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# CULTURAL POLICY IN UKRAINE IN CONDITIONS OF ECONOMIC AND SOCIAL INSTABILITY

**Abstracts.** The article analyzes the tasks in the formation of cultural policy, relevant for the conditions of economic and social instability of the Ukrainian society. In particular, the author proves the need to strengthen the regulatory framework for the creation of a system of state protectionism for the development of Ukrainian culture and art.

An urgent task is to develop a new edition of the Law of Ukraine "On Culture", in which it is necessary to develop a legal mechanism for the implementation of cultural policy in the context of decentralized management. In the updated basic law, it is necessary to consolidate the introduction of cultural subventions from the state budget to support cultural institutions in order to ensure the cultural rights of citizens. There is a need to optimize budgetary support for the cultural sphere from local governments through the determination of the norms for the share of local communities' budgets, will be aimed at supporting cultural activities and the maintenance of cultural heritage sites.

A complex of problems related to the development of public-private partnership as a mechanism of cultural policy is considered. The article proves the need to create a regulatory framework for public-private partnership, in particular philanthropic activities, in order to attract additional financial resources for the implementation of cultural projects. It is substantiated that the development of cultural and creative industries should become one of the priorities of cultural policy. In order to form the foundations of state policy in this area, it is relevant to prepare a state target program for the development of cultural and creative industries. The purpose of such a program is to recognize the priority of the development of this industry as one of the areas of economic and innovation policy aimed at creating creative goods and services for the domestic and foreign markets.

**Keywords:** cultural policy, legislative support of cultural policy, decentralization of cultural policy, public-private partnership in cultural policy, cultural archetypes.

# КУЛЬТУРНА ПОЛІТИКА В УКРАЇНІ В УМОВАХ ЕКОНОМІЧНОЇ ТА СОЦІАЛЬНОЇ НЕСТАБІЛЬНОСТІ

**Анотація.** Аналізуються завдання у формуванні культурної політики, що актуальні для умов економічної та соціальної нестабільності українського суспільства. Зокрема, доводиться необхідність посилення нормативно-правового забезпечення з метою створення системи державного протекціонізму розвитку української культури та мистецтва.

Актуальним завданням є розроблення нової редакції Закону України "Про культуру", в якій необхідно розробити правовий механізм реалізації культурної політики в умовах децентралізації управління. В оновленому базовому законі необхідно закріпити введення культурної субвенції з державного бюджету на підтримку закладів культури з метою гарантування культурних прав громадян. Доводиться необхідність оптимізації бюджетної підтримки культурної галузі з боку органів місцевого самоврядування через визначення нормативів частки бюджетів місцевих громад, що спрямовуватимуться на підтримку культурної діяльності та утримання об'єктів культурної спадщини.

Розглядається комплекс проблем пов'язаних з розвитком державно-приватного партнерства як механізму культурної політики. Доводиться необхідність створення нормативно-правової бази державно-приватного партнерства, зокрема меценатської діяльності, з метою залучення додаткових фінансових ресурсів для реалізації культурних проектів. Обґрунтовується, що розвиток культурних та креативних індустрій має стати одним із пріоритетів культурної політики. З метою формування засад державної політики в цій галузі на часі підготовка державної цільової програми розвитку культурних і креативних індустрій. Мета такої програми полягає у визнанні пріоритетності розвитку цієї галузі як одного із напрямів економічної та інноваційної політики, спрямованої на створення креативних товарів і послуг для внутрішнього та зовнішнього ринків.

**Ключові слова:** культурна політика, законодавче забезпечення культурної політики, децентралізація культурної політики, державно-приватне партнерство в культурній політиці, культурні архетипи.

# КУЛЬТУРНАЯ ПОЛИТИКА В УКРАИНЕ В УСЛОВИЯХ ЭКОНОМИЧЕСКОЙ И СОЦИАЛЬНОЙ НЕСТАБИЛЬНОСТИ

Аннотация. Анализируются задачи формирования культурной политики, являющиеся актуальными для условий экономической и социальной нестабильности украинского общества. Доказывается необходимость усиления нормативно-правового обеспечения культурной политики с целью создания системы государственного протекционизма развития украинской культуры и искусства. Актуальной задачей является разработка новой редакции Закона Украины "О культуре", в которой необходимо обозначить механизм реализации культурной политики в условиях децентрализации управления. В обновленном базовом законе также необходимо закрепить введение культурной субвенции из государственного бюджета на поддержку учреждений культуры с целью обеспечения культурных прав граждан. Необходимо провести оптимизацию бюджетной поддержки культурной сферы со стороны органов местного самоуправления через определение нормативов доли бюджетов местных общин, направляемые на поддержку культурной деятельности. В статье рассматривается комплекс проблем, связанных с развитием государственно-частного партнерства как механизма культурной политики. Доказывается необходимость создания правовой базы государственно-частного партнерства, в частности меценатской деятельности, с целью привлечения дополнительных финансовых ресурсов для реализации культурных проектов. Обосновывается, что развитие культурных и креативных индустрий должно стать одним из приоритетов культурной политики. С целью формирования основ государственной политики в этой сфере актуальна подготовка государственной целевой программы развития культурных и креативных индустрий. Цель такой программы состоит в признании приоритетности развития этой отрасли, как одного из направлений экономической и инновационной политики, направленной на создание креативных товаров и услуг для внутреннего и внешнего рынков.

**Ключевые слова:** культурная политика, законодательное обеспечение культурной политики, децентрализация культурной политики, государственно-частное партнерство в культурной политике, культурные архетипы.

Formulation of the problem. The relevance of the article lies in the need to determine the tasks of implementing cultural policy in the context of economic and social instability of the

Ukrainian society. There is a need for strengthening and mechanisms aimed at creating a system of state protectionism for the development of culture and art. This is necessary to strengthen the consolidating function of culture in conditions of instability, which is associated with the recognition of the diversity of social practices and ideological orientations, united by generally accepted development goals and values on which public life is based.

The purpose of the article is to substantiate the mechanisms for increasing the efficiency of cultural policy in conditions of economic and social instability. In particular, there is a need to strengthen the regulatory framework of cultural policy in order to create a system of state protectionism for the development of culture and art. Presentation of the main material.

The task of regulatory support of cultural policy.

Setting the regulatory framework of the cultural policy.

First of all, one should point out the need for constitutional support for the foundations of cultural policy. Despite the importance of culture for the development of society, in the Constitution of Ukraine not a single article is fully devoted to it. In the Basic Law, culture is mentioned in Art. 11, 12, 24, 36, 54, 66. However, the definition contained in the Basic Law is largely incomplete. A similar situation is observed in the state cultural policy. In the relevant sections of the Constitution of Ukraine, which define the functions of the central authorities, issues of cultural policy are not given priority importance. Actually, there is no concept of "cultural policy". Instead, they use the concept of "national programs of national and cultural development" (Article 85), "national program of cultural development" (Article 116, item

4), "regional programs of cultural development" (Article 119, item 3).

In further work on amendments to the Constitution of Ukraine, it is advisable to get rid of the "residual" attitude to culture. The Constitution of Ukraine should contain a separate article devoted specifically to culture and its significance for the development of Ukrainian society. This article should define, in particular, the foundations of the state cultural policy and ensuring the cultural rights of citizens, which will help to increase the role of culture in public life and a more picky mind of the authorities at all levels to the problems of cultural development.

An urgent task in the development of the legal framework is the development and approval of a new edition of the Law of Ukraine "On Culture", in which, in particular, it is necessary:

- to develop a legal mechanism for the formation and implementation of cultural policy from the stage of its planning to implementation and evaluation of efficiency;
- to determine the specifics of the implementation of cultural policy in the context of decentralization of management, to determine the areas of competence of local, regional and central authorities in the field of cultural policy, taking into account new forms of territorial structure.

The legislative approval of the principles for the implementation of cultural policy in the new United territorial communities (OTG);

• to consolidate the introduction of cultural subventions from the state budget to support cultural institutions in order to ensure the cultural rights of citizens (this form of state support is advisable for the implementation of long-term cultural projects);

- to optimize the budgetary support of the cultural sphere on the part of local self-government authority through the determination of norms for the share of the budgets of local communities, will be aimed at supporting cultural activities and maintaining cultural heritage sites;
- to determine the specifics of cultural policy in the territories affected by the hostilities in the East of Ukraine.

Decentralization of regional governance has generally had positive consequences in terms of increasing the financial capacity of communities. At the same time, we have to admit that local communities, having received additional financial resources, basically did not provide a corresponding improvement in the functioning of the infrastructure of cultural institutions. Its proper funding largely depends on the subjective understanding by local leaders of the importance of cultural institutions for community development. It should also point to growing pains when the management of new United territorial communities sometimes there is no clear vision of the mechanisms of cultural management at the local level.

In order to solve these problems and to introduce a new mechanism for financing cultural services provided by state and municipal institutions, on 19 of August 2020, the Cabinet of Ministers of Ukraine adopted an order on the approval of the Concept for the reform of financing the system of providing the population with cultural services, developed by the Ministry of Culture and Information Policy of Ukraine [1].

The proposed reform model provides, in particular, new mechanisms for financing cultural services provided by state and municipal cultural institutions, creating conditions for the development of socio-cultural infrastructure at the regional and local levels, introducing a project approach to financing, developing public-private partnerships for the implementation of investment projects in the field of culture. the like. Therefore, on the agenda is the task of implementing the proposed innovations in the practice of cultural activities.

The extremely low wages of cultural workers remain a serious problem, as a result, the low social prestige of their work. Traditionally, the remuneration of cultural workers is one of the lowest among other professions. So, the urgent problem remains to eliminate such a bias and establish wages for cultural workers, at least at the level of teachers. For this, official salaries should be revised and new standards for payment and allowances introduced.

Problems related to supporting the cultural sector and creative industries during the spread of coronavirus disease remain on the agenda (COVID-19), which suffered the greatest losses under quarantine conditions. In this regard, an important step in supporting culture was the signing by the President of Ukraine of the Decree "On Measures to Support the Sphere of Culture, Protection of Cultural Heritage, Development of Creative Industries and Tourism" [2]. This decree plans to implement a wide range of measures aimed at strengthening the development of cultural potential. According to expert estimates, the implementation of the programs, indicated in the decree, requires about 55 billion over 4 years. The need to create an effective mechanism for public-private forms of cultural support. Taking into account the chronic budgetary underfunding of the cultural sphere, the state should create favorable legal and organizational conditions for attracting private capital and various forms of sponsorship in order to ensure the development of culture, primarily at the local level.

However, so far this practice does not have a proper legal basis, so patronage in Ukraine is developing poorly. In the world ranking of philanthropy, Ukraine in 2019 took 101st place among 126 countries [3]. The current Law of Ukraine "On Charitable Activities and Charitable Organizations" is of a framework nature and does not contain real economic and social incentives for investing in the cultural sector. As practice shows, entrepreneurs provide support to cultural institutions, including at the local level. At the same time, it is an abnormal situation when the heads of cultural institutions act as "supplicants" in order to ensure the work of their organizations [4]. Informally, patronage activities function with varying degrees of effectiveness, therefore, an appropriate legal framework will contribute to both the institutionalization of patronage and increase its effectiveness.

So, there is an urgent need to develop a law on patronage, in which it is necessary to determine the specifics of this activity, moral and economic incentives for patronage, legal conditions for effective interaction of patrons with public authorities and local

government. The law on patronage, in particular, should regulate the creation of a network of charitable foundations for the support of culture, which functioned at the central and local levels. Such foundations could be created on a voluntary basis by local entrepreneurs and business structures.

The relevance of this issue is evidenced by the fact that local work has already begun to create regional funds to support culture, even in the absence of a generally accepted legal framework. As an illustration, one can cite the plans to create the Lviv Municipal Cultural Fund, work on which continues [5]. It is planned that the fund will function by reimbursing a certain percentage of revenues to the city budget from the excise tax on the sale of alcohol and tobacco products.

A set of issues related to the possible transfer of cultural institutions and cultural heritage sites to concession requires special attention. The current Law of Ukraine "On Concession" allows the transfer of cultural objects or historical architectural monuments for private use. However, this Law does not say anything about the specifics of such concession agreements. The current Law does not take into account the specifics of cultural objects (in particular, the mechanism for objectively assessing their value), does not contain a definition of sanctions in case of violation of the contract or damage to the object. The question is also raised by the largely non-transparent mechanism of the competitive selection of potential concessionaires proposed in the Law.

At the same time, ideally, the practice of transferring for private use of architectural monuments that are in municipal and state ownership could become a powerful factor in their preservation and proper use. However, so far this practice is not widespread and there are many unsuccessful cases of transfer of cultural heritage objects to concession [6].

Given the complexity of the tasks of forming an effective mechanism for public-private partnership to support culture, there is an urgent need to create communication platforms where representatives of the business community and cultural managers could jointly form the concept of various forms of public-private forms of cultural support.

Cultural and Creative Industries Development Agenda. The development of the cultural and creative industries (CCI) has not been a public policy priority for a long time. However, even in such conditions, this sector, according to expert estimates, in 2018 generated almost 4 % of GDP.

In Ukraine, the resource-based type of economy is strengthening, therefore, the spread of various forms of the cultural industry can become one of the alternatives for economic development and an impetus for innovative small and medium-sized businesses. The strategic objective of state policy is to ensure the sustainable development of CCI as a component of the country's economic development, the formation of a favorable investment climate in the field of culture and the creation of jobs.

Let us determine the measures that need to be taken to achieve this goal.

First of all, it is necessary to make efforts to neutralize the negative consequences caused by quarantine restrictions. The use of restrictive measures aimed at preventing the spread of COVID-19 disease has significantly worsened the conditions for activities in the creative industries. The forms of activity providing for direct contacts with the audience (concerts, performances, performances, festivals, fairs) were suspended. As a result, the subjects of the CCI suffered significant financial losses, the arrears of salary payments, utility bills and the like increased.

In the implementation of the program-target direction of the development of cultural and creative industries, it is appropriate to combine the efforts of the expert environment and culture managers in order to determine the strategic principles for the development of CCI, since until now the development of this industry has been mainly due to the activity of enthusiasts. In this regard, it is relevant to hold parliamentary hearings on the topic "Formation of state policy in the field of innovative development of Ukrainian culture". Based on the results of parliamentary hearings, recommendations should be developed to prepare state target program for the development of cultural and creative industries. The purpose of such a program is to recognize the priority of the development of the CCI as one of the directions of economic and innovation policy, the formation of a protectionist state cultural policy aimed at supporting the CCI and creating conditions for the attractiveness of domestic products of cultural and creative industries over imported ones. The preparation and implementation of a national development program for the CCI will contribute to the establishment of a productive publicprivate partnership, which is now undergoing the first steps of formation. It is necessary to define the principles of state policy in the field of cultural and creative industries, in particular, the areas of competence of central and local authorities and self-government to ensure coherent work. The program will also promote awareness among the management establishment of the essence of CCI, which contain both elements of cultural creativity that create intangible values and entrepreneurial activities aimed at making a profit.

In the export strategy of Ukraine, it is noted that CCI belong to sectors that are at the stage of formation and need complex institutional support aimed at their development in order to achieve competitiveness in foreign markets [7]. Based on the analysis of the implementation of the export strategy, experts identify such urgent problems, the solution of which will contribute to the further development of the CCI [8]:

Firstly, the relevance of the organization and consolidation of CCI participants, which provides for the creation of various professional networks and information platforms to establish communication and develop a common position in relations with authorities. This will help to overcome the current disorganization of the industry and establish cooperation between the participants of the CCI.

Secondly, the need to systematize the offer of creative goods and services in order to increase their competitiveness and attract investment. The implementation of this goal, in particular, provides for the creation of appropriate links between enterprises in the field of CCI with educational institutions, which should prepare specialists taking into account the needs of the market. According to the CCI participants, the need to optimize the tax system in order to create effective incentives for creative entrepreneurship remains relevant.

Thirdly, any assistance to the export orientation of domestic CCIs in order to expand their capabilities in promoting goods and services to foreign markets. This can be achieved, in particular, by: introducing insurance for export risks of creative products through the Export Credit Agency; implementation of an information policy to popularize Ukrainian creative goods and services

In the State Strategy for Regional Development for 2021-2027. A set of measures aimed at strengthening the development of the creative industries are indicated. The leitmotif of measures of state support for projects for the development of the creative economy is to facilitate the transition from a raw materials and export to a production and innovative economy. In particular, the Strategy emphasizes the need to provide incentives to support entrepreneurship in the creative industries and to spread the practice of establishing CCI development centers in cities of various sizes. It also points to the need to facilitate the creation of cells for the development of the creative economy (hubs, platforms, agencies, networks, etc.) at the local and regional level, to create conditions for enhancing the involvement of creative industries in increasing the added value of products of other industries and sectors of the economy [9].

In the life of these events, it will contribute to strengthening the potential of Ukrainian creative industries and the formation of a competitive sector of the economy that is capable of creating new working place.

# Conclusions and prospects for further research.

- 1. The general goal of strengthening the regulatory framework for cultural policy is to create a system of state protectionism for the development of Ukrainian culture and art. In the implementation of this goal, first of all, one should point out the need for constitutional provision of the foundations of cultural policy. The Constitution of Ukraine should contain a separate article devoted specifically to culture, its significance for the development of society and ensuring the cultural rights of citizens. An urgent task is to develop and approve a new edition of the Law of Ukraine "On Culture", in which, in particular, it is necessary to develop a legal mechanism for the formation and implementation of cultural policy in conditions of social instability.
- 2. A serious problem is the extremely low level of wages of workers of culture, as a consequence low social prestige of their work. The remuneration of cultural workers is one of the smallest among other professions. It is necessary to eliminate this imbalance and establish wages for cultural workers, at least at the level of teachers. For this, official salaries should be revised and new standards for payment and allowances introduced.
- 3. An urgent task is to develop effective mechanisms for public-private partnership to support culture. To do this, it is necessary to develop a sepa-

rate law on patronage, in which it is necessary to determine the specifics of this activity, moral and economic incentives for patronage, legal conditions for effective interaction of patrons with state authorities and local government.

4. The development of cultural and creative industries should be one of the priorities of humanitarian policy. In order to form the foundations of state policy in this area, the preparation of a state target program for the development of cultural and creative industries is relevant. The purpose of such a program is to recognize the priority of the development of CCI as one of the areas of economic and innovation policy aimed at supporting this industry and promoting creative goods and services to the domestic and foreign markets.

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