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FORMATION AND IMPLEMENTATION OF THE STATE-PUBLIC COMMUNICATION IN THE FIELD OF CONSUMER PROTECTION

Abstract. The article substantiates the peculiarities of functioning of the state-public communication in the sphere of the consumer rights protection and providing practical recommendations on their implementation in the practice of democratic governance in Ukraine. Special attention is paid to the analysis of the concept of the state policy in the field of consumer rights protection, as well as the directions of improving the interaction of the state and civil society in the protection of the consumer rights. It is determined that in contrast to the usual practice of the public administration that relies on the hierarchy and provides for unconditional execution of orders and commands, the main parameters of the public-communication sphere (public policy, public administration, public communication) are consent and agreement. The traditional administrative activity pays mostly attention to law and regulations, the public – communication to norms, collective recommendations, values, proposals, moral agreements.

To change the existing pyramid of power: to make it responsible for managing the public affairs and not to be the manager of the property of the citizens, their lives, national resources is a modern way of organizing power, a real mechanism for its democratization, control of the society and true self-government. It has been found that the key to success in achieving high standards of quality of life is the cooperation of the government agencies, public organizations and consumers. Consumer culture should be used to educate children from a young age, because the right quality of goods and services is not only safety for life and health, but also respect for the human dignity.

It is proved that the modern model of relations between the state and the citizens should be built not on the traditional principle of subject-object relations (control-managed), but on the mechanisms of “communicative behaviour”, that is, subject-subject relations, on the principles of definition of equality of both the public and the “private” people, which envisages as the main democratic procedure the “dialog communication” of the state authorities and the “free public”. The main “difference of the dialog model is that it assumes a kind of “horizontal equality” of the participants in the information exchange, as opposed to the “vertical” principle of “leadership-subordination” inherent in the “broadcasting” model.

Keywords: public administration, state-public communication, consumer protection, consumerism, concept of the public policy in the field of consumer rights protection until 2020.

ФОРМУВАННЯ ТА РЕАЛІЗАЦІЯ ДЕРЖАВНО-ГРОМАДСЬКОЇ КОМУНІКАЦІЇ В СФЕРІ ЗАХИСТУ ПРАВ СПОЖИВАЧІВ

Анотація. Обґрунтовано особливості функціонування державно-громадської комунікації в сфері захисту прав споживачів та наданні практичних рекомендацій щодо їх впровадження в практику демократичного врядування в Україні. Особливу увагу приділено аналізу концепції державної політики у сфері захисту прав споживачів, а також напрямків удосконалення взаємодії держави та громадянського суспільства у захисту прав споживачів. Визначено, що на протигагу звичної практики державного управління, яка спирається на ієрархії та передбачає безумовне виконання наказів та розпоряджень, головними параметрами публічно-комунікативної сфери (публічна політика, публічне врядування, публічна комунікація) стають згода і договір. Традиційна адміністративно-управлінська діяльність приділяє переважно увагу праву та регламентам, публічно-комунікативна — нормам, колективним рекомендаціям, цінностям, пропозиціям, моральним угодам.

Змінити існуючу піраміду влади: зробити її відповідальною за розпорядження суспільними справами, а не бути розпорядником власності громадян, їх життєвих доль, загальнонародних ресурсів — це сучасний шлях організації влади, реальний механізм її демократизації, підконтрольності суспільству й справжнього самоврядування. З'ясовано, що запорукою успіху для досягнення високих стандартів якості життя є співпраця державних органів, громадських організацій та споживачів. Споживчій культурі необхідно привчати дітей змалечку, адже належна якість товарів та послуг — це не тільки безпека для життя та здоров'я, а й повага до гідності людини.

Доведено, що сучасна модель взаємин держави і громадян має вибудовуватися не за традиційним принципом суб'єкт-об'єктних відносин (керуючі-керовані), а на механізмах “комунікативної поведінки”, тобто суб'єкт-суб'єктних відносинах, на принципах визначення рівноправності як людини державної, так і людини “приватної”, що передбачає як головну демократичну процедуру “діалогову комунікацію” державної влади і “вільної громадськості”. Головна “відмінність діалогової моделі полягає в тому, що вона припускає своєрідну “горизонтальну рівність” учасників інформаційного обміну, на протигагу “вертикальному” принципу “керівництва-підпорядкування”, властивого для моделі “віщання”.

Ключові слова: публічне управління, державно-громадська комунікація, захист прав споживачів, консюмеризм, концепція державної політики у сфері захисту прав споживачів на період до 2020 року.

ФОРМИРОВАНИЕ И РЕАЛИЗАЦИЯ ГОСУДАРСТВЕННО-ОБЩЕСТВЕННОЙ КОММУНИКАЦИИ В СФЕРЕ ЗАЩИТЫ ПРАВ ПОТРЕБИТЕЛЕЙ

Аннотация. Обоснованы особенности функционирования государственно-общественной коммуникации в сфере защиты прав потребителей и предоставлении практических рекомендаций по их внедрению в практику демократического управления в Украине. Особое внимание уделено анализу концепции государственной политики в сфере защиты прав потребителей, а также направлений совершенствования взаимодействия государства и гражданского общества в защите прав потребителей. Определено, что в противовес привычной практики государственного управления, опирающаяся на иерархии и предусматривает безусловное выполнение приказов и распоряжений, главными параметрами публично-коммуникативной сферы (публичная политика, публичное управление, публичная коммуникация) становятся согласие и договор. Традиционная административно-управленческая деятельность уделяет преимущественно внимание праву и регламентам, публично-коммуникативная — нормам, коллективным рекомендациям, ценностям, предложениям, нравственным соглашениям. Изменить существующую пирамиду власти: сделать ее ответственной за распоряжение общественными делами, а не быть распорядителем собственности граждан, их жизненных судеб, общенародных ресурсов — это современный путь организации власти, реальный механизм ее демократизации, подконтрольности обществу и настоящего самоуправления. Выяснено, что залогом успеха для достижения высоких стандартов качества жизни является сотрудничество государственных органов, общественных организаций и потребителей. Потребительской культуре необходимо приучать детей с детства, ведь надлежащее качество товаров и услуг — это не только безопасность для жизни и здоровья, но и уважение к достоинству человека.

Доказано, что современная модель взаимоотношений государства и граждан должна выстраиваться не по традиционному принципу субъект-объектных отношений (управляющие—управляемые), а на механизмах “коммуникативного поведения”, то есть субъект-субъектных отношениях, на принципах определения равноправия как человека государственного, так и человека “частного”, предусматривающего как главную демократическую процедуру “диалоговую коммуникацию” государственной власти и “свободной общественности”. Главное отличие диалоговой модели состоит в том, что она предполагает своеобразное горизонтальное равенство участников информационного обмена, в противовес вертикального “принципа” руководства-подчинения.

Ключевые слова: публичное управление, государственно-общественная коммуникация, защита прав потребителей, консюмеризм, концепция государственной политики в сфере защиты прав потребителей на период до 2020 года.

Formulation of the problem. By signing the Association Agreement between Ukraine, on the one hand, and the European Union, Ukraine has committed itself to ensuring a high level of consumer protection.

At the same time it should be noted that Ukraine lacks a comprehensive system of state protection of the consumer rights, and this leads to competitive advantages for unfair business. Therefore, the internal consumer market is more risky and dangerous for the consumers whose infringement has become widespread. Most economic operators (producers) lose their competitiveness both domestically and in the EU market. The spread of dangerous and poor quality products in the internal market is becoming increasingly threatening to the health and life of the population [1].

It must be acknowledged that no system for the implementation of the European principle of the presumption of consumer innocence, an accessible and transparent system of pre-trial complaints and response to the results of independent consumer research has been established at the state level.

In addition, the role of the civil society, in particular the public associations of consumers, is underestimated in Ukraine. At the same time, the European practice successfully implements measures to support the activities of public organizations, which makes it possible to use resources more effectively in addressing information, consulting, consumer education, identifying threats, monitoring the market, exercising control over the performance of the public authorities by their functions, preventing corruption factors. Therefore, as we can see, the analysis

of the main directions of formation and implementation of the state-public communication as an important factor in their implementation in the practice of democratic governance in Ukraine is relevant and timely.

Analysis of the recent research and publications. Within the national science of public administration the conceptual foundations of the theory of communication, issues of development of mass and civil communication, public relations were reflected in the works of such scientists as: E. Afonin, V. Bebyk, M. Bilynska, T. Butyrskaya, O. Valeyevsky, T. Vasylevsky, V. Holub, L. Honyukova, N. Hritsyak, V. Hurkovsky, O. Dmytrenko, N. Dniprenko, V. Karlova, V. Kozakov, V. Kuybida, M. Lohunov, D. Nelipa, I. Panteleichuk, O. Petroye, H. Pocheptsov, O. Pukhkal, V. Rebkalo, E. Romanenko, A. Savkov, I. Suray, S. Teleshun and others. The research of consumer protection issues, the formation of consumerism is devoted to scientific publications, mainly by economists, namely: A. Voichak, S. Dubenko, I. Dudlo, A. Mazaraki, N. Salukhina, F. Kotler, A. Pavlenko, V. Kardash, O. Shafalyuk, O. Yazvinska, etc.

Therefore, the relevance, theoretical and practical importance and insufficient elaboration of this topic determined the author's scientific interest in the theoretical and methodological substantiation of the impact of the civil communication on the democratic development of the public administration in the field of consumer protection in Ukraine.

The purpose of the article is to theoretically and methodologically substantiate the peculiarities of func-

tioning of state-public communication in the sphere of consumer rights protection and to provide practical recommendations on their implementation in the practice of democratic governance in Ukraine.

Presentation of the main material.

Recently, EU consumer policy calls for a revision in light of citizens' needs to improve the protection of their consumer interests, namely: ensuring a high level of consumer protection, mainly by improving the provision of information on consumer issues; improving consultation and better representation of the consumer interests; ensuring effective enforcement of the consumer protection rules, in particular through the development of cooperation between the authorities and organizations responsible for the practical implementation of the consumer protection laws, information, education and resolution of the consumer complaints.

To change the existing pyramid of power: to make it responsible for managing the public affairs and not to be the manager of the property of citizens, their lives, national resources is a modern way of organizing power, a real mechanism for its democratization, control of the society and true self-government. The key to success in achieving high standards of quality of life is the cooperation of the government agencies, public organizations and consumers. Consumer culture should be used to educate children from a young age, because the right quality of goods and services is not only safety for life and health, but also respect for the human dignity. The well-known scientist Yu. Habermas believes that "the modern model of relations between the state

and the citizens should be built not on the traditional principle of subject-object relations (control-managed), but on the mechanisms of "communicative behaviour", that is, subject-subject and the principles of defining the equality of both public and private, which presupposes, as the main democratic procedure, the "dialogue communication" of the state authorities and the "free public". The main "difference of the dialog model is that it assumes a kind of "horizontal equality" of the participants of the information exchange, as opposed to the "vertical" principle of "leadership-subordination" inherent in the "broadcasting" model [2, p. 142].

Thus, it can be said that the state authorities and the administration for the democratic system cannot perform their functions without interacting on a parity basis with the citizens and their associations, without seeking and winning their support and approval during the discussion and decision-making of those or other issues of the socio-economic development.

The "UN Development Program" documents make it possible to attribute the following key characteristics to the public-communication sphere of the consumer protection:

- participation (all the citizens have a voice in decision-making – directly or through legitimate institutions that represent their interests; such wide participation is built on the freedom of association and expression, as well as the ability to engage in constructive dialogue);
- rule of law (honesty and impartiality of the legal structures, especially those that ensure respect for the human rights and the consumer rights);

- transparency (freedom of information); its completeness and accessibility for all the consumers;
- sensitivity (all the institutions are responsive to the citizens' needs);
- a focus on consent (maintaining a balance of interests to reach broad consensus on what most meets the needs of the group and what means by which the procedures are to be achieved);
- fairness (all the citizens have the opportunity to improve their well-being);
- efficiency and effectiveness (maximizing resource efficiency to meet the citizens' needs);
- accountability (government, private business and civil society structures accountable to the public and institutional right holders);
- strategic vision (leaders, authorities, and the public rely on long-term perspectives on governance and personal development, and clearly picture the actions that are needed to implement them).

In contrast to the usual practice of the public administration that relies on the hierarchy and provides for the unconditional implementation of orders and commands, the main parameters of the public-communication sphere (public policy, public administration, public communication) are consent and agreement. Traditional administration activity pays particular attention to law and regulations, public-communication to norms, collective recommendations, values, proposals, moral agreements. Traditional power is exercised by the government, bureaucracy, parliament, and the public is increasingly involving commissions, forums, large democratic organized groups in its orbit. If in the

system of state-administrative relations the information is traditionally centralized and largely closed, then in the public-communication sphere it is open and accessible to all. By negotiating between the public, private and civic entities interested in working together to achieve mutually acceptable results, the public policy, governance and communication can more effectively and efficiently meet the societal needs, that is, make socially meaningful decisions.

An important area of functioning of the state-public communication in the field of consumer rights protection is consumerism (from the English. Consumer-споживач), as an organized movement of the citizens, as well as the activities of state and public institutions for empowerment of the consumers and influence of the producers and traders in both commercial and non-commercial areas.

The subjects of the consumerist activity are: 1) public associations of the consumers; 2) public authorities; 3) enterprises.

It became a landmark for the global consumerist movement on March 15, 1962. On this day the President John F. Kennedy addressed a message to the U.S. Congress "Special Consumer Protection Message". In particular, it states: "Consumers are all of us. It is the largest economic stratum affecting any private or public economic decision. But this is the only voice that is often not heard". In his address John F. Kennedy proclaimed four fundamental consumer rights: the right to safety; the right to information [3, p. 268].

According to the Law of Ukraine "On Consumer Protection" the public consumer structures have the right to:

- study consumer demand for products, demand for it, conduct public surveys to find out public opinion about the quality of the goods produced and sold, and the prices for them;

- carry out examination and testing of goods (works, services);

- obtain from the state and governing bodies and self-government bodies the information necessary for the realization of their goals and objectives;

- assist the state bodies in the control of the quality of goods (works, services), trade and other types of services;

- organize legal and advisory assistance to the consumers in accordance with the law;

- submit proposals for the development of normative documents that set requirements for the quality of goods (works, services);

- represent and protect the interests of the consumers in the public authorities and local self-government bodies in accordance with the law; [4, p. 109].

The innovative restructuring of the entire socio-economic policy based on information technology has made it possible, before offering the product for the market, to conduct social studies in order to identify the objective needs of the different segments of the population, the level and nature of existing demand, quality requirements. And take into account the interests of the manufacturer-seller. The fight for the consumer is intensifying, the role of competition in the quality of goods and services is increasing. Special marketing services have been created that possess information and on its basis determine: 1) demand; 2) availability

of goods and services on the market; 3) the cost of their production; 4) the most rational production technology; 5) future specialization partners; 6) future contractual terms of sale of the goods, etc. [5, p. 9].

An important aspect of understanding the political and legal nature of the consumer associations is determining their impact on the state. There are almost 100 public associations and consumer organizations in Ukraine. The most influential among them is the Ukrainian Consumers Association (UCA). The association, like many other public organizations, was created during the perestroika period and was formally registered by the Ministry of Justice in 1989, bringing together more than thirty consumer unions. It should consist of four elements – legal protection, state protection (for example, creation of a parliamentary profile committee of the Verhovna Rada of Ukraine on consumer protection and structure under the Presidential Administration), market protection and public protection. In addition, a single representative body should be established in Ukraine – the All-Ukrainian Consumer Association.

On April 20, 2018 in Kiev hosted the All-Ukrainian Forum “Protected Consumer” that identified the main tasks of the consumer protection, namely: firstly, to safeguard consumer rights in such a way that fair business is not harmed, secondly, to raise public awareness and the role of the consumers in self-defense of their rights and interests, and thirdly, to optimally regulate legislation and adapt the Ukrainian consumer protection system to the European one [6, p. 43].

The following directions of this influence can be distinguished, according to V. Toryanyk:

- consumer public associations participate in the formation of representative (legislative) bodies of the state and local self-government;
- the effectiveness of the state's performance of its functions depends to a certain extent on the public associations of consumers;
- representatives of the public consumer associations may be included in the collegial state bodies with a decisive vote, etc. Therefore, the main purpose of the activity of the public organizations in representing the interests of the citizens should be:
 - improving the public authorities to increase their accountability and optimize engagement,
 - harmonizing of the relations between the state and the individual through the establishment of structures of the civil society [7].

Consumer Rights Protection Program in Kyiv for 2019–2020

The goal of the Consumer Rights Protection Program in Kyiv for 2019–2020 is to create and implement an effective consumer protection system, in particular:

- ensuring constitutional guarantees of safety and quality of consumption, including by making it impossible to reduce the achieved level of protection of the consumer rights;
- increasing consumer literacy;
- ensuring the introduction of transparent and effective mechanisms of interaction between the state bodies, local self-government bodies, public associations of consumers, business representatives in the field of consumer protection;

- improving the efficiency of the consumer protection system against dangerous products that can cause damage to life, health, property of the consumers, the environment, including by improving the efficiency of the state market surveillance;
- the prevention of violations, not the statement of their facts, the main purpose of the program is to monitor the production in the territory of Kyiv;
- the program is attended by all interested organizations, namely: Kyiv City State Administration, National Police, State Fiscal Service, District State Administrations, Security Service, Consumer Public Associations and others.

I would like to emphasize separately the need to introduce at the program level an electronic system of notification of the substandard goods, which will ensure the appearance on the market only of such products that does not harm the health or safety of the consumers. This is necessary not only to protect the consumers, but also to protect the economic operators from unfair competition.

Such a notification system should be open to all the Internet users, with a convenient search for product categories, photos and a full description of the potentially dangerous goods and their risks.

A market surveillance system that takes into account different criteria for consumer product safety is fundamental to enhancing consumer confidence and improving the well-being of the citizens.

Problem solving is possible by applying a comprehensive approach to the consumer protection issues, which

involves the development and interaction of all the components of the consumer protection system in Ukraine, including legal support, state consumer protection, market and public consumer protection.

Conclusions and prospects for further research. Thus, it can be concluded that the protection of the consumer rights is a complex, many-aspect problem that is directly related to the strengthening of the national security of the state and the protection of its citizens. In the current situation, the main directions of the state policy in the field of the consumer rights protection should be the control, preventive, ideological, coordination and information-analytical functions, which will provide the Ukrainian citizens with the necessary support and protection.

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