Diplomacy: Linguistic Dimension. *Studies in Media and Communication*, 10(3), 132-137. <https://redfame.com/journal/index.php/smc/article/view/5843>
- Lorenz-Spreen, P., Lewandowsky, S., Sunstein, C. R., & Hertwig, R. (2020). How behavioural sciences can promote truth, autonomy and democratic discourse online. *Nature human behaviour*, 4(11), 1102-1109. <https://doi.org/10.1038/s41562-020-0889-7>
- Mathur, A., Wang, A., Schwemmer, C., Hamin, M., Stewart, B. M., & Narayanan, A. (2023). Manipulative tactics are the norm in political emails: evidence from 300K emails from the 2020 US election cycle. *Big Data & Society*, 10(1), 20539517221145371. <https://doi.org/10.1177/20539517221145371>
- Nenadić, I. (2019). Unpacking the “European approach” to tackling challenges of disinformation and political manipulation. *Internet Policy Review*, 8(4), 1-22. <https://doi.org/10.14763/2019.4.1436>
- Noggle, R. (2021). *Manipulation in politics*. Oxford University Press. <https://doi.org/10.1093/acrefore/9780190228637.013.2012>
- Oviatt, S. (2021, October). Technology as infrastructure for dehumanization: three hundred million people with the same face. In *Proceedings of the 2021 International Conference on Multimodal Interaction* (pp. 278-287). <https://doi.org/10.1145/3462244.3482855>
- Petre, C., Duffy, B. E., & Hund, E. (2019). “Gaming the system”: platform paternalism and the politics of algorithmic visibility. *Social Media+ Society*, 5(4), 2056305119879995. <https://doi.org/10.1177/2056305119879995>
- Reisach, U. (2021). The responsibility of social media in times of societal and political manipulation. *European Journal of Operational Research*, 291(3), 906-917. <https://doi.org/10.1016/j.ejor.2020.09.020>
- Ryabchenko, N. A., Katermina, V. V., & Malysheva, O. P. (2019). Political content management: new linguistic units and social practices. *Church, Communication and Culture*, 4(3), 305-322. <https://doi.org/10.1080/23753234.2019.1664916>
- Sætra, H. S., & Mills, S. (2022). Psychological interference, liberty and technology. *Technology in Society*, 69, 101973. <https://doi.org/10.1016/j.techsoc.2022.101973>
- Saurwein, F., & Spencer-Smith, C. (2020). Combating disinformation on social media: multilevel governance and distributed accountability in Europe. *Digital Journalism*, 8(6), 820-841. <https://doi.org/10.1080/21670811.2020.1765401>
- Silva, M., Santos de Oliveira, L., Andreou, A., Vaz de Melo, P. O., Goga, O., & Benevenuto, F. (2020, April). Facebook ads monitor: an independent auditing system for political ads on Facebook. In *Proceedings of The Web Conference 2020* (pp. 224-234). <https://doi.org/10.1145/3366423.3380109>
- Susser, D., Roessler, B., & Nissenbaum, H. (2019). Technology, autonomy, and manipulation. *Internet Policy Review*, 8(2). <https://doi.org/10.14763/2019.2.1410>
- Van Peer, W. (2021). *Stylistics and psychology: investigations of foregrounding*. Routledge. <https://doi.org/10.4324/9781003130437>
- Vasishth, S., & Gelman, A. (2021). How to embrace variation and accept uncertainty in linguistic and psycholinguistic data analysis. *Linguistics*, 59(5), 1311-1342. <https://doi.org/10.1515/ling-2019-0051>
- Yarmolyuk, O. (2022). Information support of enterprises: problems, challenges, prospects. *Futurity Economics & Law*, 2(1), 12-22. <https://doi.org/10.57125/FEL.2022.03.25.02>

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Legal problems and prospects for the development of document science in Ukraine: Problems and solutions

Problemas jurídicos y perspectivas de desarrollo de la ciencia de los documentos en Ucrania: Problemas y soluciones

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Abstract

The relevance of the research lies in the fact that the study of legal document circulation, as a rule, concerns only certain types of documents. The purpose of the work is a comprehensive study of the phenomenon of “legal document circulation”. Achieving the specified goal involves solving the following tasks: establishing those defects that may be contained in the legal document and determining the reasons and conditions for their appearance. To solve the set goals and tasks, the dialectical method, the analysis, the generalization and the abstraction was used. The result of the study was the argumentation of the position that the prevention of negative social phenomena in the legal document circulation should be based on measures of expertise,

Resumen

La pertinencia de la investigación radica en el hecho de que el estudio de la circulación de documentos jurídicos, por regla general, sólo se refiere a determinados tipos de documentos. El objetivo del trabajo es un estudio exhaustivo del fenómeno de la “circulación de documentos jurídicos”. La consecución del objetivo especificado implica la resolución de las siguientes tareas: establecer los defectos que puede contener el documento jurídico y determinar las razones y condiciones de su aparición. Para resolver los objetivos y tareas planteados se utilizó el método dialéctico, el análisis, la generalización y la abstracción. El resultado del estudio fue la argumentación de la posición de que la prevención de fenómenos sociales negativos en la circulación

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notarization, approval and registration of legal documents. The conclusion of the study is the substantiation of the statement that the role of the legal document in the mechanism of legal regulation has increased. The value of legal document circulation is determined by the functions performed by a legal document in the process of legal regulation. The practical significance of the study lies in the development of practical recommendations aimed at improving the process of working with legal documents in the future.

Keywords: legal document, digitalization of society, electronic document management, information and communication technologies, legal defects.

Introduction

The process of reforming state and public institutions in Ukraine, which we observe in recent decades, is aimed at the formation of the rule of law and civil society. Legal regulation of public relations is carried out with the help of a certain system of tools and means. One of the most important among them is legal documents, which are the legal form of transferring legally significant information. Due to our state gaining independence, emergence of private form of ownership, separation of many organizations from the state mechanism and emergence of new independent participants of legal relations - local self-government bodies, physical persons-entrepreneurs, legal documents circulation has significantly increased. Legal documents permeate the entire process of legal regulation. First of all, this is due to the fact that the very rules of conduct of all participants of legal relations are enshrined in legal documents.

The necessity of research of legal problems and trends of development of legal documentation in Ukraine is that it is legal documents that reflect all elements of content (rights and duties, responsibility, actions of participants of legal relations; results of these actions; techniques, means and methods of their achievement); errors and violations) and procedural forms (stages of work with legal documents proper, legal processes, decision-making procedures, legal regimes) of legal practice. The process of digitalization of social life and wide introduction of information and communication technologies into legal document circulation requires theoretical comprehension and development of practical recommendations on increasing the efficiency of its functioning for the future.

de documentos jurídicos debe basarse en medidas de peritaje, notarización, aprobación y registro de documentos jurídicos. La conclusión del estudio es la corroboración de la afirmación de que el papel del documento jurídico en el mecanismo de regulación jurídica ha aumentado. El valor de la circulación de documentos jurídicos viene determinado por las funciones que desempeña el documento jurídico en el proceso de regulación jurídica. La importancia práctica del estudio radica en la elaboración de recomendaciones prácticas destinadas a mejorar el proceso de trabajo con documentos jurídicos en el futuro.

Palabras clave: documento jurídico, digitalización de la sociedad, gestión electrónica de documentos, tecnologías de la información y la comunicación, defectos jurídicos.

Lately the issue of quality of legal documents has been raised more and more often. Competent their creation forms a positive impression about the participant of legal relations, in addition, the level of legal culture of both the lawmaker and the entire population increases. In turn, a mistake contained in a legal document can cause extremely negative consequences. For example, the presence of a defect in a will can delay the inheritance of property for a long time, and an indictment drawn up with errors can violate the rights and freedoms of a person illegally convicted. Accordingly, it is important to study the legal document at the macro level, as an independent category, to identify the legal problems of the legal document, as well as to eliminate them for the future for the effective procedure of lawmaking and law enforcement. In addition, the study cannot neglect the study of the rules of legal technique, because it is their compliance that contributes to the creation of grammatically and legally correct document. Thus, the study of legal document science in Ukraine is quite relevant. It is important for the development of other general theoretical provisions (the doctrine of the ratio of legal documents, the doctrine of legal practice, the doctrine of the sources of law, the doctrine of the legal process). In addition, the study of the specifics of preparation, the requirements imposed on legal documents, the defects that may be allowed by those who develop them, can equip practitioners with the knowledge necessary to develop a quality legal document.

The purpose of the study is to examine the legal defects of the legal document flow in Ukraine,

the trends of further development and ways to improve.

Theoretical Framework or Literature Review

The works of domestic and foreign scientists are devoted to various aspects of document flow in Ukraine. Yes, Asanova (2021), who studied the problem of legal validity of electronic documents, notes that “to search for patterns in large data sets one can make more effective decisions and implement effective actions based on appropriate technologies to filter information from databases” (Asanova, 2021). The use of the above technology seems appropriate when processing a large volume of legal documents, for example, when analyzing similar cases in a judge's practice or when comparing different legal and regulatory documents according to temporal criteria, strength or other grounds for sampling by attorneys.

Politanskyi (2021) also investigated the problems of implementation of electronic document management in Ukraine as well as the difficulties encountered in the implementation of this process. As the scientist notes in his work, “the current state of the system of automated record keeping and document management in state authorities in Ukraine creates good technological prerequisites for further spread of electronic document management and bring it to the level of standards of the European Union countries”. Modern legal document flow also works in conditions of digital accessibility of legal information. Thus, any controversial situation involving the search and use of legal information can be resolved using the Internet.

Despite the advantages of the introduction of electronic document management in all spheres of society, including legal activities, as Poddubna & Pavlichenko (2020) notes “the main problem is system security, because it is documents of an individual or legal entity that are of particular interest to hackers and neglecting the protection will definitely contribute to the emergence of new threats to privacy”.

The provisions of almost every legal document are implemented in the legal process with the participation of the subjects of law in relation to which there is information of legal significance. At the same time, there are different forms of implementation - implementation, use, compliance and application, so it is also important to analyze the negative consequences of non-compliance with the prescriptions contained in the legal documents.

As Mason (2018) notes in his scientific work, “there remains concern among solicitors about the evidential weight of electronic documents, including document systems that are used to execute high value transactions”. At the present stage, the problem of legal regulation of the use of electronic documents in criminal proceedings is relevant. Recently, in the practice of criminal proceedings, the issue of informatization has received considerable attention, since the investigation of criminal cases in certain cases is impossible without proper information and analytical support. Thus, law enforcement agencies, both in Ukraine and in other states, regularly turn to numerous information systems to obtain the necessary information, most often they turn to collect materials characterizing the defendant.

A similar point of view is expressed in his scientific work R. Stoykova, who notes that “reverse engineering of file systems is indispensable for tool testing, accurate evidence acquisition, and correct interpretation of data structures by law enforcement in criminal investigations” (Stoykova et al., 2022). No less important is the problem of the influence of the achievements of modern technology on the quality of the legal document, including electronic.

The use of artificial intelligence tools in the implementation of legal activities and the achievements of scientific and technological progress in its document flow was also investigated by C. Sansone, who notes that «in the last years, the legal domain has been revolutionized by the use of Information and Communication Technologies, producing large amount of digital information» (Sansone & Sperlí, 2022).

Methodology

During the research to achieve its goal and solve its problems, we used philosophical methods: dialectical, analytical and dogmatic; general scientific methods, in particular: induction, analogy, deduction, synthesis, system analysis of socio-economic and political processes. Also, for a deeper and more detailed study of obtaining more objective results the tools of special legal methods were used: comparative legal, formal-legal, legal hermeneutics.

Philosophical and general scientific methods were used to study the phenomenon of the legal document, to study the conditions affecting its quality, to clarify the causes of legal defects in

legal documents, as well as to study the features of electronic documents functioning in the legal document flow.

The comparative legal method was used in the study of peculiarities of the use of electronic documents in criminal and civil proceedings, using the formal-logical method further trends in the use of electronic format of legal documents were identified taking into account the future development of scientific and technological progress, information and communication technologies and artificial intelligence tools. Using the method of legal hermeneutics helped to create a foundation to form a research field for the development of universal approaches to the provision of legal documents in the era of digital community functioning.

Results and Discussion

The main reason for the revolutionary introduction of electronic forms of legal documentation was primarily due to the fact that “legal practitioners’ needs, then, in browsing these repositories has required to investigate more efficient retrieval methods, which assume more relevance because digital information is mostly unstructured” (Sansone & Sperli, 2022).

“Natural language processing, automatic speech recognition, machine learning, and other AI technologies have been applied widely for legal tech applications” (Wang, 2020). In today's information society, with the growth of general and information threats, computer crime, the ubiquitous spread of artificial intelligence, the use of information technology in all areas of law enforcement, economic, regulatory activity is necessary, inevitable and the most promising area of activity to ensure the security of individuals, society and the state. In order to achieve this goal it is necessary to create a unified information environment ensuring effective and immediate interaction of all state services responsible for public safety and law and order, and to improve the efficiency of detection and investigation of crimes it is necessary to create integrated databanks of forensically relevant information, to reach a higher level of informatization of law enforcement bodies As Asanova (2021) rightly notes, “the need to introduce electronic d Consequently, the degree of technical equipment of all preliminary investigation bodies with telecommunication infrastructure and information resources must meet modern challenges and technical requirements”.

A similar point of view is supported by Politanskyi (2021) who notes that “in addition, it became clear that electronic document management systems should be implemented everywhere, at all workplaces associated with the creation, editing and storage of information, otherwise the effectiveness of their use will be minimal”. As Poddubna & Pavlichenko (2020) notes, “information security in electronic document management systems is a complex problem, the solution of which requires a combination of measures at the legislative, administrative, procedural and software and hardware levels”. In addition, “... this new context creates uncertainties about the legality of tools and methods used for evidence acquisition and the compliance of law enforcement with obligations to protect intellectual property and confidential information” (Stoykova et al., 2022). Electronic document as a source of evidence in criminal proceedings can be defined as a form of electronic and digital display of information recorded on a tangible medium, containing information about the facts relevant to the proof of the case, which has established requisites, obtained in compliance with the requirements of criminal procedural legislation and is intended for storage and subsequent use.

As Zhuchenko (2019) notes, “the development of automatic methods of evaluation of evidence, along with the control of compliance with the requirements of procedural legislation in the pre-trial investigation, became another link on the way to the formation of a holistic concept of electronic criminal proceedings”. In most cases, electronic documents are allowed in criminal proceedings as other documents, because they are created outside the criminal process, during normal activities of individuals and legal entities. The most common way to certify electronic documents is electronic digital signature, the procedure of application of which is regulated by the Law of Ukraine “About electronic trust services”. Electronic document flow is important not only for criminal, but also for civil procedure. As Tatulych (2020) notes, “...the introduction at the national level of a new means of proof - electronic evidence is designed to promote effective and timely implementation of civil proceedings”. At the present stage, the civil procedure law of Ukraine is one of the most dynamic branches of law, respectively, the sphere of influence of information and communication technologies has also spread to it. New means of proof appeared in the civil procedure: electronic documents, which the legislation of Ukraine refers to the written evidence. Accordingly, there is a problem in the

way and form of their presentation to the court as evidence in the case, despite the fact that «lawyers regularly predict court outcomes to make strategic decisions, including when, if at all, to sue or settle, what to argue, and how to reduce their clients' liability risk» (McConnell et al., 2021).

In addition, the civil procedural legislation of Ukraine determines the requirements to the above documents: to use a method to establish their reliability during their creation, and one of the ways to establish the reliability of an electronic document is an electronic signature. In this connection, one can highlight such problems as imperfection of the procedure for identification of a citizen willing to obtain an electronic key; insufficient provision of reliable storage of electronic keys. Such problems can arise as a result of electronic signature fraud.

Also, in the case of a damaged electronic document there can be a situation when the accuracy of the electronic computing device is compromised. As a result, the information contained in said document may be altered. The problem is that the change of information in the electronic document can be a consequence of further distortion of the established information about the facts subject to judicial proof. Information, not protected against distortion, contained in these documents should make these documents invalid even if they have all the formal requisites. Consequently, such documents would be excluded from sources of evidence in civil proceedings as inadmissible. Furthermore, «legal documents often contain references to either other documents, or other parts (of the same document)». This also significantly complicates the use of electronic documents in the evidentiary process.

As Mason (2018) notes, important in the digital world is «... the meaning, in electronic terms, of document, book or paper, instrument, writing, record and map - both in terms of legislation and case law». Undoubtedly, positive for the system of jurisdictional protection of Ukraine was the introduction of automated document flow of the court, because for our state the courts remain the most effective tools for ensuring the legitimate interests of the subjects of law. Citizens most often apply for protection of their violated or disputed rights exactly to the courts, which perform the function of the public arbitrator in all spheres of their life and economic entities involved in civil-law relations. High social importance of judicial protection is explained by the fact that it ensures the inviolability of the state

social system, protection of law and order, as well as guarantees the preservation of a single economic space and freedom of entrepreneurial activity of citizens.

«Legal case precedents have a considerable impact on the development of litigation strategies» (Trappey et al., 2020). The above shows that improving and supporting the judicial system at the proper level, the introduction of modern information technology, allowing the active use of electronic system of judicial proceedings, is an important task of the state. Moreover, as N.O. Melnychenko rightly notes, «the role of technology here is not to support and improve our old ways of doing things, but to review and often replace our practices in the electronic filing and adjudication of claims» (Melnychenko, 2021).

The concept of «electronic court proceedings» in a broad sense includes a set of information and telecommunication systems or services that allow to place judicial acts, to conduct electronic document flow by receiving electronic applications from citizens and organizations, to provide access to the familiarization with the materials of electronic cases. Thus, electronic information exchange enhances the opportunities for interaction between the judiciary and participants of the judicial process. In the narrow sense e-judicial proceedings is reduced to the possibility for justice agencies and other subjects of procedural relations to participate directly in the submission of documents in electronic form, in the conduct of judicial proceedings through videoconferencing system.

«The growing complexity of legal cases has led to an increasing interest in legal information retrieval systems that can effectively satisfy user-specific information needs» (Aumiller et al., 2021). In order to work successfully and find legal documents quickly, it is important to use their classification. Especially convenient are local classifications, which allow to quickly find the necessary document in the organization by certain criteria. Despite this fact, at the present stage in Ukraine there is no unified system of legal documentation, the development of which would help to facilitate the work of specialists in law.

It should be agreed that «... the choice of the most effective (optimal) option (from the possible alternatives) for the Ukrainian lawyer to search for legal information on the content of foreign law rules (while representing the client's interests in court) in a particular court case in the

civil proceedings of Ukraine, is dependent, in the first place, on: 1) a specific civil case; 2) the lawyer's capabilities (potential) and professionalism; 3) the authority of the court (directly from the judge) (Antoniuk et al., 2019). In addition, it is important to consider that at the present stage there is a digitalization of public life, which, among other things, generates a qualitative modification of the legal profession, associated with changes in the content and forms of organization of professional legal activity.

«Automatic summarization of legal case documents is an important and practical challenge» (Bhattacharya et al., 2021). Analysis of different legal documents - normative legal acts; court decisions, rulings, determinations; contracts and other documents shows that they often have various kinds of defects that can negatively affect the content of the legal document. The main factor that causes the creation of a legal document with errors is legal illiteracy.

It is important to improve not only the digital professional competence of specialists in law, but also the general level of legal culture and consciousness of the population of Ukraine. For example, «despite their ever-increasing presence in everyday life, contracts remain notoriously inaccessible to laypeople» (Martinez et al., 2021). However, we should agree with the point of view of Rezvorovych (2022), who notes that “at the present stage of development in Ukraine there is a dynamic transformation of Ukrainian society - national cultural and political identification, awareness of its value and value of the state as an institution that ensures the functioning not only of government bodies, but also all citizens, the formation of a conscious civil society, modified a number of democratic processes, etc.”.

As Ponamarenko (2022) notes, “The war in Ukraine in 2022 resulted in serious losses for the country, businesses, and citizens”. Under such conditions, further introduction of information and communication technologies in Ukraine in the future will be problematic due to the lack of funds to provide the mentioned sphere, but necessary. For effective law-making and law-enforcement activities it is important to eliminate legal defects in legal documents, by which we mean a defect committed by a participant of legal relations, which directly develops this document or has the opportunity to influence its development, which entails or may entail undesirable legal or other consequences. Legal defects in legal documents also have a negative

impact on the interpretation of the law, so, «when literal interpretation of statutes leads to counterintuitive consequences, judges, especially in high courts, may identify counterintuitive consequences and revise interpretation of statutes» (Fungwacharakorn et al., 2021).

Among the reasons for defects in legal documents are: lack of legal education, ignorance of the rules of drafting a legal document, irresponsibility, inattention, lack of time, inexperience. The main ways to eliminate defects in legal documents are: prevention, prevention and termination. Prevention is a set of measures to identify and eliminate (neutralize, block) the causes and conditions of false legal activity, offenses and legal arbitrariness. Prevention is a set of measures to identify and eliminate defects that already exist in the legal document before its implementation. Termination can be considered as an activity aimed at eliminating the negative impact of a legal document on social relations.

As a result of the study we can conclude that:

1. the source of information on the facts established during an operational and investigative measure or investigative action shall be the persons who conducted it and participated in it; video recording of the investigative action of an operational and investigative measure is the best means of electronic documentation. Personal evidence should be formed exclusively in court proceedings, in the course of judicial interrogation of the person aware of the facts, video or audio recording of testimony, as derivative evidence, may be reproduced in court only in cases specifically provided for by law;
2. in the process of proving in civil proceedings electronic documents are quite often used as evidence. Due to the lack of clear criteria of authenticity of electronic document in the domestic legislation, there may be cases of non-recognition of its legal force. For effective use of electronic documents in evidentiary proceedings it is necessary to provide legal guarantees for authenticity of information received from electronic documents; define responsibility for falsification of such information; set criteria for admissibility of electronic documents as evidence in civil proceedings;
3. further digitalization of document circulation and introduction of modern information technologies into the sphere of judicial protection of rights and legal

interests of citizens will provide qualitative improvement in the judicial system of Ukraine. The use of information technology in the work of the courts will not only reduce the procedural time of consideration of cases and disputes, but also significantly reduce the number of violations in this area. The use of information and communication technologies, the achievements of scientific and technological progress in the field of legal document flow will allow to achieve more convenient and rapid access of citizens to the mechanism of judicial protection of rights and improve the quality of the apparatus of the courts of general and arbitration jurisdiction.

Conclusions

As a result of the study we can conclude that:

1. In the framework of linguistic research and in legal practice, special attention should be paid to the brevity, accuracy, clarity, simplicity and accessibility of legal documents. The accuracy of the legal provisions means that their content should be specific, unambiguous and sufficient, and the clarity, simplicity and accessibility of the language should ensure the general comprehensibility of legal orders;
2. Most domestic laws and other legal acts and legal documents are drafted in such a way that their perception and interpretation can be significantly complicated for citizens who do not have special legal knowledge;
3. many legal documents at the present stage are marked by complicated syntactic constructions and are lexically overloaded, which does not contribute to the improvement of legal culture, but may cause citizens to have a potentially irrational fear of the "letter" of the law.

Bibliographic references

- Antoniuk, S., Zaiats, O., Skrynkovskyy, R., & Makukhina, I. (2019). Problems of obtaining by the lawyer the legal information on the content of foreign law norms while representing the client's interests in civil proceedings in Ukraine. *Path of Science*, 5(10), 5001–5010. <https://doi.org/10.22178/pos.51-5>
- Asanova, L. (2021). The place of electronic document management in the general system of office work. *Entrepreneurship, Economy and Law*, 3, pp. 156-160. <https://doi.org/10.32849/2078-3736/2021.1.4> (in Ukrainian)
- Aumiller, D., Almasian, S., Lackner, S., & Gertz, M. (2021). Structural text segmentation of legal documents. *Proceedings of the Eighteenth International Conference on Artificial Intelligence and Law*. <https://doi.org/10.32849/2663-5313/2021.3.24> (in Ukrainian)
- Bhattacharya, P., Poddar, S., Rudra, K., Ghosh, K., & Ghosh, S. (2021). Incorporating domain knowledge for extractive summarization of legal case documents. *Proceedings of the Eighteenth International Conference on Artificial Intelligence and Law*. <https://doi.org/10.1145/3462757.3466085>
- Fungwacharakorn, W., Tsushima, K., & Satoh, K. (2021). On semantics-based minimal revision for legal reasoning. *Proceedings of the Eighteenth International Conference on Artificial Intelligence and Law*. <https://doi.org/10.1145/3462757.3466092>
- McConnell, D. J., Zhu, J., Pandya, S., & Aguiar, D. (2021). Case-level prediction of motion outcomes in Civil Litigation. *Proceedings of the Eighteenth International Conference on Artificial Intelligence and Law*. <https://doi.org/10.1145/3462757.3466075>
- Martinez, E., Mollica, F., & Gibson, E. (2021). Poor writing, not specialized concepts, drives processing difficulty in legal language. <https://doi.org/10.31234/osf.io/hfbdt>
- Mason, S. (2018). Documents signed or executed with electronic signatures in English law. *Computer Law & Security Review*, 34(4), 933–945. <https://doi.org/10.1016/j.clsr.2018.05.023>
- Melnychenko, N. (2021). Claim and its modern modifications: definitions of the future. *Futurity Economics&Law*, 1(1), 4-11. <https://doi.org/10.57125/FEL.2021.03.25.1>
- Poddubna, L., & Pavlichenko, V. (2020). Information security in Electronic Document Management Systems. *Scientific Bulletin of PUET: Economic Sciences*, 4(95), pp. 59-66. <https://doi.org/10.37734/2409-6873-2019-4-7> (in Ukrainian)
- Politanskyi, V. (2021). Theoretical and legal principles of the electronic document management system in Ukraine. *Law and society*, 1, pp. 22-27. <https://doi.org/10.32842/2078-3736/2021.1.4> (in Ukrainian)
- Ponamarenko, T. (2022). The impact of the war in Ukraine in 2022 on the retail market and suppliers of fast moving consumer goods: a

- forecast of the future. *Futurity Economics & Law*, 2(4), 42-52. <https://doi.org/10.57125/FEL.2022.12.25.06>
- Rezvorovych, K. R. (2022). Legal nihilism in Ukraine: Essence, causes and ways to overcome. *egal sciences and their role in the development of the legal culture of a modern man*, 163-179. <https://doi.org/10.30525/978-9934-26-209-8-8>
- Sansone, C., & Sperlí, G. (2022). Legal Information Retrieval Systems: State-of-the-art and open issues. *Information Systems*, 106, 101967. <https://doi.org/10.1016/j.is.2021.101967>
- Stoykova, R., Nordvik, R., Ahmed, M., Franke, K., Axelsson, S., & Toolan, F. (2022). Legal and technical questions of file system reverse engineering. *Computer Law & Security Review*, 46, 105725. <https://doi.org/10.1016/j.clsr.2022.105725>
- Tatulych, I. (2020). Electronic evidence as a means of evidence in civil proceedings. *Law Review of Kyiv University of Law*, 1, 215–219. <https://doi.org/10.36695/2219-5521.1.2020.43> (in Ukrainian)
- Trappey, C. V., Trappey, A. J. C., & Liu, B.-H. (2020). Identify trademark legal case precedents - using machine learning to enable semantic analysis of judgments. *World Patent Information*, 62, 101980. <https://doi.org/10.1016/j.wpi.2020.101980>
- Wang, R. (2020). Legal Technology in Contemporary USA and China. *Computer Law & Security Review*, 39, 105459. <https://doi.org/10.1016/j.clsr.2020.105459>
- Zhuchenko, O. D. (2019). Directions for the using of information and analytical methods of recording, evaluating and processing evidence at the stage of pre-trial investigation. *Odesa National University Herald. Jurisprudence*, 24(35), 106–116. [https://doi.org/10.18524/2304-1587.2019.2\(35\).186020](https://doi.org/10.18524/2304-1587.2019.2(35).186020) (in Ukrainian)



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War in the practice of functioning of different types of political systems

Війна у практиці функціонування різних типів політичних систем

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Abstract

The purpose of the paper is to explore the relationship between the possibility and necessity of using war and a certain type of political system. The relevance lies in the fact that war is inherently destructive and strongly influences political consciousness. A political system that exercises power and political influence contains state and social institutions with certain values and norms that generate war or, on the contrary, oppose it. During a full-scale war, the issue of war in the practice of functioning of different types of political systems has become particularly important. The main methodological approaches were holistic and systemic analysis. General scientific and philosophical methods were also used. The study achieved its goal by fulfilling the following tasks. Based on the study of literary sources, the definition of the concepts of “war” and “political system” was determined. A table of typology of political systems was developed. The role of war, its goals, and its objectives in the functioning of

Анотація

Мета статті – дослідити взаємозв'язок між можливістю та необхідністю використання війни та певним типом політичної системи. Актуальність обраної теми полягає в тому, що війна за своєю природою є деструктивним явищем і сильно впливає на політичну свідомість громадянського суспільства. Політична система, яка здійснює владу та політичний вплив, містить державні та суспільні інститути з певними цінностями та нормами, які породжують війну або, навпаки, протидіють їй. Під час російської збройної агресії питання війни в практиці функціонування різних типів політичних систем набуває особливого значення. Основними методологічними підходами стали цілісно-системний та системний аналіз. Також використовуються традиційні загальнологічні методи пізнання: аналіз і синтез, абстрагування; філософські методи: діалектика, аналітичний, конкретно-історичний. У дослідженні мета була

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totalitarian, authoritarian, and democratic political systems are clarified. The features of the political system of Ukraine under martial law are analyzed. The causes and factors of the Russian-Ukrainian war are determined. The regularities of activity and functions of political systems are revealed.

Keywords: Ontology of war, political system of society, Russian-Ukrainian war, typology of political systems, war for hegemony.

Introduction

Civil society undergoes constant transformation in the context of state instability, being in negative psycho-emotional states depending on various factors, which mostly has a negative impact on society. The nature of war is destructive, which is reflected in the destructive processes of the individual, the complication of social communication and interaction. In addition, there are changes in political, economic, information, and cultural life. The ability of civil society to respond to global challenges, adapt to them, and change the way of life depends on the political system. Accordingly, the functioning of war in different political systems and the ability of society to adapt to external and internal threats is of theoretical and practical importance.

Throughout human history, war has been a powerful means of influencing the political process. Understanding political phenomena, including war, is possible only with the benefit of historical retrospective. The current Ukrainian realities necessitate the development of critical thinking in assessing reality and analyzing the actions of the authorities and political processes in general. During the war, new countries emerged, and others disappeared, rulers and political regimes changed, knowledge was spread and inhumane ideology was imposed. The state plays a key role in the realization of public

realized thanks to the implementation of subsequent tasks. On the basis of studying literary sources, the definition of the concepts «war» and «political system» is determined. A single typology table of political systems is developed. The role of war, its goals and tasks in the functioning of totalitarian, authoritarian and democratic political systems are analyzed. The peculiarities of the political system of Ukraine in the conditions of a state of war are analyzed. The reasons and factors of the Russian-Ukrainian war are determined. The regularities of activity and functions of political systems are revealed. The reasons and factors of the Russian-Ukrainian war are determined. The regularities of activity and functions of political systems are revealed. The reasons and factors of the Russian-Ukrainian war are determined. The regularities of activity and functions of political systems are revealed.

Ключові слова: Війна за гегемонію, онтологія війни, політична система суспільства, типологія політичних систем, російсько-українська війна.

interests, distributing resources of power, values, and persuading society to accept a certain order of reality. The modern world is changing dynamically, and at the end of the twentieth century, the concept of a new, post-industrial era emerged. In the 1990s, the idea of humanity's transition to an information society spread. According to the logic of these theories, war as a tool for the functioning of political systems should have disappeared, since there is no need to fight for material resources, and it is almost impossible to gain intellectual resources by force. During a full-scale war, one of its components is the use of information influence on the mass audience, i.e., the introduction of information warfare.

These features of the present did not lead to the abandonment of the use of war in the political process. On the contrary, the late twentieth and early twenty-first centuries demonstrated the opposite trend, aimed at its spread and intensification. Numerous wars of aggression and military conflicts, disregard for international law, the obvious dysfunctionality of the United Nations (UN), and the full-scale war unleashed by the Russian Federation in the center of Europe once again prove the correctness of this thesis. A hybrid war is currently being waged on the territory of Ukraine. Studying the classical interpretation of the phenomenon of war, the vast

majority of survey and experimental studies raise the issue of modern warfare, which is associated with evolutionary and modification changes. From now on, war is not only a statement of political relations characterized using various forms of violence, genocide, and crimes against humanity. War in the twenty-first century is hybrid in nature, combining methods of military strategy and systemic information, psychological and propaganda influence on large groups of people. Hybrid warfare has come into use with the effective introduction of information technology into people's lives and the emergence of mass communication tools to influence the masses.

The described paradox of the modern world requires a deep scientific understanding of the correlation between the possibilities and necessity of using war and a certain type of political system. Given that Russia's aggression against Ukraine cannot be explained solely by analyzing the functioning of the global political and economic system. The purpose of the study is to examine the correlation between the possibility and necessity of using war and a certain type of political system. The subsequent tasks must be carried out in order to reach this goal:

- 1) to define "war" and "political system";
- 2) to develop a unified classification of political system types;
- 3) to analyze the functioning of war in totalitarian, authoritarian, and democratic political systems;
- 4) to study the political system of Ukraine under martial law and the causes of the Russian-Ukrainian war.

Literature Review

Adamson (2020) examined the phenomenon of war in the ancient world in the context of how the republic and empire actually operated. According to the results of the analysis of external and internal wars (494 BC-395 AD), 390 battles were recorded in the republic and 225 in the empire. Of these, 311 battles in the republic were external and 79 internal. In the empire, 113 wars were external and 112 internal. These data show that the republic fought mostly for public goods (e.g., defense of land), while the empire fought for private goods.

Harrison and Boyd (2018) discuss the significance of four types of ideologies in politics and society: hegemonic ideology, resistance ideology, constrictive ideology, and weakened

ideology. The scholars emphasized that the prevalence of the dominant ideology or "hegemony" in capitalist states is due to the need to maintain power. They also emphasized that any conflict has an ideological basis. Regional uprisings and political militarization that have an impact on the political process were researched by Eibl, Hertog, and Slater (2019). The authors come to the conclusion that regional upheavals cause military authoritarian regimes to arise not only in a specific region but also globally. A military invasion, the use of election manipulation, the violation of political rights, the limitation of civil liberties, and the weakening of accountability are the five main traits of an authoritarian regime that the researchers discovered.

A theoretical justification of the concept of the "political system" was offered by Hnasevych (2018). He described the elements that make up the political system's structure, such as the media, public institutions, and political relationships. According to Ramazanov (2019), the fundamental cause of World War II's start was the rivalry between strong nations and their pursuit of dominance in Europe and beyond. Researchers Parakhonskyi and Yavorska (2019) examined the fundamental ideas behind the concepts of war and peace as they examined the phenomenon of traditional and hybrid warfare. The authors conclude that the traditional model of war involves identifying the enemy, specific goals, means, and strategic plans for waging war. The opposite of this model is a hybrid war, which has an enemy, but the real aspirations of the war are hidden. In this model, the media play an important role, creating conditions of uncertainty, panic, and fear. After researching the political system during a hybrid war, Smolianiuk and Krutij (2019) came to the conclusion that it may be examined from a variety of angles, including institutional, normative, functional, communicative, cultural, and ideological. During a hybrid war, all these aspects change, as new military bodies are created at the institutional level; legislation is updated and supplemented at the normative level; enforcement of the norms defined in the current legislation takes place at the functional level; the media influence public opinion at the communicative level; values and attitudes change at the cultural and ideological level.

The functioning of war in different practices of political systems requires the development of new ideas and means of countering it. In this context, an important task is to develop the capabilities of an individual who has a high level

of innovative and computer technologies. The concept of transhumanism will play an important role in solving this problem (Filipova, Iliev, & Yuleva-Chuchulayn, 2021).

Methodology

The analysis of the chosen topic is based on the methodology, in which the author's holistic and systemic approach is central. The proposed holistic-systemic approach can be described by the following theses. The root cause of all socio-political phenomena and processes is the sum of people's everyday practices. At the same time, the use of the systemic-elemental aspect has revealed that everyday life can be influenced by various factors, including socio-economic and political, as well as natural and climatic, cultural, mental, etc. The application of the described holistic-systemic approach makes it possible to take into account all available subjective and objective factors of influence on the socio-political process and to reveal the place of war in the practice of functioning of different types of political systems. It should be emphasized that the holistic-systemic approach involves the rejection of the development of a universal model of understanding socio-political processes and the identification of the leading one among them, and is based on the principle of methodological pluralism - the synthesis of different ideas, methods, and approaches.

The use of the theoretical aspect of system analysis allowed us to identify and systematize the main patterns of political systems. The practical aspect of system analysis can be traced to the formation of goals, depending on political regimes and political systems.

Additionally, in the development of connections between internal conflicts and enemies outside the political structure, the fundamental roles of political systems were recognized by the systemic-functional approach. We were able to define the goals of the war under totalitarian, authoritarian, and democratic political systems thanks to the systemic-target approach.

Based on the analysis presented and the elements of the term "system" and "war" generally recognized in the scientific literature, the author's definitions of these phenomena are presented. The method of classification allowed to develop a typology of political systems, and with the help of grouping and graphical method a single table of classification of types of political systems characterized by multivariate was created. Using the system-resource approach, the author

analyzed the political system of Ukraine under martial law and identified the resources for preserving the democratic regime while countering Russian aggression. The method of deduction allowed us to identify the causes of the Russian-Ukrainian war. Using a binary analysis of the two mutually exclusive political systems of Ukraine and Russia, the key characteristics of the war and its development in these political systems were identified.

In addition to the above approaches, the author used traditional general scientific methods of cognition: analysis and synthesis, abstraction; philosophical methods: dialectical, analytical, specific historical.

The theoretical basis of the study was formed by scientific works of Ukrainian and foreign authors. The search for scientific materials was carried out using the keywords most often used in the subject area under study: war, political systems, war for hegemony, typology of political systems, the political system of society, the ontology of war, Russian-Ukrainian war.

Results and Discussion

The paper will use its own generalized definition of war and the political system. War is the most large-scale type of external armed violence as a political phenomenon, which is organized and uncompromising, implemented by the subjects of military-political relations with the help of military means, and implies a special state of society. Political system - a set and interaction of political, social, and cultural structures that have certain norms and values, exercising public administration and influence on political and social processes. All of these structures contain political significance and resources that are mandatory for acceptance by society. Changes in one of these structures lead to changes in the entire system.

War predates the first states and, consequently, political systems. Wallerstein characterizes the first pre-state associations of people, or historical systems, as mini-systems. They were local, relatively short-lived, and based on an appropriative economy. These entities were in constant decline due to environmental disasters and demographic growth (Piatnytskova, 2021).

The first state formations, regardless of their further evolution, were of the monarchical type.

Therefore, consideration should be given to variables like the irrational desire for power and the corresponding material capabilities.

War has been preserved in the highest rational forms of civilization as a relic of barbarism and savagery. At the same time, it should be emphasized that public property, equality, and brotherhood inherent in ancient clans did not guarantee peace and tranquility. On the contrary, ancient people were in a state of permanent war.

As is well known, typical political systems of the world-empire, also characterized as despotic monarchies or oriental despotisms, functioned based on tax exploitation of agricultural communities and subsequent redistribution of resources among the branched state apparatus. In view of the above, the main source of profit for the ruling elite was war, which allowed for the extensive annexation of additional production units to the empire. As a result, conquest and further exploitation became the basis of the functioning of world empires. Western civilization emerged much later and in different natural and climatic conditions, which led to the emergence of fundamentally different, even abnormal political systems for the world-empire of the time. This does not mean, however, that war did not have a significant impact on the existence of ancient political entities. Like typical states, external armed violence was used for enrichment.

The absence of an effective power mechanism for domination over European nations led to fundamental political changes in state formations and stimulated the emergence of a radically different world-system - the capitalist world-economy. The logic of the functioning of political systems in the new conditions is

changing significantly, now based not on conquest and exploitation, but on mechanisms characteristic of market relations. However, war as a factor in the political process does not disappear but takes on new forms. Colonial wars should be considered a new type of war stimulated by the mechanisms of the world economy, namely the primary accumulation of capital, the conquest of resources, and markets. It is important that the world economy necessarily involves the formation of a hegemonic state. This is possible if the challenger does not invest heavily in building a large army for a long time.

The competition for hegemony ends when these advantages of one of the contenders allow it to take a privileged position that is not related to market mechanisms in the core of the world system. First of all, this happens during a global military conflict. In the context of the analyzed problem, it is important to emphasize that the end of the struggle for hegemony always involves the victory of a certain state in the Thirty Years' War. There are three world wars in history. The first was the war of 1618-1648, in which the Dutch hegemony emerged after the victory over the Habsburg Empire. The second - 1792-1815, associated with the Napoleonic Wars, the victory over France, and the establishment of British hegemony. The third is characterized as the American-German war of 1914-1945, which resulted in the emergence of US hegemony. Obviously, today we are witnessing the fourth war for hegemony during the Russian-Ukrainian war.

The typology of political systems is multivariate, formed under the influence of various factors, including political, economic, social, and cultural. Table 1 shows the only classification of political system types that is currently known.

Table 1.
Typology of political systems

Criteria	Type
Political regime	Totalitarian, authoritarian, democratic
Interaction with the external environment	Open, closed
Socio-economic formations	Primitive, slave, feudal, capitalist, communist
Development of civil society	Traditional (pre-industrial), modernized
Combined approach	Transitional systems containing components of old and modernized systems
Structural differentiation and secularism	Primitive, traditional, modern
Values	Anglo-American, Continental European, pre-industrial (industrial), totalitarian
Content and forms of government	Liberal democracy, communist (radical authoritarian), traditional, populist, authoritarian-conservative

Source: developed by the author based on (Blikhar, 2018)

The functioning of different political systems is characterized by common patterns of development. The first pattern is that of the balance and pendulum. This means that political institutions undergo dynamic changes due to the internal and external circumstances within which they operate. However, for their proper functioning, it is necessary to establish a balance in the subsystems. Due to the influence of internal and external threats, the political system seeks to achieve an optimal state of equilibrium to ensure the normal functioning of the system. The essence of this pattern is that a political system that is out of balance must first move to the opposite state. In addition, deviations in one direction are as important as deviations in the opposite direction. The system protects itself. Political institutions strive for stability and balance in their activities. There is a correlation in the political system, where a change in one component of the system leads to changes in others. Similar patterns of political system evolution were noted by scientists Pilgun and Slutska (2021), who also noted that the political system is closely linked to the development of the social, spiritual, and economic sectors. A political system as a structure, regardless of its type, has to perform certain functions. First of all, it is socio-political orientation, expression of values, unification of social needs, benefits, interests with the state, development of legal regulation. In addition to social orientation, Hnasevych (2018) defined the following political system functions: stabilization and legitimization. Since there are many types of political systems, totalitarian, authoritarian, and democratic political systems were chosen to analyze the functioning of war. In a totalitarian regime, the introduction of war is the main practical means of building a “new humane society”, since it is through war that it is possible to control large masses and carry out propaganda.

According to Zhovtianska (2022), the formation of democratic principles marked by humanistic and logical viewpoints, the collapse of democracy, and the establishment of ideology are the three factors that contribute to the rise of a totalitarian dictatorship. The main task of a totalitarian political system is the war to establish the absolute political monopoly of the ruling party government and preserve its social and national beliefs through bloody terror, mass repression of the people, internal and external wars.

A totalitarian political system, according to Shabanov (2022), always results in the escalation of civil wars since it is perpetually engaged in

conflict with a "enemy" that may or may not exist.

Similar in ideological orientation is an authoritarian political system, which involves the exercise of state power by a single person or a limited group. Such persons have unlimited power and are not subject to laws and society. In public administration, representatives of the authoritarian regime use mostly administrative and forceful methods of exercising power, and at the same time have no legal responsibility, since the legislation exists formally.

Skrypniuk (2020), who remarked that society is based on the ideals that would help to keep power, noted that he holds the same view. Since power is in the hands of one person or a limited circle, opposition and competition are quickly suppressed in the state. Parties and trade unions can exist, but with a clear ideology that is consistent with the political goals of the state. In a state with an authoritarian political system, the authorities are not interested in the development of cultural and spiritual life. For the most part, public administration is focused on foreign policy, defense, and the economy. The opposite political system in terms of ideology and forms of government is democratic. In this context, it is important to find out the reasons for the outbreak of the Russian-Ukrainian war, which is characterized by two opposing political systems. The outbreak of the hybrid war was caused by the imperialism of the Russian Federation, which perceives other territories and populations as a resource. The authoritarian political system with the ideology of violence and weapons on the way to forming a strong state supports the functioning of the war. The Russian worldview is based on the denial of the ideas of democracy and independence. An equally important reason for the outbreak of war was the increase in the share of fossil fuels and money laundering in the war. The propaganda campaign is a large-scale one, created to create a positive image of the authoritarian regime and change the public opinion of other nations. The war can also be attributed to the personal interests of the Russian president and the ineffectiveness of international organizations.

Russia's political system is characterized by an undemocratic regime. An analysis of the functioning of the capitalist world economy makes it possible to assert that states with similar political regimes become contenders for hegemony. For example, Napoleonic France, Hitler's Germany, and now Putin's Russia tried to change the established order of things in the

world by force. There is no doubt that one of the Kremlin's central objectives is to change the status of Russia or the entire global political and economic system. However, we emphasize that these efforts did not lead to the realization of the goals set by the aggressor.

We think it's crucial to point out that the aggression against Ukraine was conducted using outdated military tactics due to Russia's semi-peripheral location and technological disadvantage compared to the countries in the center.

Vladimir Putin in particular has emphasized numerous times that his cruise missiles are aimed at military infrastructure. The United States used a high-precision space-based targeting system in the Persian Gulf and Yugoslavia; Russia, on the other hand, does not. This leads to low hit accuracy, significant destruction of civilian infrastructure, and numerous civilian casualties. It should be emphasized that the tactics of total war chosen by V. Putin are also completely outdated. Today, a small, mobile, agile group armed with the latest equipment can withstand significantly superior enemy forces. This is fully confirmed by the failure of the rapid offensive and Russia's numerous losses in equipment and manpower. Russia's information campaign that preceded its aggression against Ukraine also failed. Unlike in 2014, when the situation was ambiguous, in 2022 most of the Ukrainian population did not support Russia's actions. It

should be emphasized that even in the Southeastern regions, which were considered loyal to Russia, citizens actively supported the preservation of their country's sovereignty. It is clear that this situation was one of the factors behind the inability of Russian troops to quickly capture large cities such as Kharkiv, Mariupol, etc. At the same time, it also encouraged the Russians to turn to terror tactics and the systematic destruction of the besieged cities. It should be emphasized that numerous civilian casualties, destruction of civilian infrastructure, and the creation of a humanitarian catastrophe clearly make the military and political leadership of Russia and V. Putin personally war criminals.

The Kremlin's thesis about a military threat from Ukraine or NATO also seems illogical. In today's realities, there is no practical sense in seizing territories or resources, especially from a country with nuclear weapons. Accordingly, the main factors that pushed the Russian leadership to start the Russian-Ukrainian war are internal. The authoritarian political system of the Russian Federation needs an external enemy to justify the large number of security forces and repressions against the opposition. In our opinion, the personal factor, in particular, the distorted beliefs and perverse ambitions of Putin and his entourage, also played an important role. The political system of Ukraine, operating under the state of emergency, continues to support the democratic regime (Figure 1) and protect the values and freedoms of citizens.

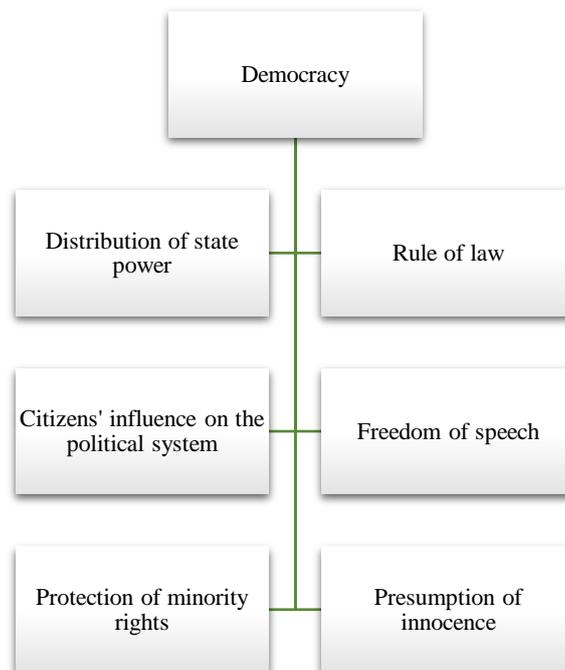


Figure 1. Principles of a democratic regime.

Source: developed by the authors

During the full-scale war, society united with the state to resist Russian aggression and win (Razumkov Center, 2022), and support from international organizations and Europe intensified (Kumar, 2021). Despite a number of human rights restrictions introduced by law (Law of Ukraine No. № 389-VIII, 2015) for security reasons, 63.9% of respondents continue to support the democratic regime (Ilko Kucheriv “Democratic Initiatives” foundation, 2023). The growth of civil society is a crucial component in supporting Ukraine's democratic system during the conflict, according to Pilgun and Slutskya (2021). Efteni (2019) placed special emphasis on how political culture and consciousness emerge. The employment of numerous diplomatic tools to end the Russian-Ukrainian war was underlined by Taranenکو (2021). So, war is one of the leading factors that influenced the emergence of the first political systems. The key reason for this process was not objective regularities, but the rational desire of primitive people to change their everyday life, to make it more stable and predictable.

Conclusions

The globalization trends of the late twentieth century provoked a rethinking of many phenomena in the academic environment, including views on the essential foundations and place of war in the socio-political process. The article examines the phenomenon of war in the practice of functioning of different types of political systems. As a result of the theoretical study of the topic, the author's definition of the phenomena of “war” and “political system” was formed. According to the developed classification table, there are about 19 types of political systems, which indicates pluralism. In this study, the functioning of war is examined on three models of political systems, grouped by the political regime - totalitarian, authoritarian, and democratic. Accordingly, the goals and objectives of warfare in these three political systems are defined.

The authors identifies the primary regularities of political systems based on the analysis of various political system types, including the interdependence of all elements within the political system's structure and the relationship between the political system and the social, cultural, economic, and diplomatic spheres.

The key functions of political systems are analyzed. The political system of Ukraine during martial law is characterized, the resources for preserving the democratic regime in the context

of Russia's armed aggression against Ukraine are identified. Based on the historical retrospective, the author identifies ten reasons for the outbreak of a full-scale war. It is substantiated that it is impossible to explain the reasons for Russia's war against Ukraine by external factors. The main factors that pushed the Russian leadership to aggression are identified as internal - an authoritarian political system that needs an external enemy and the personal, distorted beliefs of the Russian president and his entourage.

Prospects for further development of the topic include the study of war in the functioning of other types of political systems.

Bibliographic references

- Adamson, J. (2020). Political institutions, resources, and war: Theory and evidence from ancient Rome. *Explorations in Economic History*, 76, article number 101324. <https://doi.org/10.1016/j.eeh.2020.101324>
- Blikhar, V. (2018). *Political Science*. Lviv: PP “Aral”. Retrieved from <https://acortar.link/TnpXk9> (in Ukrainian).
- Efteni, N. (2019). Peculiarities of political consciousness formation. *Political Life*, 4, 66-70. <https://doi.org/10.31558/2519-2949.2019.4.10> (in Ukrainian).
- Eibl, F., Hertog, S., & Slater, D. (2019). War makes the regime: Regional rebellions and political militarization worldwide. (File PDF) Retrieved from https://eprints.lse.ac.uk/101955/2/War_make_s_the_regime.pdf
- Filipova, M., Iliev, K., & Yuleva-Chuchulayn, R. (2021). A transhumanist legal worldview: Responding to the challenges of time (requirement, or necessity?). *Futurity Economics & Law*, 1(1), 28-37. <https://doi.org/10.57125/FEL.2021.03.25.5> (in English).
- Harrison, K., & Boyd, T. (2018). *The role of ideology in politics and society*. In *Understanding political ideas and movements*. Manchester: Manchester University Press. <https://doi.org/10.7765/9781526137951.00011>
- Hnasevych, N. (2018). Reference lecture notes in the discipline “Theory of political systems”. Ministry of Education and Science of Ukraine Ternopil National Economic University Nnimev named after B. Havrylyshyn Retrieved from <https://acortar.link/flyVUu> (in Ukrainian).

- Ilko Kucheriv «Democratic Initiatives» Foundation. (2023). Support democracy in Ukraine during the war. Retrieved from <https://dif.org.ua/en/article/support-democracy-in-ukraine-during-the-war> (in English).
- Kumar, A. (2021). Analysis of the principle of subsidiarity as a principle of EU law: Future perspectives. *Futurity Economics & Law*, 1(4), 18-27. DOI: <https://doi.org/10.57125/FEL.2021.12.25.03> (in English).
- Law of Ukraine No. № 389-VIII “On the Legal Regime of Martial Law” (2015, May). Retrieved from <https://zakon.rada.gov.ua/laws/show/389-19#Text> (in Ukrainian).
- Parakhonskyi, B., & Yavorska, H. (2019). *Ontology of war and peace: security, strategy, meaning*. Kyiv: NISS. Retrieved from https://niss.gov.ua/sites/default/files/2019-07/Monografiya_Ontologiya_print.pdf (in Ukrainian).
- Piatnytskova, I.V. (2021). Alternative concepts of historical development in historical sociology. *Scientific Notes of Taurida National V.I. Vernadsky University. Series: Historical Sciences*, 32(71), 293-297. <https://doi.org/10.32838/2663-5984/2021/3.43> (in Ukrainian).
- Pilgun, N., & Slutska, O. (2021). Theoretical and legal of the political system of Ukraine. *Subcarpathian Law Herald*, 5(40), 11-15. <https://doi.org/10.32837/pyuv.v0i5.924> (in Ukrainian).
- Ramazanov, Sh. (2019). Causes of the beginning of the Second World War. *History Pages*, 47, 159-176. <https://doi.org/10.20535/2307-5244.47.2019.158276> (in Ukrainian).
- Razumkov Center. (2022). Political and ideological orientations of Ukrainian citizens in the context of russian aggression. Retrieved from https://razumkov.org.ua/images/journal/NSD_189-190_2022_ukr.pdf (in Ukrainian).
- Shabanov, M. (2022). *Modern political regimes: Conceptual foundations and practical dimension*. Odesa: Odesa I.I. Mechnikov National University. Retrieved from <https://acortar.link/t6PbyQ> (in Ukrainian).
- Skrypniuk, O. (2020). A modern authoritarian regime: Characteristic features and manifestations. *Journal «ScienceRise: Juridical Science»*, 2(12), 18-23. DOI: 10.15587/2523-4153.2020.210869 (in Ukrainian).
- Smolianiuk, V., & Krutij, V. (2019). Political system of society in a hybrid war: The direction of transformation. *The Bulletin of Yaroslav Mudryi National Law University. Series: Philosophy, Philosophy of Law, Political Science, Sociology*, 2(41), 70-87. <https://doi.org/10.21564/2075-7190.41.168236>
- Taranenko, A. (2021). Peace as process: Recipes for Russia-Ukraine war settlement. *Political Life*, 3, 147-152. <https://doi.org/10.31558/2519-2949.2021.3.21> (in English).
- Zhovtianska, V. (2022). Social and psychological determinants of the formation of totalitarianism. *Problems of Political Psychology*, 12(26), 60-76. <https://doi.org/10.33120/popp-Vol26-Year2022-106> (in Ukrainian).

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The role of the state in supporting social investment projects to ensure sustainable development

Роль Держави в Підтримці Соціальних Інвестиційних Проєктів для Забезпечення Сталого Розвитку

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Abstract

Human, intellectual, and social capital serve as the foundation for the modern global socio-economic environment, impacting the competitiveness of economic systems and playing a pivotal role in their development. However, social responsibility has emerged as a pressing concern, with governments often failing to provide adequate social security to citizens due to various reasons. State-level provisions typically offer minimal social guarantees, leaving urgent issues unresolved and social assistance mechanisms ineffective. This article aims to clarify the theoretical foundations and practical trends in social investment project development, emphasizing their significance for both individual companies and the broader socio-economic context. The research employs analytical and bibliographic methods to examine relevant scientific literature, employing systemic and structural analyses, comparisons, logical and linguistic methods, as well as induction, deduction, information synthesis, abstraction, and idealization for data processing. Additionally, an online questionnaire survey was conducted to identify key issues related to social investment project development. The study's

Анотація

Людський, інтелектуальний або соціальний капітал є основою формування сучасного соціально-економічного середовища в усьому світі, визначає конкурентоспроможність економічних систем і є ключовим ресурсом їх розвитку. Останніми роками питання соціальної відповідальності постало особливо гостро, оскільки сьогодні з різних причин держави не в змозі забезпечити прийнятний рівень соціальної захищеності громадян, здебільшого на державному рівні створюються мінімальні соціальні гарантії, не вирішуються нагальні проблеми людей, механізми соціальної допомоги часто демонструють свою неефективність. Метою статті є з'ясування теоретичних основ та практичних тенденцій з питань розвитку соціальних інвестиційних проєктів та їх значення як для окремих компаній, так і для суспільно-економічного середовища загалом. Методологія. Проведення дослідження включає застосування аналітико-бібліографічного методу для вивчення наукової літератури з питань розвитку соціальних інвестиційних проєктів, а також системно-структурного, порівняльного, логіко-лінгвістичного методу, індукції, дедукції,

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results highlight crucial theoretical aspects of social investment in the economy and explore the perspectives of scientists and heads of local government departments on its pivotal dimensions and importance for economic and social progress.

Keywords: social investments, human capital, corporate social responsibility, social guarantees, social assistance mechanism.

Introduction

The development of society requires attention to social investment as a targeted investment of resources in the development of the social sphere, i.e. the environment where human, intellectual, and social capital is formed and built. Social investment is the main tool and an important feature of social responsibility at all levels, which is performed to create a beneficial social effect in the future.

The theoretical part of this study substantiates different points of view on the concept, components, and factors of social investment development from the perspective of its impact on the general state and pace of economic development.

The practical part of the study includes an assessment of the priority of social components of the country's development. This is a prerequisite for forming the goal of social investment. The study covers the most effective types of social investment. It also examines the most important areas of social investment processes within individual business entities. The study examines the most effective strategic directions of socially responsible investment in the framework of international cooperation.

The results of the survey revealed the respondents' opinions. In their opinion, the main social components of the country's development mechanism are an effective support for those in need. High quality of life is also an important social component. Furthermore, creating conditions for the formation of effective

аналізу, синтезу інформації, абстрагування, ідеалізації для вивчення та обробки даних, та анкетного опитування, що було проведено авторами дослідження в онлайн-режимі для практичного з'ясування найважливіших питань, пов'язаних з розвитком соціальних інвестиційних проєктів. Результати. За результатами дослідження встановлено основні найбільш важливі теоретичні аспекти питання соціального інвестування в економіці, а також досліджено точку зору науковців та керівників відділів органів місцевого самоврядування щодо ключових аспектів соціальних інвестицій та їх значення для розвитку економіко-соціальної сфери.

Ключові слова: соціальні інвестиції, людський капітал, корпоративна соціальна відповідальність, соціальні гарантії, механізм соціальної допомоги.

employees and owners is a prerequisite for development. Indirect and mixed social investments are recognized as the most effective in terms of achieving the social investment goal. The survey participants are convinced that the effective implementation of these social components is a prerequisite for the country's development. The opinion of academics and business leaders was also identified. They believe that the most important area of social investment in terms of its purpose for company employees is social investment related to corporate social responsibility. At the same time, today the most important goal of social investment is to improve the situation in the area of presence and financial efficiency of the implemented social investments. At the same time, the most effective strategic areas of socially responsible investment in terms of international cooperation are the methods of involvement in social investments. These involve investors acting as co-owners of companies or acting within the framework of local investment development programs.

Literature Review

In the context of the progressive movement of the vast majority of countries toward sustainable social development, the identification and implementation of its main factors are of great importance (Balon, Kottala & Reddy, 2022).

Economists interpret the concept of social investments of companies as material, technological, managerial, or other resources, as

well as financial resources of companies. By the decision of the management, these resources are directed to the implementation of social programs developed with due regard to the interests of the main internal and external stakeholders. In doing so, it is expected that a certain social and economic effect will be obtained from a strategic perspective. (Graafland & Smid, 2019), (Wang, Delgado & Xu, 2023).

Social investment is a way of implementing corporate social responsibility through targeted programs that meet the needs of key stakeholder groups - consumers, employees, and local communities. Social investment shares many of the same characteristics as traditional investment, but with a focus on investing in projects or initiatives that align with specific social or environmental criteria. These criteria shape the selection of investment objects and reflect the values and goals of the investors (Fatima & Elbanna, 2023).

Social investments can also be seen as a voluntary contribution of business to the development of society. Social investments mainly include corporate sponsorship and charity, trusteeship, interaction with the local community, government agencies, and corporate partnership programs (Beji et al., 2021), (Quintana-García et al., 2018).

The processes of achieving social effect through social investments depend on many factors. There is a sequential investment of resources: achieving a social effect, parallel investment and obtaining the result of investment activity, as well as interval investment, which gives an effect after a certain time (Bucaro, Jackson & Lill, 2020), (Jiang et al., 2018).

Social investment is a tool aimed at implementing specific external and internal social programs of a company, a practical way of realizing social responsibility. It can include investments in municipal infrastructure, healthcare, education, and culture. Their payback period is much longer and their net cost is lower, but their return is not only expressed in money. The effect can be in the form of increased trust and a positive image of the company among the

community where the investment is made. In Western countries, the practice of ethical investment (socially responsible investment) is widespread. It requires financial institutions to invest in companies that meet certain social responsibility criteria (Gödker & Mertins, 2018), (Laguir, Laguir & Tchameni, 2019).

Aims

The research aims to determine the position of scholars and local government leaders on the nature and importance of social investment for the economic system.

Materials and methods

A practical study of current trends in the development of social investment and its importance for the economy was conducted by interviewing 282 scientists and 259 heads of local governments in Poltava, Vinnytsia, Rivne, Zhytomyr, and Kyiv oblasts of Ukraine. The research was conducted using the Simpoll service.

Results

The opinion of the survey participants on the search for optimal ways to achieve effective sustainable economic and social growth was determined. Thus, the main social components of the country's development mechanism as a prerequisite for the formation of the goal of social investment are (Figure 1).

According to the participants of the survey, the inherent factors of sustainable social development of the state are, above all, effective support for those in need, high quality of life, and the creation of conditions for the formation of effective employees and effective owners.

An important result of the survey is to find out the opinion of scientists and local government leaders on the types of social investments by the ways they are implemented and the expected results for the creation and reproduction of human capital in line with the needs of modern economic development (Figure 2).

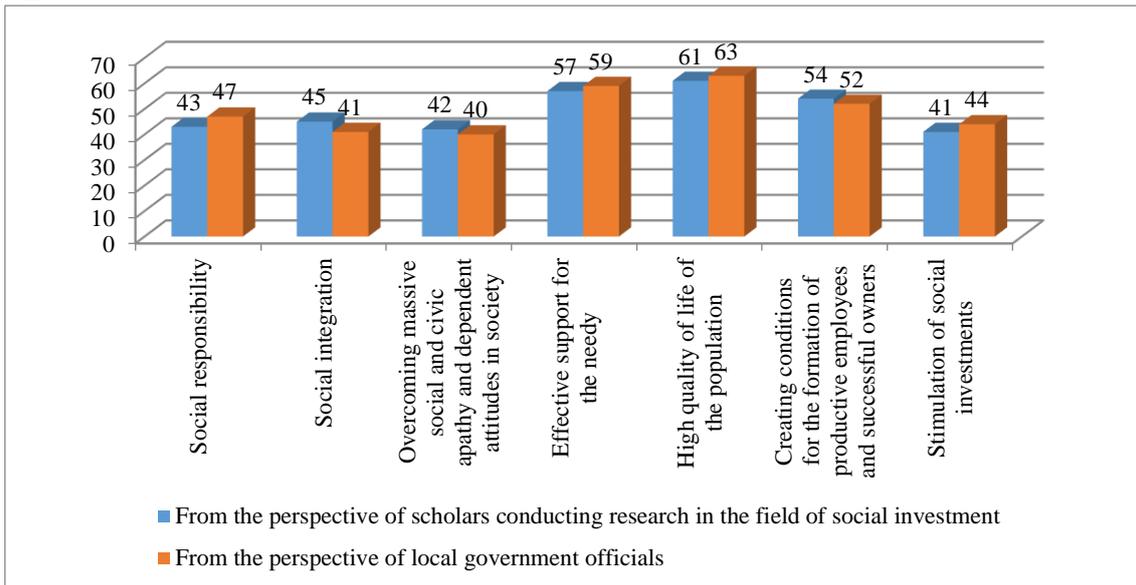


Figure 1. Priority of social components of the country's development mechanism as prerequisites for the formation of goals and directions of social investment, %.

Source: built by the authors.

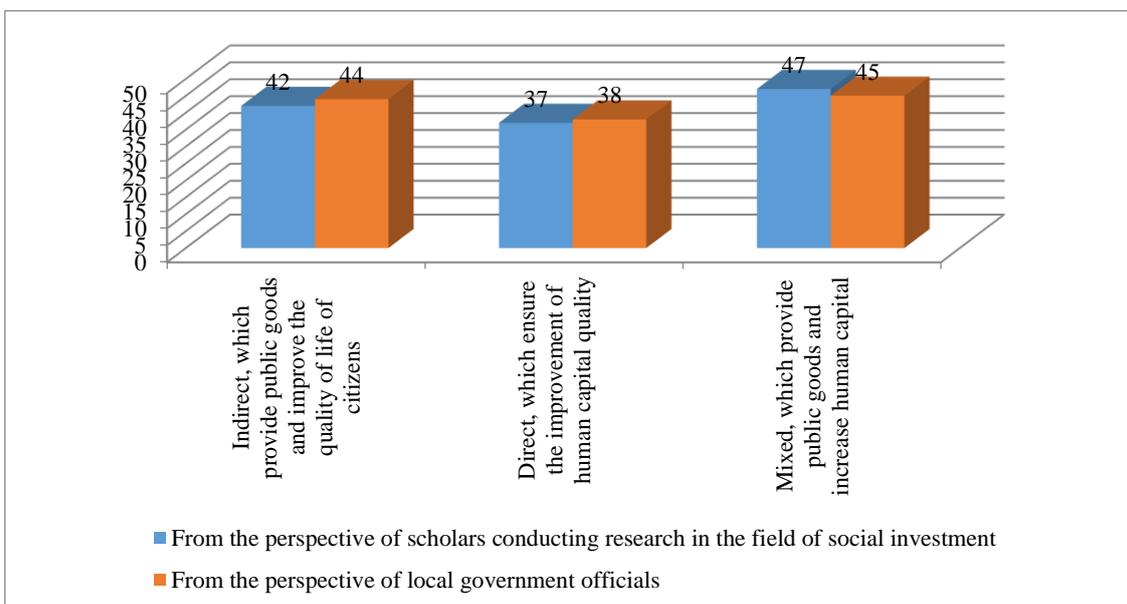


Figure 2. The most effective types of social investments using their implementation and expected results for the creation and reproduction of human capital following the needs of modern economic development, %.

Source: built by the authors.

As shown in Figure 2, respondents identified indirect and mixed social investments as the most influential in terms of their effectiveness.

Since the environment of business entities is an important area of social investment, an important issue that deserves special attention in the context of this study is to identify the most important area of social investment in terms of its purpose for company employees (Figure 3).

Figure 3 shows that the most effective social investments are those related to corporate social responsibility. This means that companies carry out social activities aimed at both external and internal goals. For instance, the internal goal is to create a favorable working environment for employees, while the external goal is to create a positive image of the company in the eyes of civil society and provide social benefits to the community.

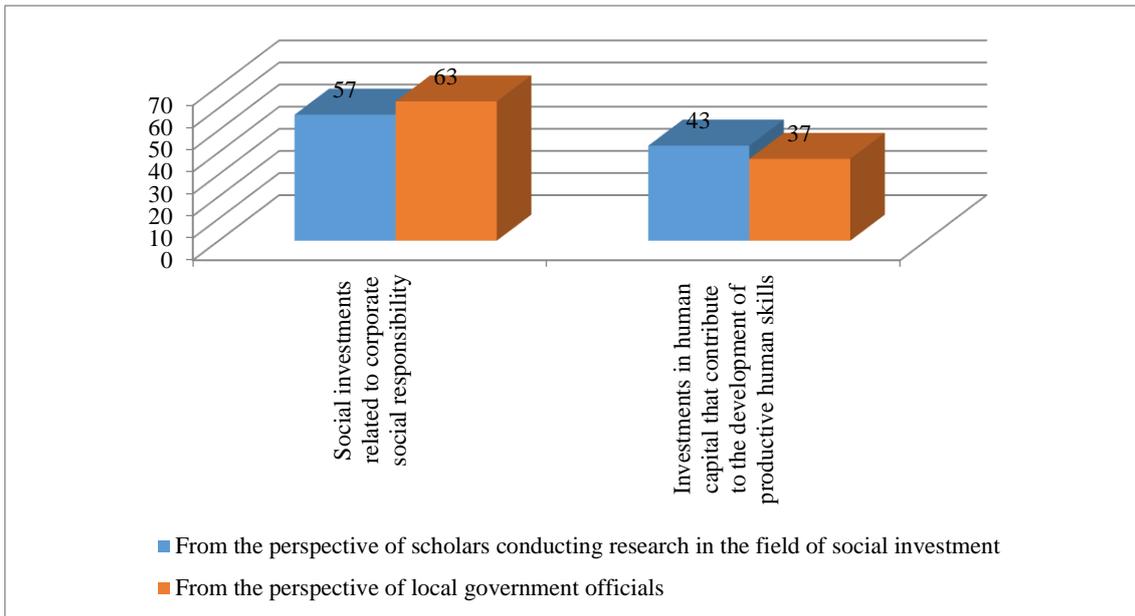


Figure 3. The most significant social investment directions within individual business entities in terms of their effectiveness for the company's employees, %.

Source: built by the authors.

The effectiveness of socially responsible investing is primarily related to the achievement of its main goal - the realization of the possibility of combining financial benefits and ethical

values of the investor. The survey revealed the most important goal of social investment, namely the types of effects that social investors mostly expect (Figure 4).

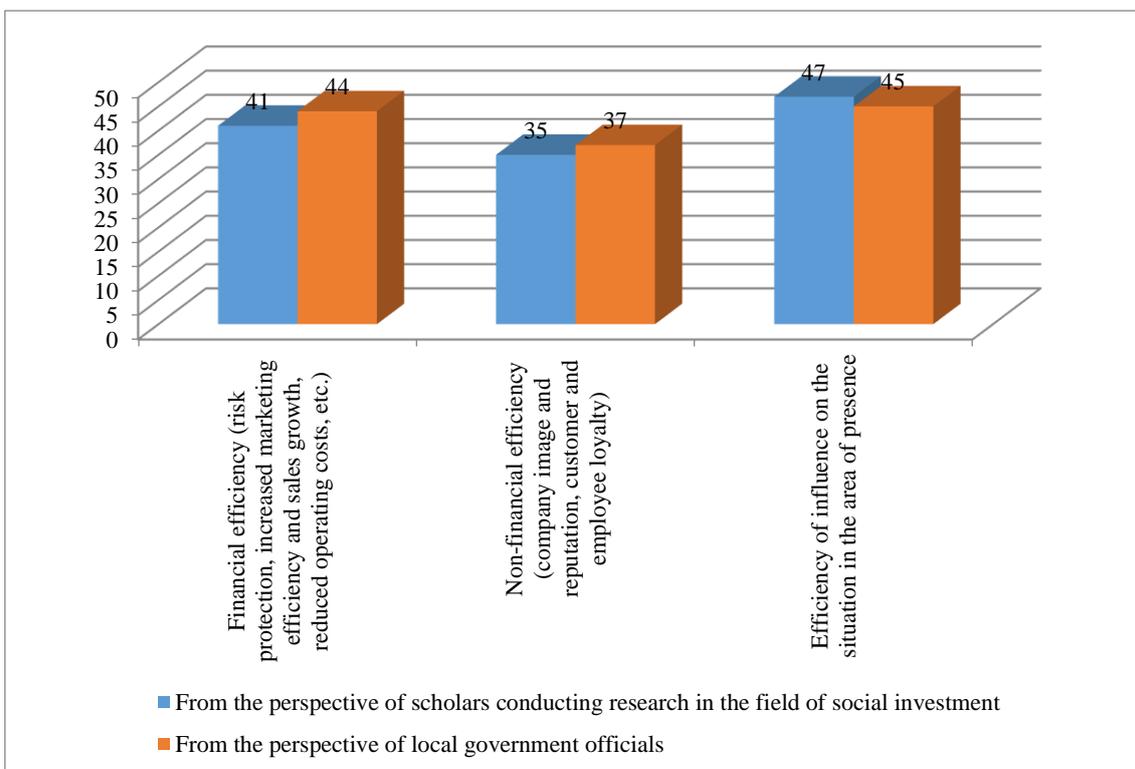


Figure 4. Types of effects (goals of social investment) that social investors mainly expect, %.

Source: built by the authors.

According to the survey results, when planning and implementing financial investments, social

investors mainly expect to improve the situation in the area of their presence. They also expect the

financial efficiency of the implemented social investments.

The survey helped to identify the most effective strategic directions of socially responsible

investment in terms of international cooperation between investment subjects and objects. At the same time, the widespread trend of such investment processes in the world in recent years was considered (Figure 5).

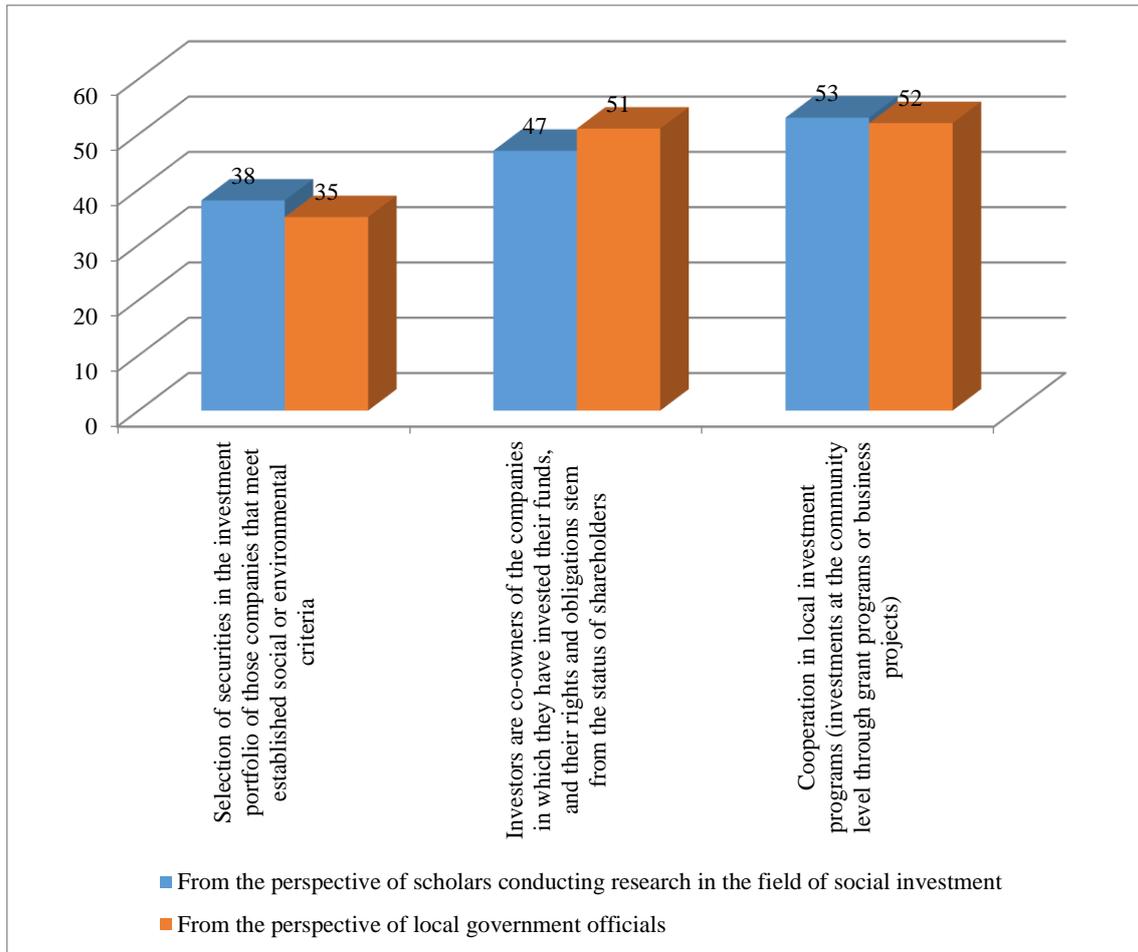


Figure 5. The most effective strategic directions of socially responsible investment in the framework of international cooperation between investment subjects and objects, %.

Source: built by the authors.

As can be seen from Figure 5, three strategies of socially responsible investment are generally used in global practice today. Among them, the most effective are the ways of engaging in social investments. These involve investors acting as co-owners of companies or acting within the framework of local investment development programs.

Discussion

The subjects of social investment at different levels are the state (government agencies at all levels), enterprises of all forms of ownership, commercial and non-profit organizations, and individuals. Meanwhile, the motivation and goals of the social investment may differ significantly depending on the ultimate goal, the problem to be

solved in the process of social investment, and the source of investment (Chu, Chen & Gan, 2020), (Ginder, Kwon & Byun, 2021).

For the state, the goals of social investment can be to improve living standards and national income, as well as to expand opportunities for human development. For commercial entities, the goals of the social investment may include maintaining and expanding market positions and making a profit. For foreign investors and individuals, the goal of a social investment may be to make a profit. For non-profit organizations, the goals of social investment can be to meet specific urgent needs of the community or certain groups of people and to improve the level and quality of life of the population by meeting

material, spiritual and social needs (Farmaki, 2019), (Pham & Tran, 2020).

The current global practice of social investment has problems that impede the implementation of socially responsible programs and the overall level of social responsibility development. These problems mainly include the lack of understanding by entrepreneurs of the role played by corporate social responsibility in the strategic development of companies and dissatisfaction of certain parts of society with corporate social responsibility measures (Khan, 2018), (Platonova et al., 2018).

The actions of all social investment actors - the state, municipalities, and companies - are aimed at achieving very specific goals. Therefore, for a more complete understanding of the category of "social investment", it is also worthwhile to analyze in detail the purpose for which social investment entities make a particular financial investment. A special analysis shows a large number of different positions on this topic in legislation and scientific publications. In particular, a significant number of scholars emphasize that the purpose of non-productive expenditures is to achieve economic and social results or impact. These effects include improvement in working and living conditions, reduction of morbidity, increase in the level of education, increase in free time and its rational use, etc. (George, Walker & Monster, 2019), (Luo, Huang & Lam, 2019).

Socially responsible investment is a process of investment decision-making that takes into account the social and environmental impacts of investments. It is based on the study and selection of companies as acceptable investment targets that conduct open and transparent business practices based on ethical values, respect for employees, shareholders, and consumers, and care for the environment. The basis of socially responsible investment is the so-called triple bottom line concept. Its essence lies in the fact that when evaluating an investment project, an investor takes into account not only future financial results but also the extent to which the company's activities are socially, environmentally, and ethically responsible (Ettinger et al., 2021), (Pedersen, Gwozdz & Hvass, 2018).

Conclusions

Thus, the analysis of the scientific literature on the research topic and the results of the questionnaire survey showed that the

phenomenon of social investment is deeply rooted in the history of the world economic culture. Recently, this phenomenon has been spreading with renewed vigor in the business environment, mainly in more developed countries.

The widespread adoption of socially responsible business practices by companies will help develop existing markets and create new ones, address social and environmental issues, expand access of companies to international markets, increase their capitalization, and contribute to the sustainable development of society as a whole.

Bibliographic references

- Balon, V., Kottala, Y. S., & Reddy, K. S. (2022). Mandatory corporate social responsibility and firm performance in emerging economies: An institution-based view. *Sustainable Technology and Entrepreneurship*, 1(3), 100023. <https://doi.org/10.1016/j.stae.2022.100023>
- Beji, R., Yousfi, O., Loukil, N., & Omri, A. (2021). Board diversity and corporate social responsibility: Empirical evidence from France. *Journal of Business Ethics*, 173(1), 133-155. <https://doi.org/10.1007%2Fs10551-020-04522-4>
- Bucaro, A. C., Jackson, K. E., & Lill, J. B. (2020). The influence of corporate social responsibility measures on investors' judgments when integrated in a financial report versus presented in a separate report. *Contemporary Accounting Research*, 37(2), 665-695. <https://doi.org/10.1111%2F1911-3846.12542>
- Chu, S.-C., Chen, H.-T., & Gan, C. (2020). Consumers' engagement with corporate social responsibility (CSR) communication in social media: Evidence from China and the United States. *Journal of Business Research*, 110, 260-271. <https://doi.org/10.1016%2Fj.jbusres.2020.01.036>
- Ettinger, A., Grabner-Kräuter, S., Okazaki, S., & Terlutter, R. (2021). The desirability of CSR communication versus green housing in the hospitality industry: The customers' perspective. *Journal of Travel Research*, 60(3), 618-638. <https://doi.org/10.1177%2F0047287520930087>
- Farmaki, A. (2019). Corporate social responsibility in hotels: A stakeholder approach. *International Journal of Contemporary Hospitality Management*, 31(6), 2297-2320.

- <https://doi.org/10.1108%2FIJCHM-03-2018-0199>
- Fatima, T., & Elbanna, S. (2023). Corporate Social Responsibility (CSR) Implementation: A Review and a Research Agenda Towards an Integrative Framework. *Corporate Social Responsibility (CSR) Implementation: A Review and a Research Agenda Towards an Integrative Framework*. *Journal of Business Ethics*, 183, 105-121. <https://link.springer.com/article/10.1007/s10551-022-05047-8>
- George, B., Walker, R. M., & Monster, J. (2019). Does strategic planning improve organizational performance? A meta-analysis. *Public Administration Review*, 79(6), 810-819. <https://doi.org/10.1111%2Fpuar.13104>
- Ginder, W., Kwon, W.-S., & Byun, S.-E. (2021). Effects of internal-external congruence-based CSR positioning: An attribution theory approach. *Journal of Business Ethics*, 169(2), 355-369. <https://doi.org/10.1007%2Fs10551-019-04282-w>
- Gödker, K., & Mertins, L. (2018). CSR disclosure and investor behavior: A proposed framework and research agenda. *Behavioral Research in Accounting*, 30(2), 37-53. <https://acortar.link/vMumBV>
- Graafland, J., & Smid, H. (2019). Decoupling among CSR policies, programs, and impacts: An empirical study. *Business & Society*, 58(2), 231-267. <https://doi.org/10.1177%2F0007650316647951>
- Jiang, F., Zalan, T., Tse, H. H. M., & Shen, J. (2018). Mapping the relationship among political ideology, CSR mindset, and CSR strategy: A contingency perspective applied to Chinese managers. *Journal of Business Ethics*, 147(2), 419-444. <https://link.springer.com/article/10.1007/s10551-015-2992-7>
- Khan, S. N. (2018). Making sense of the black box: An empirical analysis investigating strategic cognition of CSR strategists in a transitional market. *Journal of Cleaner Production*, 196, 916-926. <https://doi.org/10.1016%2Fj.jclepro.2018.06.075>
- Laguir, L., Laguir, I., & Tchemeni, E. (2019). Implementing CSR activities through management control systems: A formal and informal control perspective. *Accounting, Auditing & Accountability Journal*, 32(2), 531-555. <https://doi.org/10.1108%2FAAAJ-05-2016-2566>
- Luo, J. M., Huang, G. Q., & Lam, C. F. (2019). Barriers to the implementation of corporate social responsibility in the gaming industry. *Journal of Quality Assurance in Hospitality & Tourism*, 20(5), 528-551. <https://doi.org/10.1080%2F1528008X.2018.1563019>
- Pedersen, E. R. G., Gwozdz, W., & Hvass, K. K. (2018). Exploring the relationship between business model innovation, corporate sustainability, and organisational values within the fashion industry. *Journal of Business Ethics*, 149(2), 267-284. <https://doi.org/10.1007%2Fs10551-016-3044-7>
- Pham, H. S. T., & Tran, H. T. (2020). CSR disclosure and firm performance: The mediating role of corporate reputation and moderating role of CEO integrity. *Journal of Business Research*, 120, 127-136. <https://doi.org/10.1016/j.jbusres.2020.08.002>
- Platonova, E., Asutay, M., Dixon, R., & Mohammad, S. (2018). The impact of corporate social responsibility disclosure on financial performance: Evidence from the GCC Islamic banking sector. *Journal of Business Ethics*, 151(2), 451-471. <https://doi.org/10.1007%2Fs10551-016-3229-0>
- Quintana-García, C., Marchante-Lara, M., & Benavides-Chicón, C. G. (2018). Social responsibility and total quality in the hospitality industry: Does gender matter? *Journal of Sustainable Tourism*, 26(5), 722-739. <https://doi.org/10.1080/09669582.2017.1401631>
- Wang, Y., Delgado, M. S., & Xu, J. (2023). Correction: When and where does it pay to be green? – A look into socially responsible investing and the cost of equity capital. *International Journal of Corporate Social Responsibility*, 8, 4. <https://jcsr.springeropen.com/articles/10.1186/s40991-023-00080-w>

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Advertising of medicines in Ukraine: An ethical and legal view

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Abstract

The modern course of Ukraine towards economic and political and legal rapprochement with European states involves the adoption of uniform rules in the field of healthcare. The objective of this article is to examine the ethical and legal aspects of advertising medicines in the context of Ukraine's alignment with European states and the adoption of uniform healthcare rules. The article employs a dialectical method to explore the correlation between ethical and legal components in medicine advertising. By analyzing domestic normative and legislative acts, there was establish methodological features of medicine advertising from the perspectives of ethics and law. The research also considers the broader context of international and national regulation of advertising in the pharmaceutical sector. The analysis of ethical and ethical-legal criteria enshrined in domestic regulations clarifies the general direction of modern state and non-state regulation of medicine advertising in Ukraine. This finding helps to provide a deeper understanding of the principles guiding advertising activities in the pharmaceutical sector.

Overall, the article contributes to the ongoing ethical and legal research on advertising

Анотація

Сучасний курс України на економічне та політико-правове зближення з європейськими державами передбачає прийняття єдиних правил у сфері охорони здоров'я. Метою статті є розгляд етичних та правових аспектів реклами лікарських засобів у контексті наближення України до європейських держав та прийняття єдиних правил охорони здоров'я. У статті за допомогою діалектичного методу досліджено співвідношення етичної та правової складових у рекламі лікарських засобів. Аналізуючи вітчизняні нормативно-правові акти, встановлено методологічні особливості реклами лікарських засобів з позицій етики та права. Дослідження також розглядає ширший контекст міжнародного та національного регулювання реклами у фармацевтичному секторі. Аналіз етичних та етично-правових критеріїв, закріплених у вітчизняних нормативно-правових актах, уточнює загальний напрям сучасного державного та недержавного регулювання реклами лікарських засобів в Україні. Це відкриття допомагає глибше зрозуміти принципи, якими керується рекламна діяльність у фармацевтичному секторі.

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regulation in the field of medicine circulation. It provides a foundation for the development of international and national regulations governing medicine advertising, emphasizing the importance of ethical considerations alongside legal frameworks.

Keywords: morality, ethics, law, medicine, distribution, advertisement.

Introduction

Cooperation between Ukraine and the European Union in recent decades has produced processes of searching for the most optimal model for the development of the domestic healthcare sector and its proper regulation. The main normative regulators of public relations in the pharmaceutical market, including in the field of advertising of medicines, are law and morality (ethics). The understanding of ethics and law as social regulators depends primarily on the type of legal understanding that dominates in the legal consciousness of a particular researcher. The positivist tradition of legal understanding, which today dominates in the national regulatory framework for advertising of medicines, is not able to fully reveal the essence of the interaction between ethics and law, as well as all the patterns of their interpenetration and mutual influence.

The classical formal-logical approach, characteristic of the positivist type of legal understanding, is based on a two-level understanding of law: at the level of language - legal terms; at the level of logic - definitions (meanings) of legal terms. The specificity of the approach used in the research, based on the dialectical method, differs from the generally accepted philosophical and legal tradition of domestic legal science. The legal concept as a whole is understood in the unity of the term and definition, that is, in such a way that the latter are its components. Clarification at the conceptual level of the nature of the correlation of ethical and legal principles in the pharmaceutical field of healthcare at the present stage of its development in Ukraine will help accelerate the process of convergence of the national legal system with the legal system of the European Union.

The issues of the correlation between law and morality at the present stage of development of advertising of medicines remain insufficiently researched. A legal and ethical analysis of options for balancing public health with the dissemination of information, how to condemn

Загалом стаття є внеском у триваюче етико-правове дослідження регулювання реклами у сфері обігу лікарських засобів. Він забезпечує основу для розробки міжнародних і національних нормативних актів, що регулюють рекламу лікарських засобів, наголошуючи на важливості етичних міркувань поряд із правовою базою.

Ключові слова: мораль, етика, право, медицина, розповсюдження, реклама.

advertising actions without simply shifting the problem, and how significant changes in the healthcare system can affect this dynamic should also be at the center of interdisciplinary research (Schenker et. al., 2014). It should also be noted that in modern domestic and foreign scientific research of the methodological measurement of ethics and law, the potential of the dialectical method is almost not used. The conducted research begins to apply dialectics to solving ethical and legal problems in the pharmaceutical field of healthcare.

Materials and methods

In connection with the integration of Ukraine with the European Union, the transformation of the Ukrainian state is taking place. Rethinking values in such an important area for human life and society as healthcare requires updating the theoretical and methodological model for understanding the essential properties of social phenomena. The versatility and interdisciplinary status of the scientific problem of the correlation between the ethical and legal components of advertising of medicines requires a comprehensive application of scientific methods. Since the formal-logical method does not allow us to explore the conceptual content of such ethical and legal values as justice, honor, dignity, duty, conscience, responsibility, etc. the dialectical method was chosen as the main method of cognition in this research.

The formal-legal method is used to analyze the norms of the current legislation of Ukraine that regulate relations arising in the process of production, distribution and consumption of advertising of medicines. With the help of the comparative legal method, modern approaches were established, which in international standards and national criteria determine both the ethical component in the advertising of medicines, and the ethical component in the legal regulation of this activity. The purpose of

understanding the essence of the interaction of ethics and law in such a specific area of information support for the stability of the pharmaceutical market as advertising of medicinal products determines the need to refer to the use of the dialectical method. In the process of ascent from the abstract to the concrete, a dialectical relationship was revealed in the staging of advertising activities. Analysis and synthesis were used to identify the stages of production, distribution and consumption of advertising of medicines. There is a dialectical interconnection between these two methods, as a result of which they cannot be considered as separate concepts, because they only co-exist, they are the nature of each other, two components, two moments of a single cognition, the end result of cognition of which is always represented by their dialectical unity. (Strelchenko, 2020).

The transition from legal positivism to a dialectical approach in the reflection and cognition of reality is justified by the change in the paradigm of world perception and worldview, which is taking place in Ukraine in connection with European integration processes. At the same time, an unthinking transfer of norms and rules from the healthcare system of the European Union to domestic legislation can lead to negative consequences in the life of a person and society. This is due to the inclusion of new concepts from the sphere of advertising of medicinal products in national legislative acts, as well as the use of already known terms but with a different semantic meaning. The compilation of social relations by legal norms through their abstractness has a general character, which does not allow for the understanding of the specific ethical and legal content of the corresponding terms used in the legislative acts of Ukraine. To overcome the terminological ethical-legal uncertainty in the national sphere of advertising of medicinal products, the dialectical method of scientific cognition is used in the research.

Results and Discussion

General provisions of ethics and law in the field of advertising

Back in 1821, the outstanding German philosopher G.W.F. Hegel, who first applied dialectics as a method to the knowledge of ethical problems in law, noted: "Law and moral foundations, the true world of law and morality can be embraced by thought, through thought this world acquires a meaningful form" (Hegel, 2000). The regulation of ethical principles

historically originates in the form of self-regulation as a response to the request of civil society. Further regulation takes place at the international level within the framework of treaty law and subsequently takes the form of state regulation by enshrining in national legislation. Philosophers suggest that, in historical retrospect, moral values were formed simultaneously with law and in competition with it. At a certain stage in the development of society, a kind of "division of labor" took place between law and morality. The subject of legal regulation remained mainly actions and relations that were proved as a result of a dispute, if necessary, were prevented or punished through measures of state coercion. The subject of moral assessments were the qualities of the individual, expressed in their behavior and actions.

The moral foundations of human existence are studied by ethics as a component of philosophy. Currently, morality is understood as a form of social consciousness and a type of social relations (moral relations), one of the ways to regulate human behavior in society through established prescriptions (Shemshuchenko, 2007). Moral norms are characterized by a certain uncertainty, the presence of some differences in the moral beliefs of people, depending on the level of their culture, age, material well-being, etc. Based on the fact that morality means the conformity of people's behavior with moral norms, it is difficult for ethics to find the main, general criterion for assessments that determines the content of moral principles and norms as the basis of moral behavior. Pharmaceutical ethics as part of social ethics is the science of the moral value of human actions. Professional deontology, within the framework of professional ethics, studies the moral and ethical culture of a professional, their behavior in the field of their activity, explores the problems of professional duty and the proper form of manifestation of social necessity specific to morality. Law is defined as a system of generally binding norms established or sanctioned by the state, the observance and execution of which is ensured both by persuasion and by the power of state coercion. Legal norms are specific in content, unambiguous, delineate rights and obligations, and have certain limits of validity (Shemshuchenko, 2007). With the help of morality, law seeks to resolve a social conflict on the basis of what is due as a moral ideal. Taking into account morality, the interests of certain groups of people are comprehended and reflected - collective, community, society; the ratio of private and public interest in favor of the public, taking into account public values, is

determined. Medical deontology is the doctrine of the principles and norms of behavior of medical personnel. General medical deontology is a set of rules for all medical professionals, regardless of their specialty. Specific types of medical deontology contain recommendations related to the characteristics of a particular medical specialty. The term "deontology" was proposed by the English lawyer and sociologist Jeremy Bentham in the 19th century in his work "Deontology, or the science of morality" to refer to the theory of ethics as a science of morality (Biryukova, Kharina, Nesterova, Malakhovskiy, 2021). Medical and legal deontology are considered the most developed, since the level of human being depends on the proper implementation of the professional activities by medical and legal workers.

Consideration of the ethics of advertising as an object of informational legal relations was founded in 1938 by Francis Finkelhor (Hrytsyuta, 2012). Ethics in the field of law (legal ethics) is aimed at solving moral problems in the professional activities of subjects of legal relations with the help of ethical and legal norms. Ethical foundations are implemented in law at three levels:

- 1) axiological (legal values);
- 2) epistemological (legal understanding);
- 3) praxeological (law enforcement).

If it is impossible to resolve a certain social conflict with the help of law, the norms of morality are applied. In conditions of lowering the level of morality, for example, with the emergence of new values, ethical norms are fixed in the norms of law. Thus, the moral and legal forms of regulation of public life as a whole have a universal character. The interests of society and the state are the main principle and purpose of professional activity, in particular in the field of advertising. The main functions of social ethics in the field of advertising are informational and communicative, because under the intense and purposeful influence of advertising as a social phenomenon in society and in the individual, new values and attitudes are formed.

Ethical norms (norms of moral behavior) as ordinary acts, together with the fundamental principles, are enshrined in ethical codes - codified sets of basic principles and rules. As a rule, such regulatory documents are of a recommendatory nature, that is to say, not endowed with legal force. The provisions of codes of professional conduct do not provide for legal sanctions against violators of ethical

standards in the field of advertising. However, in case of violation of ethical prescriptions, regulated by law, certain legal consequences may arise.

The general orientation towards limiting the manifestations of dishonesty in the advertising of medicines by legal and moral norms is determined by the peculiarity of the consumer product by a person that is advertised. Thus, the potential danger of medicines to the health, and sometimes the life of the patient, entails the necessity and obligation of state monitoring and control in the field of advertising medicines in different countries of the world.

Correlation of ethical and legal aspects of advertising at the conceptual level

The ratio of law and ethics as the main social regulators in the pharmaceutical field of healthcare, on the one hand, is determined by their content (philosophical and legal), and on the other hand, by their interaction (mutual influence and interpenetration). The essence of law and morality is the main, relatively stable, qualitative basis of these categories, which determines their true nature and purpose in society (Yevhutyuch, 2017). In ethics and law, the following terms are widely used to denote universal human values: justice, honor, dignity, duty, conscience, responsibility, etc. However, at the conceptual level, the meanings of these terms in law and ethics do not coincide. Dialectics, on the other hand, makes it possible to trace the movement of thought from the differences between ethics and law to their contradictions, from their interaction to unity. Dialectics is the driving soul of any scientific development of thought, representing the only principle that introduces an immanent connection and necessity into the content of science... Dialectics is such a transition of one definition to another, in which it turns out that these definitions are one-sided and limited, that is, containing negation themselves (Hegel, 1973).

Morality is a form of social consciousness that reflects reality through moral norms, principles and rules of behavior. It reflects certain values that have developed in society, enshrined in the norms of human behavior and are contained in the concepts of good and evil, honor and dignity, conscience, justice and injustice. Morality regulates the behavior of people in all areas of life, while law is only socially significant behavior. Ethics and law are formal normative systems of public regulation of public relations. But unlike legal norms, all moral norms are based

on the rules of absolute deontic logic, that is, they are reduced to an order or prohibition addressed to a single individual. Moral norms are not identical to legal norms either in content, or in logical-theoretical (hypothesis, disposition, sanction), or in deontological structure. So, the main difference between them is the criteria for evaluating the actions, behavior of people and their relationships. Ethical concepts, due to their abstractness, are limitless and can be applied to natural phenomena and social life. However, moral concepts are concretized if they relate to legal relations between people. Legal relations between people are legal relationships; and moral – benevolence and compassion, friendship and guardianship, solidarity and mutual assistance, etc. Law is directed at social relations that can be formally defined for protection and reproduction (or prevention). The general goal of law and its implementation is the rule of law. The general goal of morality is the education of a moral and virtuous person.

The constant cause of contradictions between law and morality in any society is the formal certainty of law, which does not always make it possible to extend its action to situations that urgently require legal regulation, but not provided for by law, or, conversely, allows the application of law to life relationships and situations where morality considers such application unfair. Contradictions appear due to the fact that certain situations that are identical from the point of view of morality are not identical from the position of law. Or, on the contrary, some life circumstances that are similar from a legal point of view are considered different from a moral point of view.

The commonality of law and morality is manifested at the following levels: historical (genesis and development), teleological (ordering social relations with fair instructions), structural (norms, relationships, culture), categorical (universal scientific generalizations). Thus, the correlation between the concepts of ethics and law can be represented by a dialectical triad: ethics (thesis) – law (antithesis) – ethical law (synthesis). The unity of morality and law comes from the commonality of socio-economic institutions, culture, upbringing, people's commitment to the ideals of freedom, equality and justice. Complementing and correcting each other, law and morality should in no case duplicate each other; they cannot be identified, mixed, or replaced by one another or vice versa (Yurkovska et al., 2018). Rules of law are based on the principles of ethics and morality. Their purpose is to establish and maintain balance,

social stability and order, to achieve a social compromise associated with the creation of a standard, a model of behavior. Any activity for the circulation of medicines is implemented through a system of legal guidelines (legal norms) contained in regulatory legal acts of different legal force and determining the parameters of the proper behavior of the subjects of this activity (Strelchenko, 2019). Traditionally, monological (combination of norms in one legislative act) and polylogical (combination of norms in special legislative acts) regimes of legal regulation of advertising of medicines are distinguished. At the same time, in international law, we can identify a trend towards the unification of national laws in different states, and therefore unified rules for regulating advertising are being developed that operate regardless of borders (Pashkov et al., 2017).

International standards for the regulation of advertising of medicines

The International Chamber of Commerce (ICC) has been the main body of regulation in the field of international advertising since 1937, when the first ICC Code of Advertising Practices was published. Since then, the ICC self-regulatory sphere has expanded multiple times in order to assist companies in responsible promotion of their products on the market. In 2006, previously disparate codes were revised and merged into a single Consolidated Code of Advertising and Marketing Communications (ICC Constitution, 2018). Its latest update in 2018 follows the tradition of promoting high ethical standards for advertisers, advertising agencies and media worldwide. First of all, the code was conceived as an instrument of self-discipline of business entities. It uses the term "advertising" to mean any form of marketing communications carried out by the media, usually in exchange for payment or other valuable consideration. Legality, dignity, honesty and reliability, social and professional responsibility are the basic principles of all marketing communications, which must comply with the generally accepted principles of fair competition in business (Article 1). These ethical standards should be followed by all who are involved in advertising: advertisers, advertising producers, advertising agencies and the media. Article 17 of the Code states that marketing communications must not, unreasonably for educational or social reasons, contain a visual image or description of potentially dangerous activities or situations that demonstrate a disregard for safety or health measures, as defined by local national standards. In particular, the information provided with the

product must include comprehensive health and safety instructions where necessary. Appropriate warnings should be clearly articulated through the use of images, sound, text or their combinations. At the level of the principles regulating sales promotion, it is enshrined that all promotions must be fair to users, competitors and other market participants (Article A1).

The Ethical Criteria for Medicinal Drug Promotion (World Health Organization, 1988), approved by Resolution 41.17 of the 41st Assembly of the World Health Organization, should help to decide whether medicinal drug advertising practices are in line with generally accepted ethical standards. These criteria reflect the general principles of ethical standards, primarily the principles of honesty and fairness in the promotion of medicines on the market and do not constitute legal obligations. Promotion is the creation and maintenance of permanent links between the enterprise and the market in order to enhance sales of goods and form a positive image by informing, persuading and reminding of its activities (Olkhovskaya, 2019). The term "promotion on the market" is used in relation to all types of information and promotional activities carried out by manufacturing firms and supplying firms to stimulate the prescription, supply, purchase and/or use of medicines. All promotional materials containing any claims about medicines must be reliable, accurate, truthful, meaningful, balanced, up-to-date, evidence-based. They should not contain wording or unverified conclusions that are misleading. Any information that could lead to unjustified use of a medicine or unnecessary risk should also not be omitted. The word "safe" should only be applied to medicinal products that have been properly tested. Comparison of medicines should be based on real facts, be impartial and reasoned. Information and advertising material should be presented in a way that does not distort the essence of the promoted medicines.

In the European Union, integration and legal standards for the circulation of medicines are provided with the help of a single legal terminology, a unified definition of medicines, concepts and categories associated with their circulation (Pasechnyk, 2015). In the Member States of the European Union, medicinal products intended for marketing are subject to secondary EU law, in particular Directive 2001/83/EC (2001) of the European Parliament and of the Council on a Community Code relating to medicinal products for human use. Medicinal advertising must include any form of

targeted information, surveys or use of incentives to promote the prescribing, supply, sale or consumption of medicinal products. In particular, it applies to: the population; persons qualified to prescribe or dispense such medicines; visits by medical sales representatives to persons qualified to prescribe medicines; supply of samples; the use of incentives to encourage the prescription or dispensing of medicines in the form of a gift, offer or promise of any benefit or reward in cash or in kind, unless their real cost is minimal; financing of promotional activities involving persons qualified to prescribe or dispense medicines; financing of scientific conferences with the participation of persons qualified to prescribe or dispense medicines, in particular the payment of their travel and living expenses associated with such participation. Advertising of medicines does not apply to: labeling and accompanying leaflets tabs; correspondence, which may be accompanied by non-advertising material necessary to answer a specific question about a specific medicinal product; factual information announcements and reference material regarding, for example, repackaging, warnings about adverse reactions as part of general medicine warnings, sales catalogs and price lists, provided that they do not contain information about the product; information about human health or diseases, in the absence of references, even indirectly, to medicinal products (Article 86). Advertising of a medicinal product, firstly, must encourage the rational use of the medicinal product, presenting it objectively and without exaggerating its properties, and secondly, must not be misleading (Article 87). Member States must prohibit the advertising to the public of medicinal products which:

- a. are available on prescription only;
- b. contain substances defined by international convention, in particular the 1961 and 1971 United Nations Conventions, as psychotropic or narcotic substances.

They must prohibit direct distribution by the pharmaceutical industry of medicines to the public for promotional purposes. Member States have the right to prohibit in their territory the advertising to the public of medicinal products the cost of which may be reimbursed. To public it is allowed to advertise medicinal products which, due to their composition and purpose, are prescribed and developed for use without the intervention of a doctor for diagnostic purposes or for the prescription of treatment or observation, where appropriate, on the advice of a pharmacist (Article 88). The following special types of medicine advertising are distinguished:

- 1) advertising for an indefinite circle of people (population);
- 2) advertising addressed to healthcare professionals (doctors, junior medical workers, pharmacists) (Pashkov, Olefir, 2017).

The Code of Practice (Ethos) of the International Federation of Pharmaceutical Manufacturers & Associations (IFPMA, 2019) specifies that materials related to pharmaceutical products and their uses, whether they are promotional or no, that is sponsored by a company must clearly state who sponsored it. Promotion should not be disguised. According to the Information Consistency Standard, advertising must not conflict with approved local product information. The standard of accuracy and non-misleading requires that advertising information must be clear, legible, accurate, balanced, fair and complete enough to enable the recipient to form their own opinion about the therapeutic value of the relevant pharmaceutical product. Promotional information must be based on an updated assessment of all evidence and clearly reflect that evidence. It must not be misleading by distortion, exaggeration, undue emphasis, omission, or in any other way. Every effort should be made to avoid ambiguity. Absolute or comprehensive requirements should be used with caution and only with proper qualifications and justification. In general, descriptions such as "safe" and "no side effects" should be avoided, and appropriate qualifications should always be cited.

With the development of modern science and the pharmaceutical industry, the range of medicines is expanding on the world market. Total global pharmaceutical revenue, which stood at \$1.121 trillion in 2022, is expected to continue to grow at a rate of \$1.435 trillion until 2027 (Statista Health Market Outlook, 2023). Overall, the pharmaceuticals market is expected to grow by 5.39% on average between 2023 and 2027 (Statista). In turn, a wide range of pharmaceutical products requires operational awareness of medical and pharmaceutical workers about medicines. Pharmaceutical companies conduct their business depending on the strategy of promoting medicines among doctors in exchange for increasing the professional knowledge of the doctor. Everyone in this trade, besides of regulatory obligations, must be mindful of ethical beliefs (Kabir et al., 2021). Failure to comply with these conditions leads to the existence of unfair practices for the promotion of medicines by pharmaceutical companies among healthcare professionals. A separate link in the chain of

corrupt relations in the pharmaceutical sector is medicine marketing, which involves the establishment of unethical relations between pharmaceutical companies and medical workers (Bozhenko, 2022). In order to reduce the risks of violating the law in the field of unfair competition, paying significant fines and lengthy litigation, these companies implement compliance programs aimed at increasing the ability to act in compliance with both external (national laws or international treaties) and internal (codes of ethics and behavior) norms and rules. There are positive trends in the regulation of pharmaceutical promotion, such as rules requiring mandatory disclosure of information about the financing of medical professionals and patient groups, but more systemic fundamental changes are still needed. Most pharmaceutical companies have their own codes of ethics, which in some countries provide for the disclosure of payment information to third parties (Alves et al., 2019). However, often the information work of medical (pharmaceutical) or sales representatives of these companies is accompanied by the inclination of medical and pharmaceutical workers to recommend and prescribe products to patients in order to form a positive impression about them in the latter. Pharmaceutical companies can finance medical professionals to promote their products, which is one of the main types of corruption offenses in the healthcare sector (Bozhenko, 2022). However, in many countries around the world there are legal restrictions for healthcare professionals to perform activities related to the advertising of medicines. For example, in Ukraine the Law of Ukraine "Fundamentals of Ukrainian Legislation on Health Care" (Law No. 2801-XII, 1992) prohibits medical, pharmaceutical and rehabilitation specialists from advertising medicines during their professional activities (Article 78-1). It is significant that the legislator has not introduced a complete ban on communication between company representatives and medical workers. Naturally, without professional communication of the medical and pharmaceutical communities, the development of medical science and, accordingly, improving the quality of treatment in the interests of patients is impossible (Aleksieiev & Anishchenko, 2019).

National moral, ethical and legal criteria for advertising medicinal products

In Ukraine, at the constitutional level, a person, their life and health, honor and dignity, inviolability and security are recognized as the highest social value. Ensuring the economic and

information security of Ukraine is the most important function of the state, the cause of the entire Ukrainian people.

The preamble of the founding Law of Ukraine "Fundamentals of Ukrainian Legislation on Health Care" (Law No. 2801-XII, 1992) states that every person has a natural, inalienable and inviolable right to health care. Responsibility to present and future generations for the level of health and the preservation of the gene pool of the people of Ukraine, the introduction of a healthy lifestyle is assigned to society and the state. It is the state's responsibility to ensure compliance with the requirements of the law on the restriction of advertising of medicines (Article 19). At the same time, state regulation of advertising activities through law is directed, first of all, to the prevention and termination of unfair advertising. Promotional ethics and advertising are one of the key legislative and regulatory vectors that determine the most active fundamental factors of influence on the legal basis for the circulation of medicines (Solovyov, 2018). Thus, medical, pharmaceutical and rehabilitation specialists during their professional activities do not have the right to advertise medicines, including prescribing medicines on forms containing advertising information, and indicating manufacturers of medicines (trademarks) (Article 78-1). At the same time, their professional duty is the requirement to comply with professional ethics (Article 78). In general, about the advertising of goods harmful to human health, Article 32 of the said Law contains a reference prescription to the Law of Ukraine "On Advertising" (Law of Ukraine No. 270/96-VR, 1996).

The Law of Ukraine "On Advertising" (Law of Ukraine No. 270/96-VR, 1996) defines advertising as information about a person or product, distributed in any form and by any means, and intended to form or maintain awareness of advertising consumers and their interest in such a person or product (Article 1). This Law does not apply to announcements of individuals not related to entrepreneurial activities (Article 2). At the same time, such concepts as "social advertising", "sponsorship" used in the Law indicate that the purpose of advertising activities is not necessarily to make a profit. It is this Law that defines the features of advertising medicines as a socially significant category of goods, which directly affects the health of consumers and requires increased control by the state. Thus, it is allowed to advertise medicines that are duly authorized by the central executive body implementing the

state policy in the field of healthcare for use in Ukraine and dispensed without a doctor's prescription and not included by the central executive body in the field of healthcare to the list of medicines prohibited from advertising. Advertising activity is also limited to the establishment of legal and ethical principles and norms in order to exercise the right to complete, reliable information about the medicinal product and to prevent harm to both public and state interests and consumer rights. Thus, the basic principles of advertising are determined by: legality, accuracy, reliability, the use of forms and means that do not cause harm to the consumer of advertising. It is indicated that advertising should not undermine public confidence in advertising and must comply with the principles of fair competition; must not contain information or images that violate ethical, humanistic, moral standards, neglecting the rules of decency (Article 7). It is prohibited to advertise medicines, the use and dispensing of which is allowed only by prescription, as well as medicines included in the list of medicines prohibited from advertising. It is determined that the advertisement must contain: objective information about the medicinal product and be carried out in such a way that it is clear that the given message is an advertisement, and the advertised product is a medicinal product; the requirement to consult a doctor before using the medicinal product; recommendation on mandatory familiarization with the instructions for the medicinal product; warning text that contains: "Self-treatment may be harmful to your health." It is forbidden to post: information that may give the impression that when using the medicinal product, consultation with a specialist is not necessary; that the therapeutic effect of the use of the medicine is guaranteed; images of changes in the human body or its parts as a result of illness, injury; recommendations or references to the recommendations of medical professionals, scientists, medical institutions and organizations on advertised goods or services; special expressions of gratitude, letters, excerpts from them with recommendations, stories about the use and results of the advertised goods or services from individuals; images and mentions of the names of popular people, heroes of film, television and animation films, authoritative organizations; information that may mislead the consumer about the composition, origin, effectiveness, patent protection of the advertised product, etc. At the same time, it is allowed to distribute advertising of medicines placed in specialized publications intended for medical institutions and doctors, as well as distributed at seminars, conferences, symposiums on medical

topics. Participation of doctors and other professional medical workers, as well as persons whose appearance imitates the appearance of doctors, is prohibited in the advertising of medicines. The Law contains the term "ethics" and the term combination: "ethical norms", "ethical and moral and legal aspects", "ethical and humane considerations", but they are not directly associated with advertising. The terms "advertisement" and "advertising" are covered by the term "media provision" (Article 26). The terms "promotion of the relevant product on the market" (Article 1) and "advertising activities" (Article 22) are also used.

The Law of Ukraine "On Medicinal Products" (Law No. 123/96-BP, 1996) determines that the features of advertising medicines are determined by the Law of Ukraine "On Advertising" (Law of Ukraine No. 270/96-VR, 1996), that is, not the Law of Ukraine "Fundamentals of Ukrainian Legislation on Health Care" (Law No. 2801-XII, 1992). The same Law permits the advertising of medicines dispensed without a doctor's prescription and not included in the list of medicines prohibited from advertising. It is established that the advertising of medicines, the use and dispensing of which is allowed only by prescription, as well as those included in the list of medicines prohibited from advertising, is prohibited. The current Law of Ukraine "On Medicinal Products" (Law No. 2469, 2022), which has not yet entered into force, states that the requirements for advertising medicines are established by the Law of Ukraine "On Advertising" (Law of Ukraine No. 270/96-VR, 1996), taking into account the specifics defined by this Law (Article 87). This Law, adopted taking into account the provisions of the Directive of the European Parliament and Council 2001/83/EC (2001), enshrines a number of new terms for national legislation in the field of medicine circulation: "ethical and scientific requirements", "ethical principles", "principles of medical ethics". Section VIII of Directive 2001/83/EC (2001) of the European Parliament and of the Council uses the terms "advertising of medicinal products", "advertisement of medicinal products" (Articles 16g, 92) and the term "marketing" (Article 98). And in this Law, the term combinations are used: "advertising and promotion of medicines", "advertisement and promotion of medicines", "distribution of medicines", "promotional events", "promotional materials", "promotional statements" (Article 87). Thus, promotion of a medicinal product is defined as information about a medicinal product, disseminated in any form and by any means, intended to form or maintain awareness

of medical and pharmaceutical workers, rehabilitation specialists about such a medicinal product and aimed at promoting the prescription, dispensing, sale or use of a medicinal product (Article 2). It should be noted that the term "promotion" is not new to Ukrainian legislation. Thus, due to the fact that, as of 2013, pharmaceutical companies, in addition to direct advertising of medicines, actively used the means and methods of promoting medicines that are not regulated by national regulations, by Order of the Ministry of Health of Ukraine dated October 09, 2013 No. 870, it was approved and introduced guideline "Medicines. Proper Promotion Practice. Standardization of MHU 42-1.2:2013" was put into effect. The specified national standard, taking into account the provisions of Section VIII of the Directive of the European Parliament and of the Council 2001/83/EC (2001), proposed a new system of hierarchy of concepts in the field of medicine promotion and introduced some new terms. Advertising and promotion of medicines were devoted to separate sections of the guide. The concept of "medicine promotion" was defined as a set of activities or any ongoing, supported activity, including through the media, the Internet, organized or sponsored by a pharmaceutical company in order to promote medicines, increase the volume of recommendations, supply or use of medicines. At the same time, the promotion of medicinal products also included such activities as: advertising of medicinal products, the advertising of which is permitted in accordance with the requirements of the current legislation of Ukraine; providing information about any medicines; sponsorship. The concept of "promotional material" was understood as any informational carrier created for the purpose of promoting a medicinal product both among healthcare professionals and among any other persons. Also, the term "promotion" is used in the Action Plan aimed at obtaining support for granting Ukraine the status of a candidate member of the European Union, approved by the Decree of the Cabinet of Ministers of Ukraine on June 17, 2022 No. 480-r. and in the Communication Strategy for the European Integration of Ukraine for the period up to 2026, approved by the Decree of the Cabinet of Ministers of Ukraine dated December 9, 2022 No. 1155-p. The terms "promotion" and "marketing" are used as synonyms in the Action Plan for the implementation of the Human Development Strategy for 2021-2023, approved by the Decree of the Cabinet of Ministers of Ukraine dated December 9, 2021 No. 1617-p. The term "promotion and advertising of medicines" is used in the Decision of the



National Security and Defense Council of Ukraine "On the state of the national healthcare system and urgent measures to provide citizens of Ukraine with medical care" dated July 30, 2021, put into effect by Decree of the President of Ukraine dated August 18, 2021 No. 369/2021. In the IFPMA Code of Practice (Ethos) (2019), the term "promotion" means any activity conducted, organized or sponsored by a member company and directed at healthcare professionals for the purpose of promoting the prescriptions, recommendations, supply, use or consumption of their pharmaceutical products through all communication methods, including the Internet.

The term "distribution" (wholesale of medicines) in the Law is defined as the activity of business entities (except for individuals - entrepreneurs) to purchase medicines from business entities that have the appropriate license (manufacturers, importers or distributors), storage, transportation, supply, import, export and sale of medicines from pharmacy warehouses (bases) to other subjects of wholesale or retail trade in medicines that have received appropriate licenses for this, to medicine manufacturers, directly to medical institutions or legal entities, structural units of which are medical and preventive healthcare institutions. It should be noted that the regulatory and legal definition of the term "distribution of medicinal products" is given in the Resolution of the Cabinet of Ministers of Ukraine dated November 30, 2016 No. 929 "On Approval of the License Conditions for the Implementation of Economic Activities in the Production of Medicines, Wholesale and Retail Trade in Medicines, Import of Medicines (excluding active pharmaceutical ingredients)". Distribution (wholesale distribution) of medicines is defined as any activity related to the receipt, storage, supply, transportation and import/export of medicines, with the exception of their sales directly to citizens for personal consumption. This activity is carried out jointly with manufacturers or their representatives, importers, other enterprises engaged in wholesale and/or retail trade in medicinal products, and medical and preventive healthcare institutions. We should note that a medicine as a product of pharmaceutical activity in the process of circulation, from manufacturer to consumer, may contain a variety of intellectual property objects and be protected through the system of copyright, industrial property rights (Kodinet et al., 2022).

At the level of self-regulation in Ukraine, there is the Code of Ethics of Pharmaceutical Workers of Ukraine (2010), approved by the VII National

Congress of Pharmacists of Ukraine. It defines the fundamental ethical principles based on universal human values and the norms of professional behavior and moral responsibility of pharmaceutical workers in the process of their professional activities, based on the foundations of pharmaceutical ethics and deontology. The Code is based on international ethical standards, and its legislative base is determined by the Constitution of Ukraine, the Civil Code of Ukraine, the Laws of Ukraine "Fundamentals of Ukrainian Legislation on Health Care", "On Medicinal Products", "On Protection of Consumer Rights" (Law of Ukraine No. 30), "On Advertising" and other regulatory legal acts of Ukraine. In particular, it provides for the obligation of a pharmaceutical worker to comply with the norms of the legislation of Ukraine on the advertising of medicines. Therefore, the Code of Ethics for Pharmaceutical Workers of Ukraine is a recommendatory act, however, it demonstrates a combination of ethical and legal prescriptions and is based on the provisions of the current legislation of Ukraine and international standards in the field of public health and pharmaceuticals (Terzi et al., 2019). The code uses: the term "self-promotion" and the term "unethical advertising". The terms "marketing" and "distribution" of medicinal products are used as synonyms in relation to the principles of advertising. The Code also uses the terms "promotion of medicines", "distribution of medicines", "marketing of medicines", "advertisement of medicines". However, their definitions are not given.

Therefore, the terms and term combinations for the designation of concepts related to the advertising of medicines used both in the national code of ethics and in acts of legislation of Ukraine can be classified into the following terminological groups. The first (single-valued) group: 1) advertisement, advertisement of a medicinal product; 2) advertising, advertising activities, advertising of medicines; 3) promotion, promotion of medicinal products, promotional events, promotional materials, promotional statements; 4) marketing, marketing of medicines; 5) distribution of medicines. The second (synonymous) group: 1) promotion and marketing; 2) marketing and distribution. The third (equivalent) group: 1) advertisement and promotion of medicinal products, promotion and advertising of medicines, advertising and promotion of medicinal products.

Conclusions

The research shows that the regulation of ethical foundations of public relations through morality and law historically originated in non-state, and subsequently in state forms. Law and morality, as social normative regulators, are aimed at establishing and maintaining order in society and form the standards of people's behavior. Moral norms are generalized rules of behavior through ideas and principles that form the social qualities of the individual, regulate their internal awareness of their behavior. The norms of law as specific rules of conduct determine, support and regulate the external form of the latter.

At the level of international and national regulations that define ethical and legal standards and criteria in the field of advertising of medicines, using the dialectical method, correlations and mutual transitions of the definitions of ethical and legal concepts are revealed, the unity of moral and legal systems is traced.

The conducted research proves that the implementation of the provisions of international legislation, primarily of the European Union in the field of advertising of medicines, into Ukrainian legislation has a generally positive effect, manifested in the elimination of gaps that exist in domestic legislative acts. The current state of the problems of bringing Ukraine closer to the European standards for regulating the advertising of medicines at the conceptual level has been researched. It is determined that the legislation of Ukraine contains a number of thematic concepts that either coincide or are close in terms of definitions to the concepts contained in the relevant EU legislation.

It has been established that a conceptual inconsistency in the ethical-legal terminology used in domestic regulatory acts governing relations advertising of medicinal products at both state and non-state levels still remains. This requires the continuation of scientific research on the regulation of advertising of medicinal products in Ukraine in order to further unify domestic terminology with the terminology of European Union legislation.

Bibliographic references

Aleksieiev, O. H., & Anishchenko, M. A. (2019). Legal professional restrictions of medical professionals under the legislation of Ukraine: problems and prospects. *Pathologia*, vol 16, No. 2(46), 288-292.

- Alves, T. L., Lexchin, J., & Mintzes, B. (2019). Medicines Information and the Regulation of the Promotion of Pharmaceuticals. *Science and Engineering Ethics*, 25(4), 1167-1192.
- Biryukova, N. V., Kharina, A. S., Nesterova, N. V., & Malakhovskiy, V. V. (2021). Historical aspects and features of deontology in preventive medicine. *Journal of Advanced Pharmacy Education and Research*, 11(3), 77-82.
- Bozhenko, V. (2022). Tackling corruption in the health sector. *Health Economics and Management Review*, 3, pp. 32-39.
- Code of ethics of pharmaceutical workers of Ukraine. (2010). Kharkiv: NFaU: Golden, Pages, 16 p.
- Hegel, G. W. F. (1973). *Aesthetics: in 4 volumes*. M.: Art, 1968-1973. T. 4: Fragment from philosophical works. Articles. Letters, 676 p. <https://www.marxists.org/reference/archive/hegel/works/ae/contents.htm>
- Hegel, G.W.F. (2000). *Fundamentals of the philosophy of law, or natural law and state science*. K.: Universe, 336 p. (In Ukrainian)
- Hrytsyuta, N. M. (2012). *Advertising ethics as estimation landmark of modern society: monograph*. K.: Institute of Journalism, 416 p. (In Ukrainian)
- Kabir, S. M. H., Maulan, S., Manaf, N. H. A., & Nasir, Z. W. (2021). Attitude of physicians and patients towards pharmaceutical promotion in healthcare: A qualitative study from ethical context. *International Journal of Innovative Research and Publications*, 1(1), 1-11.
- Kodinet, A. O., Doroshenko, O. F., Volynets, I. P., Dorozhko, G. K., Petrenko, V. O., & Biletskyi, V. V. (2022). Protection against unfair advertising on the medicine market in the context of the COVID-19 pandemic. *Medical perspectives*, 27(4), 231-238. (In Ukrainian)
- Olkhovska, A. B. (2019). *Theoretical and scientific-applied principles of improving marketing communications in the system of promotion of medicinal products in Ukraine (dissertation. ... Dr. Pharm. Sciences: Speciality "Medicine technology, organization of pharmaceutical business and forensic pharmacy")*. National Pharmaceutical University, Kharkiv, 638 p. (In Ukrainian)
- Pasechnyk, O. V. (2015). *Integration and legal regulation of circulation of medicinal products in the European Union (dissertation ... PhD in Law "International Law")*. National "Odesa Law Academy" University, Odesa, 200 p. (In Ukrainian)



- Pashkov, V. M., & Olefir, A. O. (2017). Foreign experience of legal regulation of medicine advertising. *Journal of the Kyiv University of Law*, 1, p. 129-135. (In Ukrainian)
- Pashkov, V., Olefir, A., & Bytyak, Y. (2017). Legal features of the drug advertising legal issues regarding the advertising of medicinal products. *Medical News*, LXX(1), 133-138.
- Schenker, Y., Arnold, R., & London, A. (2014). The Ethics of Advertising for Health Care Services. *The American Journal of Bioethics*, 14(3), 34-43.
- Shemshuchenka, Yu. S. (red.). (2007). *Big encyclopedic legal dictionary*. K.: Yuridichna Dumka, 485-671.
- Solovyov, O. S. (2018). Scientific-practical and theoretical justification of the system of pharmaceutical law enforcement measures in the sphere of circulation, promotion of medicinal products and parapharmaceutical products (Author's abstract. dissertation ... Dr. Pharm. Sciences: speciality "Medicine technology, organization of pharmaceutical business and forensic pharmacy"). National Pharmaceutical University, Kharkiv, 44 p. (In Ukrainian)
- Statista Health Market Outlook. (2023). Pharmaceuticals – Market data analysis & forecasts. URL: <https://www.statista.com/study/123522/pharmaceuticals-report/>
- Strelchenko, O. H. (2020). Public administration of the sphere of medicine circulation: administrative and legal research: monograph. Kyiv: NAVS, 442 p. (In Ukrainian)
- Strelchenko, O. H. (2019). Regulation of the sphere of medicinal products circulation in Ukraine: administrative and legal research: monograph. Kyiv: "Kafedra" Publishing Center, 400 p. (In Ukrainian)
- Terzi, O. O., Lyakhova, N. O., & Pluzhnikova, T. V. (2019). Legal and ethical principles of public health. *Bulletin of social hygiene and health care organization of Ukraine*, 3(81), 84-90. (In Ukrainian)
- Yevhutysh, I. M. (2017). Morality and law in the system of social ideas and their place and role in the activities of the National Police of Ukraine: monograph. Lviv: LvDUVS, 212 p. (In Ukrainian)
- Yurkovska, L. G., Krasnov, V. V., & Ubogov, S. G. (2018). Correlation between law and morality as social regulators of the pharmaceutical sector in Ukraine. A collection of scientific works of the employees of the P. L. Shupyk NMAPO. K., 32, p. 330–340. (In Ukrainian)

Legal sources

- Decree No. 1155-p. Communication Strategy for the European Integration of Ukraine for the period up to 2026, of the Cabinet of Ministers of Ukraine of December 9, 2022 URL: <https://zakon.rada.gov.ua/laws/show/1155-2022-%D1%80#Text>
- Decree No. 1617-p. Action Plan for the implementation of the Human Development Strategy for 2021–2023. Cabinet of Ministers of Ukraine of December 9, 2021 URL: <https://zakon.rada.gov.ua/laws/show/1617-2021-%D1%80#Text>.
- Decree No. 480-p. Action Plan aimed at obtaining support for granting Ukraine the status of a candidate member of the European Union. Cabinet of Ministers of Ukraine dated June 17, 2022 URL: <https://zakon.rada.gov.ua/laws/show/480-2022-%D1%80#Text>.
- Decree of the President of Ukraine No. 369/2021. The Decision of the National Security and Defense Council of Ukraine "On the state of the national healthcare system and urgent measures to provide citizens of Ukraine with medical care" dated July 30, 2021, put into effect by the dated August 18, 2021 URL: <https://zakon.rada.gov.ua/laws/show/n0052525-21#Text>
- Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community Code Relating to Medicinal Products for Human Use <https://acortar.link/k1I6tk>
- ICC Constitution (2018). ICC Advertising and Marketing Communications Code URL: <https://acortar.link/iSiu30>
- IFPMA (2019). Code of Practice 2019 (Ethos) URL: https://aipm.org.ua/wp-content/uploads/2019/05/IFPMA_Code_of_Practice_2019.pdf
- Law of Ukraine 123/96-BP "On Medicinal Products" dated April 4, 1996. URL: <https://zakon.rada.gov.ua/laws/show/123/96-%D0%B2%D1%80#Text>.
- Law of Ukraine No. 2469 "On Medicinal Products" dated July 28, 2022. URL: <https://zakon.rada.gov.ua/laws/show/2469-20#Text>.
- Law of Ukraine No. 270/96-VR. On advertising from July 3, 1996 <https://acortar.link/PS1xP2>
- Law of Ukraine No. 2801-XII "Fundamentals of Ukrainian Legislation on Health Care" dated November 19, 1992. URL: <https://zakon.rada.gov.ua/laws/show/2801-12#Text>].
- Law of Ukraine No. 30. "On Protection of Consumer Rights" dated May 12, 1991 URL:

- <https://zakon.rada.gov.ua/laws/show/1023-12#Text>].
- Order No. 870. Guideline "Medicines. Proper Promotion Practice. Standardization of MHU 42-1.2:2013", of the Ministry of Health of Ukraine dated October 9, 2013. URL: <https://zakon.rada.gov.ua/rada/show/v0870282-13#Text>.
- Resolution No. 929 "On Approval of the License Conditions for the Implementation of Economic Activities in the Production of Medicines, Wholesale and Retail Trade in Medicines, Import of Medicines (excluding active pharmaceutical ingredients)" of the Cabinet of Ministers of Ukraine dated November 30, 2016. URL: <https://zakon.rada.gov.ua/laws/show/929-2016-%D0%BF#Text>.
- World Health Organization (1988). Ethical Criteria for Medicinal Drug Promotion. May 13, 1988. URL: <https://apps.who.int/iris/handle/10665/38125.pdf>

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Existential aspects of human existence and the human-centered paradigm in public administration

Екзистенціали Людського Буття та Людиноцентрична Парадигма в Публічному Управлінні

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Abstract

This article analyzes the philosophical doctrine of the spiritual nature of man as the fundamental basis of his existence. The main focus of the analysis is Viktor Frankl's book "The Unconscious God," which presents an original anthropological theory encompassing all levels of human existence. By perceiving man holistically, this perspective contributes significantly to understanding human nature as a unique form of being. According to Frankl, the spiritual dimension can manifest both consciously and rationally, as well as unconsciously and irrationally. The crucial aspect lies in awakening and activating this spiritual principle within individuals, even if they are unaware of it. In his research, Frankl delves into dreams as a means of exploring the manifestations of the spiritual unconscious, and he conducts an in-depth analysis of conscience as a spiritual existential. This study's relevance

Анотація

У статті аналізується філософська доктрина духовної природи людини як основи її існування. Основна увага аналізу приділяється книзі Віктора Франкла "Безсвідомий Бог", яка презентує оригінальну антропологічну теорію, що охоплює всі рівні людського існування. Шляхом голістичного сприйняття людини, цей погляд значно сприяє розумінню природи людини як унікальної форми буття. Згідно з Франклом, духовна дименсія може проявлятися як свідомо і раціонально, так і безсвідомо і ірраціонально. Ключовим аспектом є пробудження та активізація цього духовного принципу у людей, навіть якщо вони про це не усвідомлюють. Франкл досліджує сни як засіб дослідження проявів духовного безсвідомого, а також проводить глибокий аналіз совісті як духовного існуванційного. Актуальність цього дослідження впливає з зростаючої поширеності ноогенної неврозу

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stems from the growing prevalence of noogenic neurosis among educated and developed individuals in contemporary society, characterized by a profound sense of meaninglessness and an existential void. Essential existential elements fade from people's worldviews, transforming concepts like love, faith, hope, responsibility, and conscience into mere mental categories. A deeper understanding of this nature represents a crucial step in overcoming the noogenic crisis and facilitating further human evolution.

Keywords: human nature, meaning, noogenic neurosis, spirituality, spirit, spiritual unconscious, existence, faith, conscience, existential vacuum.

Introduction

In this article, we will address the topic of human spirituality in the existential, essential sense, as it was understood by existential philosophers, in particular, Viktor Emil Frankl. The orientation of their philosophical thought is in many ways similar to the philosophical orientation of the French philosopher G. Marcel. Being religious, and believing people, both scholars made great efforts to comprehend the essential, being nature of a human being. Their philosophy is highly anthropocentric. Regardless of religious affiliation, and regardless of religiosity or non-religiosity in general, there is something that unites all people without exception: their spiritual nature. Man is not just a rational animal; he is a special kind of being. The presence of a spiritual foundation makes a person truly human, and the further evolution of humanity is largely related to its deeper study and understanding. Moreover, what is very important, this understanding gives us serious grounds to speak with greater confidence about the possibility of overcoming the current noogenic crisis.

Theoretical Background

According to I. Nikolaieva, from a theoretical and methodological point of view, it is important to note that in the twentieth century, the theoretical existential problematics of human existence became a nodal theme of philosophy. The studies of M. Heidegger, J. P. Sartre, R.-M. Rilke, and other philosophers and poets have gained wide resonance in the body of contemporary philosophical and cultural thought and thus have had a huge impact on the entire spectrum of social processes of culture and civilization. Meanwhile, such existentials of human existence as loneliness, death, and fear

серед освічених та розвинених осіб у сучасному суспільстві, що характеризується глибоким почуттям безглуздя та існувальної порожнечі. Суттєві елементи існування виглядають з світогляду людей, перетворюючи поняття, такі як любов, віра, надія, відповідальність та совість, на просто ментальні категорії. Глибше розуміння цієї природи є важливим кроком у подоланні ноогенної кризи та сприянні подальшій еволюції люд.

Ключові слова: природа людини, сенс, ноогенний невроз, духовність, дух, духовне несвідоме, екзистенція, віра, совість, екзистенційний вакуум.

have emerged as subjects of scientific interest. The profound cultural, ideological, and value crisis that has befallen civilization has exposed the fundamental foundations of human existence. For this reason, thinkers who paid attention to the doctrine of existentials proposed conceptual variants of the philosophical combination of the meanings of place and existentials in modern man.

In the field of view of existential thought, a person is considered, first of all, in the face of existence and eternity. In this context, the existential unity of philosophy and art is revealed. Researchers see the basis for this in the fact that the intentionality of existence itself is manifested in the temporal and procedural. Existence is fundamentally unstructured, while having an internal need for its topologization, uncentered, but intensified by an internal aspiration to the center of the self (or to possible centers), intentioned on the edge as a place-tops where the understanding of loneliness, death, and fear takes place (Berreby, 2011), (Bulka, 1978), (Cooper, 2003), (Längle, 1994), (Marseille, 1997), (May, 1978), (Lehmann & Klempe, 2015), (Palma, 1976), (Palmer, 2009), (Bychko, 2001).

The grounds of existentials are initial uncertainty, antinomianism, immanent potentiality, permanent provocativeness, a test of integrity, symbolization of the random, non-structured, non-hierarchical (Pattakos, 2010), (Ponsaran, 2007), (Popielski, 2005), (Pytell, 2001, 2006), (Rohr, 2009), (Smith, 2011), (Weisskopf-Joelson, 1975), (Yalom, 1980), (Weber et al., 2009).

The creator of logotherapy, a prominent Austrian psychiatrist, neurologist, philosopher, author of 31 books, and a world-renowned person, Viktor Emil Frankl, in his studies of human beings, especially in his works of recent years, paid great attention to the spiritual dimension. In 1948, Frankl's book "Der Unbewusste Gott" was published, based on his doctoral dissertation on the relationship between psychotherapy and religion (therefore, in some editions, the title "Der Unbewusste Gott: Psychotherapie und Religion").

The book "The Unconscious God" was first published in English in 1975, but later some publishers began to publish it under the title "Man's Search for Ultimate Meaning". By doing so, they wanted to make it clear to the reader that this book is a continuation of the author's life's work: understanding the meaning of human existence on some deeper, universal, but at the same time sacred level. Over four decades, Frankl made various changes and additions to his book, and by its seventh edition in German (1988), the book contained 12 full-fledged essay chapters. In them, the author revealed the results of his reflections and research on human nature and attempted to present the structure of the human inner world with its spiritual center and peripheral mental and physical areas. Moreover, Frankl analyzed several spiritual existentials, including consciousness, and made several profound remarks about the transcendental qualities of consciousness, the peculiarities of spirituality, and its manifestations in the conscious and unconscious (including dreams). This book has become a worldwide bestseller, unlike "Man's Search for Meaning," perhaps because it is written in a more academic language, the text itself is replete with philosophical considerations, special terms, and quotations, including Latin ones. However, in a sense, this work shows the depth of Frankl's philosophical anthropological thought much more clearly. Therefore, it is of exceptional theoretical and practical importance both for professionals in the field of philosophy and for specialists working in various fields of the humanities, where an in-depth knowledge of human nature is required.

Philosophy, and philosophical anthropology in particular, has not yet developed a unified understanding of what spirit and spirituality are. In existential philosophy, the spirit is often opposed to the mind (especially by religious existentialists Berdyaev and Shestov). In rationalist philosophical systems (Spinoza, Leibniz, Descartes, Hegel), the concept of

"spirit" is equated with thinking and consciousness. Meanwhile, in irrationalism (Schopenhauer, Nietzsche, Kierkegaard) such aspects of the spirit as intuition, feelings, will, and imagination are considered (Holovko, 1997), (Kvit, 2003), (Petrov, 2013), (Raida, 2004), (Rius, 1998).

Frankl sometimes refers to the deepest dimension of man as spiritual, but sometimes as noological (from the Greek "nus" - mind). He does not separate spirit from reason, although he does not equate it with it, considering such irrational manifestations as intuition as an integral part of it. His philosophy can be partially compared to the religious existentialism of G. Marcel, which was sometimes called "Christian neo-Socratism."

Frankl also polemicized with Freud (starting in the 1920s), with his psychoanalytic theory, which did not have a place for the spiritual nature of man but fully explored its instinctive unconscious manifestations. C.G. Jung and then R. Assagioli, A. Maslow, and S. Grof explored the spiritual and mystical aspects of man more deeply, as well as peak states of consciousness, expansion of consciousness as a result of spiritual crises, altered states, and various types of religious experience. Some researchers call Frankl the forerunner of transpersonal psychology. However, it should be noted that S. Grof himself believed that Frankl emphasized the conscious search for meaning and did not recognize, for example, perinatal dynamics, where this topic is considered in the context of transpersonal death and rebirth. Grof believed that it is impossible to comprehend the meaning of life through simple intellectual analysis and logic, it can only be made up. And he contrasted such far-fetched goals of life with deep inner transformations that occur empirically, in contact with a certain spiritual reality that reveals to a person the preciousness and miracle of life. Frankl, while appreciating transpersonal experiences and partially investigating manifestations of the spiritual unconscious in the dreams of his patients, nevertheless preferred to be on the border between dimensions, including transcendence. To activate the noological dimension of a person and direct the intention towards understanding personal meaning, Frankl considered it much more important to use the so-called Socratic dialogue, which includes rational, logical thinking. However, he considered awareness and full involvement of the mind in some spiritual phenomena, such as conscience, necessary only at a certain stage, but normally these manifestations of the spiritual unconscious

should be natural in humans, without additional considerations.

Aims

The article aims to study the existential of human life through the example of the philosophical work of V. Frankl.

Methods

Such general scientific methods as descriptive, continuous sampling, contextual and component analysis, methods of philosophical anthropology, existential analysis, phenomenology, and hermeneutics were applied in the article. In terms of methodology, the work is focused on hermeneutics as a set of approaches and methods for interpreting and analyzing the content of a philosophical text.

Results and Discussion

Frankl was against the fact that Freud sought to make a person a mere "object" of psychoanalysis. According to the scientist, a person is a special case when his or her objectification will not help to study him or her in a more detailed and scientific way, but, on the contrary, will only reduce understanding. Will a person become understandable if he or she is seen as a mechanism, a thing, or an object that other researcher-technician works with, breaking down this mechanism into atoms of ego motives to fix it later (Frankl, 2011a). Such an approach to the study of a person, considering him or her from a mechanistic standpoint, inevitably destroys the holistic perception of the human personality, which is unacceptable to an existentialist humanist. Based on his personal experience, largely tragic, and his observations of a large number of people, Frankl concluded that in addition to unconscious, in fact, instinctive ego motives, humans have other motives, spiritual ones, which, being natural, also constitute a deeper layer of human nature.

According to Frankl, man is not only a puppet of impulses, because psychological phenomena are not so much determined by impulses and instincts, and being human does not mean simply being driven by them. The man initially has the freedom of choice, and many of his intentions are not physiologically libidinous, but spiritual. Otherwise, how could a person not only survive but also maintain a human face in a concentration camp or in other emergencies (famine, war, near death with incurable diseases, in situations of choosing death or betrayal, etc.) if he were

simply an instinctive being seeking pleasure? However, he has both instinctive depth and spiritual height. Unlike an animal, a human being can fully subordinate his or her instincts to higher ideals and values. An animal is limited by its instincts, but a human being can rise above them, refuse them, and choose freely. And this freedom is higher than the urge, it is inherent in man from the very beginning.

Let us pay attention to one of the key manifestations of spiritual consciousness, conscience, which is the subject of two separate chapters, "Existential Analysis of Conscience" and "Transcendental Quality of Conscience." When the connection between the self and spiritual unconsciousness is barricaded, a person becomes deaf to the voice of conscience and, consequently, ceases to understand his or her responsibility for his or her actions. Frankl's voice of conscience is the voice of the subconscious God himself, sounding inside a person. For all its rationality and awareness, conscience, like love, is initially irrational and intuitive. Just as there is a logical and analytical understanding and a pre-scientific understanding, conscience is a spiritual understanding that does not depend on the existing morality in society and precedes any understanding of values. Thus, it is in no way reducible to the superego according to Freud's theory. The explanation of the reason for a choice often occurs after the fact. Conscience foresees something that does not yet exist but can become real. In this sense, it is similar to love, which reveals hidden potentials that can become real. Conscience cannot be formulated in a categorical imperative because it is always individual and intuitive. Too much attention to thinking about conscience and the right choices can block the natural manifestations of conscience from the spiritual unconscious. Likewise, too much attention to the logic of the creative process can disrupt harmony and block the creative flow. Conscience should become a spontaneous existential act. Awareness is only an intermediate stage in the formation of a personality, and it is not an end in itself. The same goes for the search for meaning. Reflection and awareness on this topic are only an intermediate process. The goal is to reconnect with the spiritual unconscious, where the sense of meaning arises naturally. Thus, meaning is more intuitive than analytical and cannot be created or invented.

This applies equally to faith, hope, and love. The appeals of various religions such as "just believe and everything will be fine" are futile. These kinds of human spiritual activities cannot be

summoned or ordered. Faith, hope, and love cannot be felt or experienced on command from the outside or on command of one's rational desire. These manifestations of the spiritual unconscious cannot be objectified, embodied, or achieved by will and effort. With increasing tension and intensity, they simply disappear. The quintessence of Frankl's understanding of conscience and its transcendent nature may be the aphorism quoted by the author: "Be the master of your will and the slave of your conscience" (Frankl, 2000). That is, with all the consciousness and clear understanding of one's responsibility to oneself and the world, the true reality of conscience for Frankl is spiritually unconscious. Conscience is not reducible to the attitudes of the superego (as in Freud's psychoanalytic theory). Ontologically, it is a purely human phenomenon, which cannot be understood unless its transcendental origin is assumed. Understanding the existential qualities of human reality is enough to explain human freedom, but it is not enough to explain responsibility, which cannot be reduced to instincts. The psychological fact of conscience is an imminent, partial manifestation of a whole transcendent phenomenon, and is essentially a mediator between the self and something far superior to it. The notion of conscience as a natural, basic manifestation of the spiritual unconscious sounds rather paradoxical. After all, it turns out that the deep nature of any human being is spiritual, and all the best human manifestations, including conscience and love, are natural to him or her. However, we are all well aware of numerous spontaneous human manifestations of cruelty, stupidity, and heartlessness. That is, a natural question arises: if there is a conscience in the spiritual unconscious, can't there also be a lack of conscience in the same deep dimension of a person? However, according to Frankl, these phenomena are formed later, in the mental dimension. Society, with its education, upbringing, system of values, etc., partly plays a negative role in this. Although the topic of society's influence on a person is hardly ever touched upon, his philosophy suggests that a person is not born a villain, but becomes one due to certain external and internal conditions and circumstances. In support of the theory that the deeper layer of man is spiritual, we can recall the cases of repentant Nazis or other criminals. Many such cases are described in classic works of literature, for example, in *Crime and Punishment*. There is a lot of evidence that even the most brutal criminal can have a conscience if he does not have serious mental disorders. For example, the entire German nation still expresses remorse for fascism. It's just that not all criminals

find themselves in conditions where remorse can become possible and their conscience can be freed, so some continue to sin.

On the other hand, it is a legitimate question, perhaps faith is not a deeply rooted spiritual quality of a person after all, but simply a drowning man's cunning, grasping at straws in difficult situations? But then what about the striking fact cited by Frankl: "God did not die even after Auschwitz"? Faith in God is either unconditional or it is not faith at all. Unconditional faith (stemming from the spiritual unconscious) remains and recognizes even the fact that six million people died in the Nazi Holocaust. Unconditional faith disappears when faced with the tears of a single innocent child. True faith is not bargaining with God: "Until six thousand or even a million victims of the Holocaust, I kept my faith in You, but now there are more than a million dead, I am sorry, but I must give up my faith." And Frankl cites striking data: among those who went through the experience of Auschwitz, the number of those whose religious faith deepened-despite, not because of, this experience-far exceeds the number of those who abandoned their faith. "Just as a small fire is extinguished by a storm, and a large fire is strengthened by it, so too is weak faith weakened by difficulties and catastrophes, and strong faith is strengthened by them." (Frankl, 1986, 2005, 2011b). In other words, he believes that if faith were a simple form of the mind, of the psyche, it would not stand the test of hard and very cruel facts.

Conclusions

Due to his cautious attitude to transcendental experiences and peak states, Frankl did not fully explore such inner spiritual possibilities that are revealed, for example, in meditation practices and in obtaining transcendental experiences in transpersonal psychology, during clinical death, etc. Such experiences are known to religious people of various denominations. Frankl was more interested in the religious and moral aspect of this issue than in the philosophical approach, as such researchers of the transcendental nature of man as S. Grof and others have done. The scientist also attempted to analyze dreams as manifestations of the spiritual unconsciousness of man. However, intuition, insights, mystical experiences, and other irrational spiritual manifestations have not yet been sufficiently comprehended by philosophers and studied to a very small extent by scientists, but their study will be a step forward in understanding human nature, in particular its spiritual dimension.

Meanwhile, probably everyone who has read Frankl's works could not help but note his boundless faith in man and humanity. Throughout his life and work, he demonstrated this faith, remaining an authentic researcher and philosopher.

"No one can make us believe that man is exalted above the animals when we can show that there is a suppressed angel inside him" - this leitmotif is present in many of Frankl's works, in particular in the book *The Subconscious God*, where he convincingly promotes his faith. This idea resonates with Berdyaev's idea that along with the "abyss of darkness, contradictions, and torment," man also contains "the image and likeness of God and the creator of values." Despite his idealism, romanticism, and partial religiosity, Frankl is a profound existential philosopher whose understanding of man is humanistic, and positive, and offers hope for the possibility of solving many individual and universal problems. His study of the integral human structure with a central spiritual core is a significant contribution to philosophical anthropology, which helps to better understand the phenomenon of man as a spiritual being and his development in the process of evolution.

Bibliographic references

- Berreby, D. (2011). *A Philosophy of Genocide's Roots*. The New York Times. <https://acortar.link/bFICk9>
- Bulka, R. (1978). Is Logotherapy Authoritarian? *Journal of Humanistic Psychology*, 18(4), 45-55.
- Bychko, A. K., Bychko, I. V., & Tabachkovsky, V. G. (2001). *History of philosophy*. Kyiv: Lybid. 408 p.
- Cooper, M. (2003). *Existential Therapies*. London: Sage.
- Frankl, V. (1986 [1955]). *The Doctor and the Soul. From Psychotherapy to Logotherapy*, 3rd ed. Trans. Winston, R. and C. New York: Vintage.
- Frankl, V. (2000). *Man's search for ultimate meaning*. New York: Basic Books, A Member of the Perseus Books Group, 200 p.
- Frankl, V. (2005 [1984]). *Der leidende Mensch. Anthropologische Grundlagen der Psychotherapie*, 3rd ed. Bern: Hans Huber.
- Frankl, V. (2011 a [1948]). *Man's Search for Ultimate Meaning*. London: Ebury Publishing.
- Frankl, V. (2011 b). *Medical pastoral care. Basics of logotherapy and existential analysis*. 3rd ed. Munich: German paperback publisher.
- Holovko, B. A. (1997). Holovko, B. A. (1997). *The problem of man in existentialism. Philosophical anthropology*. Kyiv: Naukova Dumka, P. 70-139.
- Kvit, S. M. (2003). *Fundamentals of hermeneutics: a textbook*. K.: KM Academy Publishing House.
- Längle, A. (1994). Meaning-belief or sense of meaning? On the differentiation of ontological and existential meaning in logotherapy. *Bulletin GLE*, 11(2), 15-20. (In German)
- Lehmann, O.V., & Klempe, S. H. (2015). Psychology and the Notion of the Spirit: Implications of Max Scheler's Anthropological Philosophy in Theory of Psychology. *Integrative Psychological and Behavioral Science*, 49(1).
- Marseille, J. (1997). The spiritual dimension in logotherapy: Viktor Frankl's contribution to transpersonal psychology. *The Journal of Transpersonal Psychology*, 29(1), 1-11.
- May, R. (1978). Response to Bulka's article. *Journal of Humanistic Psychology*, 18(4), 57-58. <https://doi.org/10.1177/002216787901900409>
- Palma, R. J. (1976). Viktor E. Frankl: Multilevel Analyses and Complementarity. *Journal of Religion and Health*, 1.
- Palmer, D. (2009). *Looking at Philosophy: The Unbearable Heaviness of Philosophy Made Lighter*. 6th. New York: McGraw-Hill.
- Pattakos, A. (2010). *Prisoners of our Thoughts*. 2nd. San Francisco: Berrett-Koehler Publishers Inc.
- Petrov, V. (2013). *Existentialism and us. Explorations: in 3 vols. Vol. 2*. K.: Tempora, P. 871-883.
- Ponsaran, A. G. (2007). The Philosophical Foundations of Viktor Frankl's Logotherapy. *Philippiniana sacra*, 42(125), 339-354.
- Popielski, K. (2005). Noetic dimension of personality: multidimensionality of being and multi-directionality of becoming and meaning of life. The problem of meaning in the sciences of a man (to the centenary of Viktor Frankl). *Proceedings on International Conference*. Moscow (pp. 55-67).
- Pytell, T. (2001). Viktor Frankl and the Genesis of the Third Viennese School of Psychotherapy. *Psychoanalytic Review*, 88(2).
- Pytell, T. (2006). *Transcending the Angel Beast. Viktor Frankl and Humanistic Psychology*. *Psychoanalytic Psychology*, 23(3), 490-503.
- Raida, K. (2004). *The concept of freedom in existentialism. Freedom: Modern Dimensions and Alternatives*. K.: Ukrainian



- Center for Spiritual Culture, P. 130. (In Ukrainian)
- Rius, Zh. (1998). The progress of modern ideas: A panorama of modern science / translated from the French by V. Shovkun. K.: Osnovy. P. 76. (In Ukrainian)
- Rohr, W. (2009). Viktor E. Frankl's concept of the logos. The special position of meaning in substance and relational ontology. Freiburg/Munich: Karl Alber.
- Smith, D.L. (2011). *Less than Human: Why We Demean, Enslave, and Exterminate Others*. New York: St. Martin's Press.
- Weber, M., Wang, Z., & Derfer, G.E. (2009). *The Roar of Awakening. A Whiteheadian Dialogue Between Western Psychotherapies and Eastern Worldviews*. Frankfurt: Ontos Verlag.
- Weisskopf-Joelson, E. (1975). Logotherapy: Science or Faith? *Psychotherapy: Theory, Research, and Practice*, 12(3), 238–240.
- Yalom, I. (1980). *Existential Psychotherapy*. New York: Basic Books.



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