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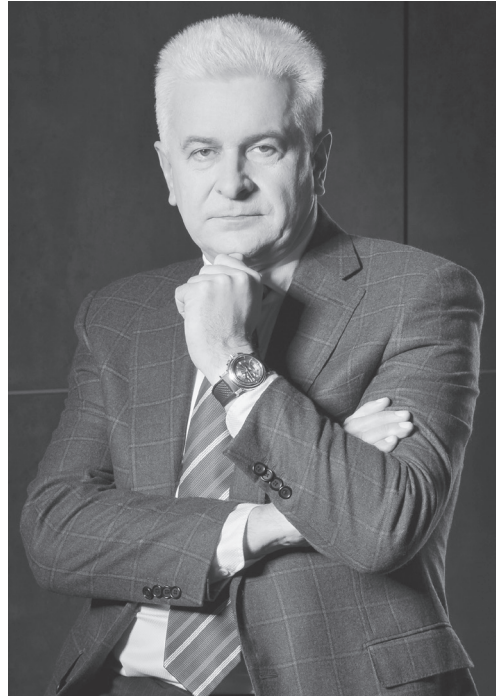
DEAR COLLEAGUES!

Welcome output of the № 2 (7) – May 2017 of the collection “Public management”.

After overcoming a serious crisis, coming on the path of sustainable development, under Ukraine faces an urgent need for qualitative changes in public-management relations. However, the effectiveness of the solutions of the task, largely depends on the consolidation of efforts of government, business, science and society around a common goal – economic growth and welfare. In turn, this requires a balanced scientific approach, respect the delicate balance between abstract theorizing and analysis of the current state of socio-economic problems.

Collection “Public management” can keep this balance, and a wide readership confirms that selected the right vector of development.

I wish You that fresh wind of change for the better fill the sails of Your collection in a stormy today's sea.



Happiness, good health over the staff and readers of the collection “Public management”, new achievements and success in Your useful and important business!

**Regards,
Head of the
Federation of Employers of Ukraine**

Dmytro Mykolaiovych Oliynik

DEAR COLLEAGUES!!



Please accept my sincere congratulations with the release of the next issue of the collection “Public management”.

Today in Ukraine quite not easy and sometimes controversial process of re-

forming of the public administration is conducted. There is a structural transformation of government and governance mechanisms, identified the shortcomings of the traditional concept of administrative and bureaucratic public administration. It forces public authorities to seek alternative forms of management, quality adapted to the new state of the world order. In such circumstances, there will be a strong exaggeration to claim that the need for exchange of information as a basic element of public-management system is urgent.

Over the years of cooperation with the editors, authors of the collection “Public management”, I realized that working with professionals of the highest level. I appreciate our partnership and look forward to further long-term and mutually beneficial cooperation.

I wish You health, happiness, inspiration, energy and well-being!

**Regards,
Chief editor,
Head of the Department of Public Administration of the
Interregional Academy of Personnel Management,
President of the Ukrainian Assembly of doctors
of Science in Public Administration,
Head of the Specialized Scientific Council on defending of the candidate
thesis in public administration of the
Interregional Academy of Personnel Management,
Doctor of Science in Public Administration, Professor,
Honored Lawyer of Ukraine** **Yevhen Oleksandrovykh Romanenko**

DEAR COLLEAGUES!

I sincerely congratulate the editorial staff of the collection “Public management”, its readers with the publication of its next issue.

Today, the primary focus of the state to the development and modernization of public administration — is extremely urgent response to the challenge of time. In recent years, in the national system of government there are quite complex and contradictory processes directed on the reformation derived from the recent past, cumbersome and inefficient system of public administration. This in turn requires solving of the new challenges that facing under industry and branch of public administration of Ukraine and actualizes questions of getting timely and accurate information on the status and prospects of its development.

Today we can state with satisfaction that the contribution of the edition of the collection and its freelance writers are notable achievements of the methodological and scientific-methodological provisions of the development of system of public administration in Ukraine.

**Sincerely,
First Vice-President,
of the Ukrainian Assembly of doctors
of Science in Public Administration,
Doctor of Science
in Public Administration**



Your professionalism, desire to efficiently and impartially cover on the pages of a collection various aspects of public administration established its high reputation.

I wish You health, happiness, inspiration and ambitious desire to be at the forefront of coverage of contemporary issues of public administration.

Oksana Ihorivna Parkhomenko-Kutsevil



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THE INTEGRATION OF IMMIGRANTS ON THE FINNISH LABOR MARKET, AN OUTLINE OF THE ISSUE

Abstract. Modern Finland belongs to a group of wealthy countries of northern Europe. Thus, it has become a target country for different, primarily commercial immigrant groups. In this article it is assumed that effective integration should be held through the labor market. Therefore the aim of the article was to evaluate the Finnish immigration policy in the context of access to the labor market.

Keywords: integration, labor market, unemployment, immigrants, Finland, MIPEX index.

ИНТЕГРАЦІЯ МІГРАНТІВ НА ФІНСЬКОМУ РИНКУ ПРАЦІ — СТРУКТУРА ПИТАННЯ

Анотація. Сучасна Фінляндія належить до групи багатих країн Північної Європи. Таким чином, вона стала цільовою країною для різних, насамперед комерційних груп іммігрантів. У статті йдеться про те, що ефективна інтеграція повинна реалізовуватися через ринок праці. Тому мета цієї статті полягає в оцінюванні фінської імміграційної політики в контексті доступу до ринку праці.

Ключові слова: інтеграція, ринок праці, безробіття, іммігранти, Фінляндія, індекс MIPEX.

ИНТЕГРАЦИЯ МИГРАНТОВ НА ФИНСКОМ РЫНКЕ ТРУДА — ОЧЕРТАНИЕ ПРОБЛЕМАТИКИ

Аннотация. Современная Финляндия принадлежит к группе зажиточных стран Северной Европы. Таким образом, она стала целевой страной для различных, в первую очередь коммерческих иммигрантских групп. В статье обосновано, что эффективная интеграция должна проходить через рынок труда. Поэтому цель статьи заключается в оценке финской иммиграционной политики в контексте доступа к рынку труда.

Ключевые слова: интеграция, рынок труда, безработица, иммигранты, Финляндия, показатель МИПЭкс.

Target setting. The phenomenon of immigrants' flow into the European countries is one of key issues of contemporary politics both in local and regional dimensions. It is treated first of all as threat for the European order, seldom

as contribution to economic and cultural development of receiving countries. International migration always has economic dimension and convictions as for its effects, both positive and negative ones influence decisions of countries on

using legal solutions and created institutional models regulating migration streams. There are factors that require from authorities supporting labor migrations as follow:

1. Economic factors resulting from inability to export all posts based on low skills from developed countries into those of low remuneration (construction industry, hospitality, tourism, gastronomy, trade, health care, housekeeping, agriculture).

2. Demographic factors resulting from low birth rates in rich countries (according to the European Commission 57 % population in a productive age shall be obliged to maintain 30 % of those at the age of 65 and more in 2050).

3. Social factors resulting from educative ambition of young people in developed countries, unwilling to accept work offers of low social prestige. It is worth noticing that foreign employers, although satisfy demand on certain types of work, nevertheless they often experience economic or social exclusion. There is a tendency while employing immigrants to transform mercenary employees into independent mandatories who are not protected by any collective contracts, have no employment guarantee and take all the risk in case of disease or job loss by themselves [2]. Once employed, they are hired as temps and treated as flexible labor force. Undoubtedly, such perception of immigrants on the labor market does not facilitate integration processes whose necessary attitude is stability and sense of economic and social safety. Thus, a way of labor market regulation may facilitate or complicate immigrants' integration in a receiving country. That matter remains a top issue in

the contemporary public debate especially in the age of the migration crisis whose indirect result is popularization of populist parties building their social capital on the belief that immigrants are the cause of unemployment and weakening of national social programs.

In the light of integration programs implemented in the EU's countries, Finland is presented as a state which follows Scandinavian solutions and has worked out a favorable integration policy off immigrants placing itself on a significant position in the MIPEx rank according to the data from 2015 [11]. It is worth mentioning that the support of the Finnish society in the performed integration concept in the labor market, as the data from the recent European Social Poll show, the influence of immigration into the state economics was estimated positively, especially in the context of creating new workplace due to the phenomenon [3].

Analysis of recent research and publications. In recent years, the problem of immigration policy becomes more important. The latest analysis and publication posted on the websites of the Ministry of Economic Affairs and Employment are interesting source of knowledge about Finnish policy of integration in the labor market. The analysis about actual impact of this policy are published also at the statistical office of the Finnish and index MIPEx.

The purpose of the article. The main aim of this article is presentation of the Finnish integration policy of immigrants based on the MIPEx index. The authors have focused on the analysis of the immigrant integration process through labor market. They have indicated factors making authori-

ties support migration processes. They have characterized the post-war population of immigrants, presented statistics concerning the number and origin of the described group, the migration tendency in Finland throughout recent years, the level of employment among immigrants comparing to other European countries. The level of the labor market for immigrants, support provided in that matter by Finland and the rights granted to immigrants have been estimated, especially in comparison to the native Finnish. Moreover, the Governmental Integration Program for the years 2016–2019 has been presented characterized by innovativeness, inter-sector cooperation, using cultural potential of immigrants and popularizing tolerance. Cultural barriers impeding integration, resulting from various diversity of immigrants' population have been taken into consideration as well.

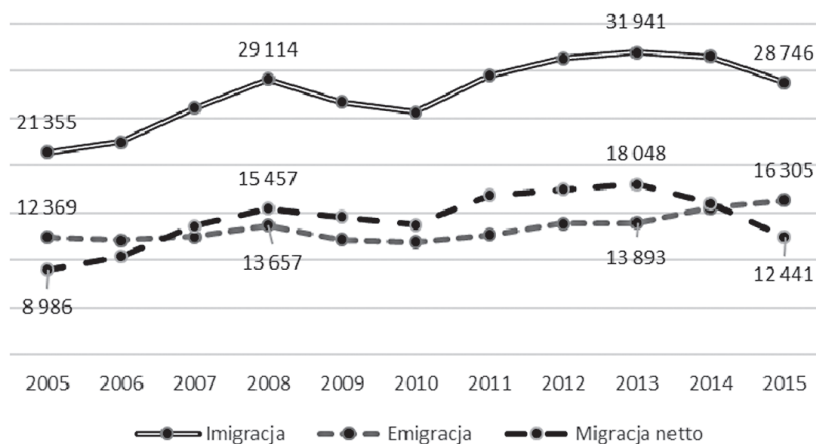
The statement of basic materials. Immigrants in Finland. Finland did not experience social changes connected with the immigration phenomenon until 1980's and 1990's. Basing on available sources, it may be accepted that until that time it had been an emigrating country and one of small groups that appeared on the territory of Finland were rehoused Karelians from Russia [5]. Hermetic Finnish society was a result of peripheral location of the country, historical background and slower development after WWII comparing to the other Nordic countries [7]. In 1960's nearly 300 thousand inhabitants left Finland to search for work [5]. The destination of such journey was usually Sweden. Large part of them soon returned to their country since they had

been unable to adapt to the cultural and social Swedish specifics.

Dynamic economic changes of 1980's significantly increasing the life standard of the Finnish have diverted the migration situation. The first groups of refugees we accepted by Finland in 1970's. Those were mainly Somalians and Kurds. In 1990's the Finnish government decide on enabling Russian citizens of Finnish origins returning within repatriation agreements. Those people were allowed to settle down for unfixed period. Similar procedure was used towards Estonian citizens of Finnish origin. After the collapse of the USSR, native Finnish still applied for the repatriation permit which formally lasted until 2010 [6]. In the same decade, Finland also accepted refugees form former Yugoslavia (Bosnians), Iraq and Iran [1]. Official Finnish statistics from 2015 indicate that the number of immigrants has been decreasing since 2013. However it is still much higher comparing to the number of emigrants leaving that country which proves this is mostly an immigrant country.

According to the recent data of Eurostat, in 2014 in Finland there were 31,5 thousand immigrants in total. Among them, 7,9 thousand, namely nearly 25 % were so called national emigrants, i.e. those having a citizenship of the country they come to. Another 23,1 thousand (73,4 %) were foreign immigrants, out of which 9,5 thousand came from the EU (0,1 %) and 13,6 thousand came from non-EU countries (43,1 %), 0,1 thousand were the non-country ones which makes 0,2 % out of all immigrants [8]. Comparing Finland to other countries it may be noticed that Finland received relatively little immigrants in

Tendencje migracyjne w Finlandii



Migration tendencies in Finland

Own work.

Source: Statistics Finland (http://www.stat.fi/til/muutl/2015/muutl_2015_2016-05-17_tie_001_en.html, access: 22.01.2017)

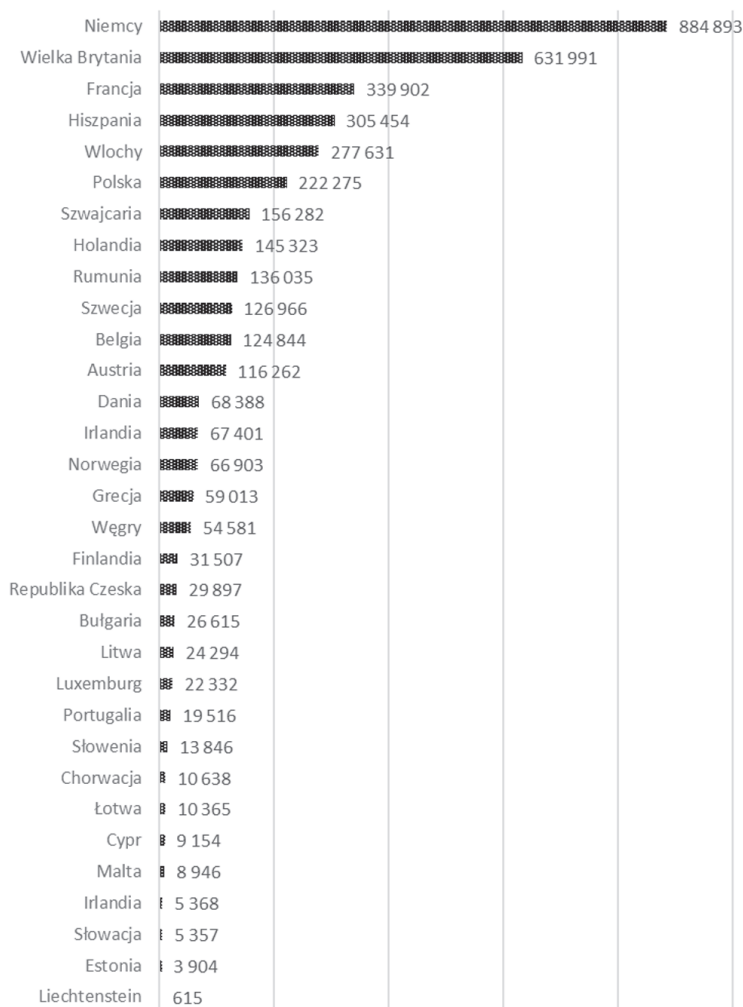
2014. As the diagram below shows, the largest number of immigrants was accepted in Germany and Great Britain. Finland was placed only on the 18th position among those analyzed countries according to the number of accepted immigrants. Such countries as Poland, Sweden or Norway received more immigrants than Finland.

However, in order to be able to compare relatively objective countries, a proper index must be used which can be a number of immigrants per 1000 inhabitants. Then, it can be noticed that the situation varies. Small countries such as Luxemburg, Malta, Switzerland or Lichtenstein accept relatively the most. However Finland, similarly to Poland accepts 6 immigrants per 1000 inhabitants.

Basing on the data of Eurostat [9] from January 2015 in relation to Finland, it may be observed that the largest

group of immigrants includes Estonians (22,1 % out of all immigrants) and Russians (14 %). The remaining groups of immigrants are: Swedish (3,8 % out of all immigrants), Chinese (3,5 %) and Somalians (3,4 %). It should be indicated that in Finland there is large scattering of immigrants as regards citizenship. It means that over half of immigrants (53,3 %) have citizenship of other countries than those mentioned before. In 2015 among 32,500 those searching for asylum over 60 % were Iraqis. Similar tendencies are observed while taking into consideration a country of an immigrant's birth. Also in that case the largest number includes immigrants of the category others (51,9 %). The data of Eurostat [10] from January 2015 indicate the largest number of immigrant were those born in the former USSR (54,7 %) which made 17,4 % out of all immigrants. The next numbers

Liczba przyjętych imigrantów w roku 2014.



The number of accepted immigrants in 2014

Own work. Source: Eurostat (http://ec.europa.eu/eurostat/statistics-explained/index.php/Migration_and_migrant_population_statistics/pl, access, 25.01.2017)

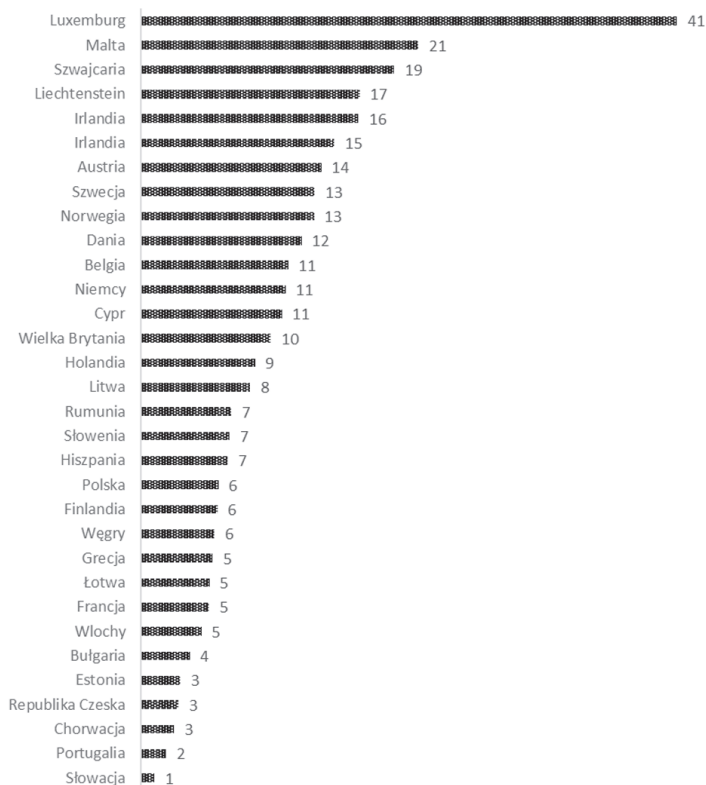
belong to immigrants born in Estonia (13,5%), Sweden (10,1), Russia (3,8%) and Somalia (3,2%).

The integration policy of Finland based on the MIPEX index. The immigration policy is a part of migration policy of a given country. In a general division it is performed in two areas. On

the one hand it focuses on the regulation of immigrants' inflow. On the other hand, it means using such law and practices that interact with immigrants on their territory due to the state's intentions [4].

In this article, another aspect of the immigration policy shall be discussed in

Liczba imigrantów na 1000 mieszkańców w 2014 roku.



The number of immigrants per 1000 inhabitants in 2014

Own work. Source: Eurostat (http://ec.europa.eu/eurostat/statistics-explained/index.php/Migration_and_migrant_population_statistics/pl, access, 25.01.2017)

the context of immigrants' integration through the labor market. There will be the policy within the access to the labor market presented as well as the support provided by Finland and the immigrants' rights granted on the labor market, especially in comparison to native Finnish people.

The analysis shall be conducted basing on the MIPEX index. It serves to evaluation and comparison of integration policies of 38 countries from various regions throughout the world. Due to the fact that it has been systematically used for many years, it enables

not only comparing those countries but also observing the change pace in particular states. The MIPEX index itself has been built of 167 particular indexes enabling to compare policies and law of particular states in many areas. Each index is evaluated in three possible options and on that basis each policy is granted points (total amount of points is 100). Basing on particular indexes there are complex indexes created concerning various matters of immigrants' policy and law, i.e. equal access to the labor market or a country' support on that market. Whereas the set of those

indexes creates general indexes concerning the areas of matters, e.g. mobility on the labor market, opportunity to link families or anti-discrimination policy, etc. [12].

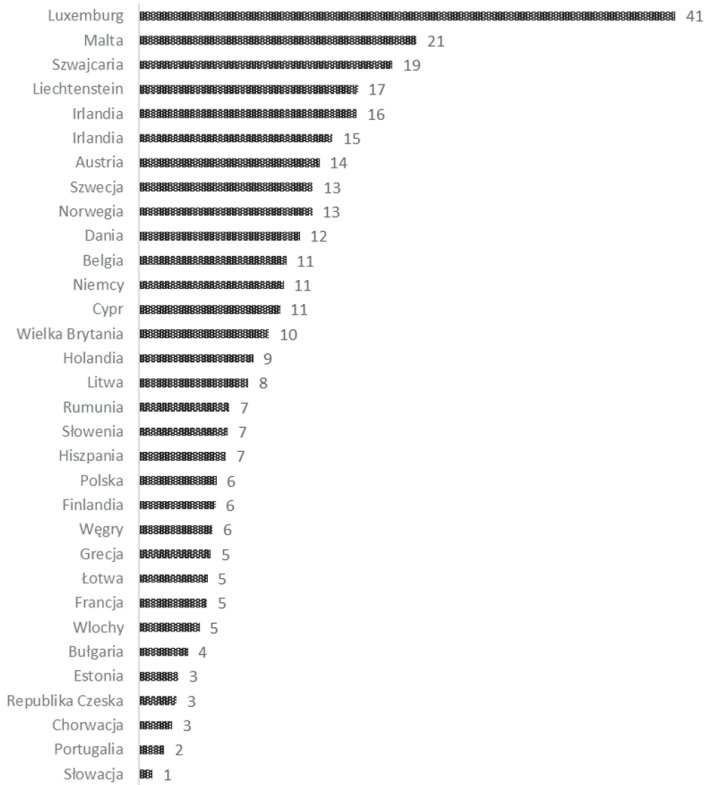
The article shall be limited to the evaluation of one are of the Finland's integration policy concerning mobility on the labor market based on the MIPEX index. In order to exemplify that are of matter on the MIPEX pages, there is a description of two polarized cases of a good and bad integration policy towards the labor market. A good labor market, favorable to involving immigrant means such one where an immigrant has the same rights as others from the very first day on the labor market. In practice it means that from the first day the person and his/her family may apply for a job both in a private and public sectors. Simultaneously, a state recognizes qualifications and skills of an immigrant and creates opportunities to develop of different kinds from the beginning. A bad situation on the labor market from an immigrant's perspective is that one where an immigrant has no opportunity to be involved from the very beginning into the economic life of a destined country and his/her skills goes into waste. Acquiring rights to undertake work and set up own business requires certain grace period (e. g. 5 years) and even after that time an immigrant is forbidden to work in selected sectors or profession. Qualifications and skills are not recognized by the destined state that does not support developing competences and skills of an immigrant as either [13].

In that context, the Finland's integration policy may be treated as a case of a friendly policy to an immigrant and

supporting his/her mobility on the labor market. If only European countries shall be analyzed in that matter, Finland is included into 5 countries with the most favorable policy and law. Only two Scandinavian countries have reached better scores: Sweden and Norway, Portugal and Germany have the highest percentage of immigrants in Europe.

Analyzing such high evaluation results of the Finland's policy towards favoring involving immigrants into their labor market question about the specifics of the Finnish integration policy should be asked. The answer is in the detailed analysis of the MIPEX index. The evaluation of the Finland's integration policy in the context of the labor market has been based on so called indicator of mobility on the labor market. It aims and indicating how much legal immigrants living in a receiving country has comparable rights and conditions in the access to the labor market to the remaining citizens of that country. The evaluation has been conducted basing on four complex indicators. The first indicator was the one of the access to the labor market. It is supposed to answer the question how much an immigrant and his/her family have access to various sectors of the labor market (and opportunity to change job in different sectors) in a receiving country. Secondly, a general support received by an immigrant on the labor market has been evaluated. The support has been measured basing on the conditions describing how much an immigrant and his/her family have opportunity to develop own skills and qualifications in the same range as remaining citizens of a destined country. Thirdly, directed support has been evaluated considering specific

Liczba imigrantów na 1000 mieszkańców w 2014 roku.



The immigration policy of the European countries in the matter of mobility in the labor market based on the MIPEX index in 2014

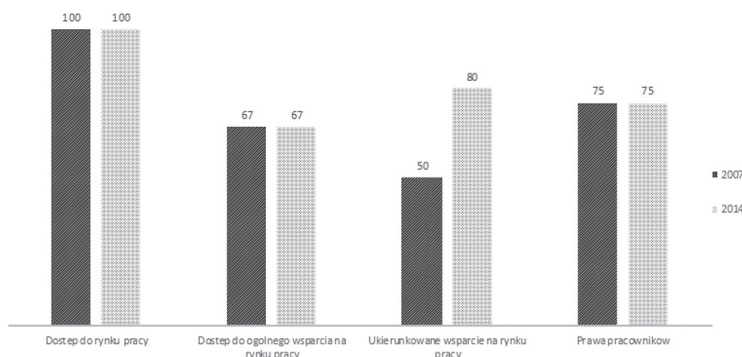
Own work. Based on MIPEX, (<http://www.mipex.eu/labour-market-mobility>, access: 12.12.2016)

needs of an immigrant that result from a birthplace and possessed qualifications acquired abroad. Fourthly, immigrants' rights on the labor market within protecting employees' rights and social protection have been evaluated [13].

As the data on the above diagram show, the Finland's policy receives the highest scores in the access to the labor market for immigrants (100 points in 2007 and 2014). In that area of matter the following issues were taken into consideration: if an immigrant has an opportunity to be immediately in-

involved in the destined labor market, if the access is the same for both private and public sectors (if immigrants are excluded from certain areas of employment such as army, police or higher post in administration) and if he/she may soon after arriving in the destined country set up own business and run it on the same conditions as remaining inhabitants of the country. The Finland's integration policy within protecting immigrants' rights on the labor market was relatively weaker evaluated (75 points in 2007 and 2014). Such in-

Mobilność na rynku pracy



Mobility on the labor market

Own work. Based on MIPEX, (<http://www.mipex.eu/finland>, access: 12.12.2016)

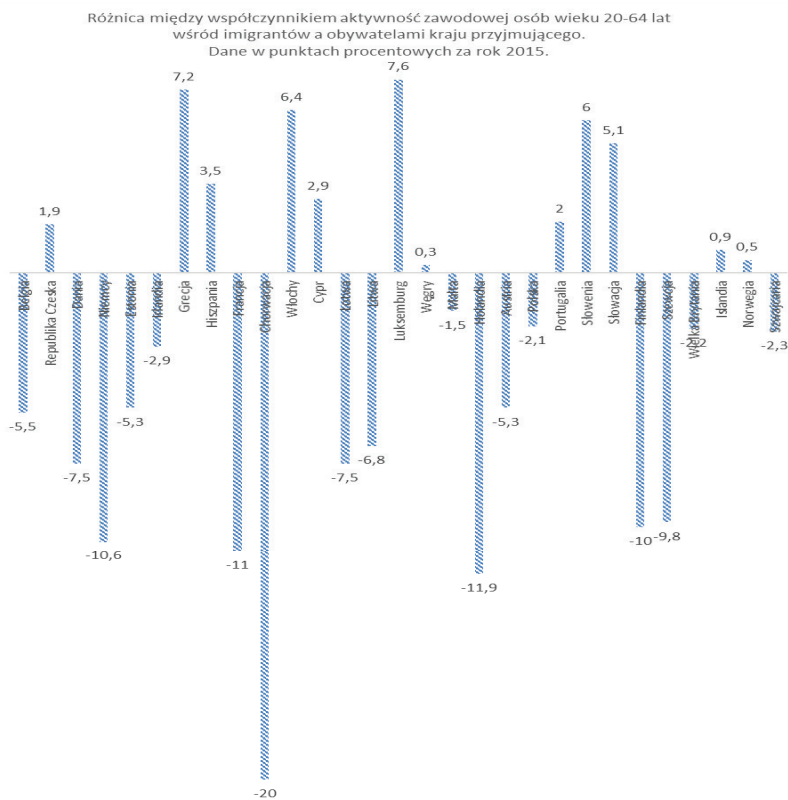
dexes as membership in labor unions, access to social protection, access to flats or working conditions were evaluated here. The support on the labor market was the lowest in evaluation (67 point in 2007 and 2014). The index examined if an immigrant has an access to work advisors, equal access to higher education and trainings, scholarships as well as if academic diplomas acquired abroad are recognized and if there are simple procedures of validating the skills. Throughout years, there is a visible improvement of support directed towards immigrants (50 points in 2007 and 80 in 2014). The dimensions of the integration policy such as simplifying of qualification recognition, measures serving to economic integration of citizens of third countries, measures serving to integration of youth and women and an active information policy were subject to evaluation here.

Professional activity of the immigrants in Finland. In order to reconstruct a fuller image of the immigration policy, it is worth referring to so called an indicator activity rates of popula-

tion aged 20–64. It enables evaluating the level of immigrants' integration on the labor market of the receiving country. According to Eurostat in 2015 the level of professional activity among the Finnish was 80,3 % and among immigrants in total it was 70,3 %. It makes 10 percentage points for the immigrants' disadvantage. It is one of the weakest scores among the polled countries.

The less favorable situation is if we compare the index of professional activity of the citizens of the receiving country to the index of professional activity of those immigrants from non-EU countries which makes in Finland 61,5 %. As a result the percentage difference makes 18,8 points for the disadvantage of non-EU immigrants in Finland.

On the basis of the data it may be considered that the “good” integration policy itself in the shape of liquidating barriers in the access to the labor market is not sufficient. As the statistical data on immigrants' activity on the labor market show, the lack of such barriers is not a guarantee of bigger immigrants' activity. The example of Sweden



The difference between the factors of professional activity of those aged 20–64 among immigrants and citizens of the receiving country. Data on percentage points in 2015

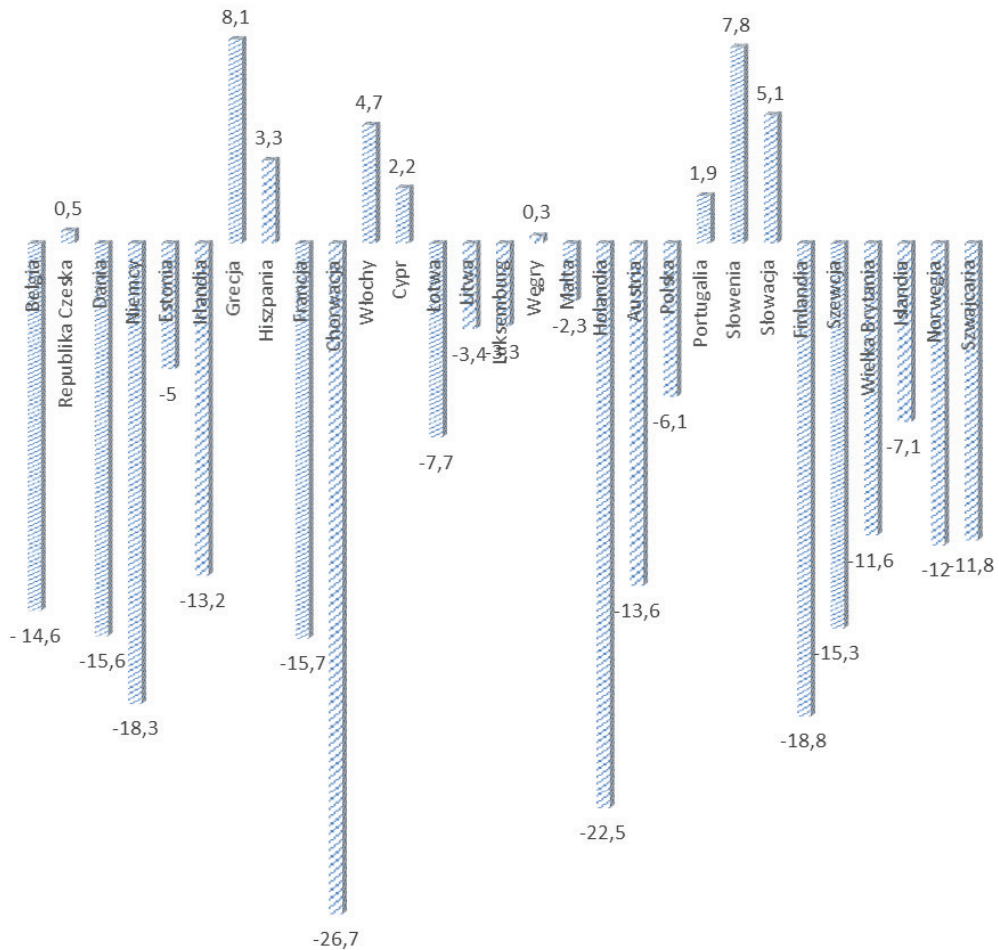
Own work. Source: Eurostat (<http://ec.europa.eu/eurostat/documents/2995521/7437901/3-06062016-AP-EN.pdf/225c8b96-2345-470d-8b87-c76a16525aa2>, access: 26.01.2017)

illustrated it well, which has the best integration policy among those polled countries in the area of mobility on the labor market according to the MIPEX index. And simultaneously it has low factors of immigrants' activity rates aged 20–64 including those from non-EU countries comparing to their own citizens. Whereas Slovakia has completely different situation, i.e. its immigration policy is poorly evaluated and simultaneously it has relatively high employees' activity rate of immigrants in total including those from non-EU countries. It shows that the evaluation of the integration policy is more compli-

cate and would demand more detailed tests in future.

The rights and opportunities of undertaking employment and increasing qualifications among emigrants. In order to provide self-efficiency and independence of immigrants, residents coming from non-EU countries use a favorable support in finding appropriate work and trainings. The Finnish authorities, similarly to the head Nordic countries of the Western Europe put great pressure on improvement of that usually weakest area of integration. Since in 2011 in Finland individual integration plans have been implemented,

Różnica między współczynnikiem aktywności zawodowej osób wieku 20-64 lat wśród imigrantów z poza UE a obywatelami kraju przyjmującego. Dane w punktach procentowych za rok 2015.



The difference between the factors of professional activity of those aged 20–64 among non-EU immigrants and citizens of the receiving country. Data on percentage points in 2015

Own work. Source: Eurostat (<http://ec.europa.eu/eurostat/documents/2995521/7437901/3-06062016-AP-EN.pdf/225c8b96-2345-470d-8b87-c76a16525aa2>, access: 26.01.2017)

new comers to that country have been subject to an individual evaluation, counselling and they are supported in performing all necessary language courses and professional trainings within those plans. Separate solutions have been arranged for specific receivers,

e. g. youth or women providing them special support in fighting barriers in undertaking employment or participating in improvement trainings.

As regards the access to the labor market, non-EU immigrants have generally the same rights in the context of

searching or change the job and sectors of employment as the Finnish citizens. Nevertheless, not all, as long as they may work in all economic sectors, the language requirements in the public sector may incomparably exclude foreigners.

What is important, Finland, similarly to other Nordic countries, does not extend the period of entering immigrants onto the labor market, and the integration also in that matter is a priority almost from the very first day after their arrival to that country. Certain potential weakness in the Finland's integration policy is not recognizing academic and professional qualifications of non-EU foreigners. It is undoubtedly an area demanding improvement [13]. Participating in the process of education and improvement trainings by adults, both by men and women is the same in Finland and other Nordic countries. It is about 1/3 of population. Moreover, most unemployed, fulfilling certain conditions of non-EU citizens may rely on the support in finding a new job.

The Finland's integration program. Finland is one of the best places to live and work throughout the world. It has become one of the most modern and competitive economies based on innovativeness and high quality of social capital although it used to be a peripheral country at the end of 19th and at the beginning of the 20th century, focused on exploitation of forest resources and agriculture [15]. Good Finnish economic condition means low unemployment rate which was 7,9 % in December 2016.

The priority in the integration policy is supporting social cohesion and providing immigrants to successfully

become members of local community with successful cooperation between the government and local authorities. The legal basis of the performed integration policy is the act on integration promoting [14] which came into force on 1st September 2011. Its aim is to equal rights and obligations of immigrants to the rest of population. The act includes provisions that regulate allocation of funds and services destined to the support in the immigrants' integration process. Pursuant to the act, immigrants' integration is an area included in the competence of Ministry of Economics and Labor (the minister is responsible for integration, legislation in that matter, promotion of immigrants' employment, monitoring). The indicated tasks require close cooperation between particular departments of public administration of all levels – national, regional and local ones.

On the regional level, the responsible bodies are the Centers of Development, Economic, Transport and Environment. They support municipalities. They also conclude agreements with municipalities to grant persons receiving international assistance. On the local level, municipalities coordinate the integration by preparing integration programs. Whereas Employment and Economic Development Offices focus on searching for work for those registered as the unemployed and prepare supplementary trainings [14].

The governmental integration program prepared for the years 2016–2019 and accepted by the government in September 2016 aims at promoting equality and assuring immigrants' skills will be useful for the Finnish society. Through efficient integration on the

beginning phase, cooperation between institutions and those interested parties, the performed attempts in order to assure flexible entrance of immigrants both onto the area of education and labor market. The Integration program is based on the act on promoting migration integration according to which the government decides upon the national integration through working out an Integration Program every four years. The first program was completed in 2012.

The program for the years 2016–2019 concerns four key subject areas:

1. Using cultural power of immigrants to increase the Finnish innovative efficiency. The aim is to use the knowledge and skills of qualified immigrants and foreign students who graduate from the Finnish universities and support their carrier development of the Finnish labor market, development of entrepreneurship and internationalism.

2. Making integration more attractive thanks to inter-sector funds. The conditions of immigrants' integration are fixed in early stages. The aim is to equip those with required competences to further education and professional life in order to improve their position on the labor market in order to guarantee protection of the support of many professions to immigrants' families as well as supporting participation of immigrants in recreation activities.

3. Increasing cooperation between a state and municipalities receiving beneficiaries of the international law. The aim is to place groups of refugees in municipalities searching for asylum, those who received residence permit within two months and the integration process should begin immediately.

4. Promoting cultural humane discussion that would not tolerate racism. The aim is the discussion on integration was conducted openly in a way that respects human dignity. Official forums shall be also created for the dialogue between authorities and immigrants.

According to Ministry of Economics and Labor, within 3 next years there will be at least 2 thousand trained and employed immigrants. The Project will be performed by the Finnish Fund of Innovation SITRA that offers immigrants directed trainings which will support their future employment. Its aim is to prepare immigrants to enter the labor market within 4 months after beginning of the course. The trainings shall be still lasting on the work post and it shall include: language, culture, professional skills trainings. The project is supposed to satisfy the needs of both immigrants and employers. Work offers may be found in such sectors and constructor's engineering, services, care, gastronomy. The projects shall be financed by the private capital thus investors may influence the social issues. The power of the model is that there are particular formal objectives determined concerning economic results that are regularly monitored.

Prompt employment of immigrants shall allow Finland save public funds connected with providing social support for those remaining outside the labor market. If the objectives of the project are satisfied, the ministry shall partially refund the capital involved by the investors as well certain part of profits.

Conclusions. Despite promoting the integration policy for many years, it is difficult to say about its full success.

As mentioned in the introduction, the result of economic integration depends on numerous factors lying on both sides: the state and immigrants' community. Finland is presented as a country which is incredibly active in its involvement into the immigrants' integration policy. It is visible in the implementation of complex integration programs aiming at guaranteeing employment to the largest possible group of immigrant on the Finnish labor market. The attempts do not bring presumed results. Immigrants, especially those from non-EU countries are still in most often unemployed, they more frequently undertake activities as those considered by the society as unattractive or badly paid ones. One of the most disturbing barrier that effectively stop integration processes, also on the labor markets, are cultural and civilization diversities which determine immigrants social behaviors. One of the above is patriarchal family model which prevents women from entering the labor market. Another significant factor disintegrating immigrants' community is their various diversity resulting from a social structure of those polled, the level of education, time and reason of arriving in the destined country as well difficult to solve religious, ethnic and language diversities that arouse conflicts within a group. They disturb undertaking and perform unanimous integration programs that would satisfy the needs of all those immigrants searching for employment. Those remaining outside the labor market have more difficult integration and become social support beneficiaries. The situation concerns first of all the immigrants from the North Africa and Near East. In recent months the phenomenon

has been arousing reluctance of public opinion resulting in disapproval of the Finnish government for the extended inflow of immigrants which increased after closing the borders in the Norwegian-Russian border in December 2015. While responding the occurred situation, the authorities intend to deport about 20 thousand put of 32 thousand arrived immigrants. The entrance criteria have been restricted towards Iraqis, Afghans and Somalians. Those actions may prove the government's integration policy shall be limited to a certain group of immigrants which would adapt on the Finnish labor market the best and is able to accept the requirements put by the state and society.

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INTERPRETATION OF THE EU LAW BY THE AUTHORITIES OF THE MEMBER STATES. THE DOCTRINE AND PRACTICE

Abstracts. The manner of understanding law depends on culture and all the historical, social and economic factors which have been shaping its comprehension. The prevailing belief, typical of contemporary Europeans, associates law with texts – sets of various acts, remaining in diverse relations and correlations with each other, acts containing linguistic statements whose common feature is the capability for expressing an obligation. As a matter of fact, this obligation is aimed at ordering or prohibiting a specific behaviour. The texts which include directive-based statements are examples of a formalised, external form of law, and therefore law itself is usually equated or identified with texts. According to the doctrine of positivism, predominantly applicable in mainland (continental) Europe, law is established by a sovereign (legislator) and shall be interpreted as if intellectual work on a text were to reconstruct the sense previously expressed in the text. Taking this convention into account, the role of an interpreter is relevant, though passive.

The interpreter's role involves decoding norms included in legal texts according to an 'algorithm' whose objective is to establish a full correlation and understanding between a sender and a recipient of a particular message. Despite being undoubtedly useful, such understanding of law is strictly connected with a country's dominion and the manner in which social control is exercised by state organisations, or strictly speaking, by decision-makers. This image of law has been revised by social changes, exchange of experience, as well as encounters of disparate cultures and doctrines. What we used to consider as law appears to be a more complex and multifaceted phenomenon, whose centre point, at least within our cultural circle, is still the language and specific manner, characteristic of law only, in which the language is used. Moreover, the approach to interpretation is also changing. The interpreter's task, within the dynamically changing and multifarious reality, is to assign some common and universal meaning to the written law. Thus, complementing the written law by means of discourse is becoming a natural way in which such written law may operate within the society. As far as discourse is concerned, interpretation is neither a secondary action towards the text, nor a description of something given from the outside; on the contrary, interpretation bonds together with the text, thereby rendering law an 'interpretational being'. Functioning of the legal system of the European Union is a representative example of forming law within the process of interpretation. The space and specificity of the EU law, in fact, go beyond traditional schemes, demarcated by boundaries and determined by one predominant doctrine. As a matter of fact, similarly to the European Union, the EU law is unity in multiplicity, originating from and clutched in diversity of cultures, practices, institutions and ethnic languages. The challenge related to accession of new Member States to the European Union involves not only adopting a common legal order and aligning the national law, but is also connected with a change in the approach to law and adopting an interpretation practice, which is frequently different from the currently applicable one. It is not an easy task since on the one hand, the EU normative acts are construed within a different system context, linguistic context or functional context, and on the other hand, some patterns of interpretation, which are applied to interpret the EU law in a natural manner, tend to operate in each legal culture. Nonetheless, the genesis and characteristics of the EU law are so rich that taking them into consideration requires that the interpreter should confront problems which are much more complex than in the case of interpreting texts concerning the national law. Maintaining uniformity in respect of applying the EU law is also of the most significant tasks lying within the scope of responsibilities to be executed by national authorities. Ensuring that uniform (i.e. identical with respect to all Member States of the European Union) EU normative or legislative acts are duly applied is a basic obligation of the Member States, which is additionally expressed in uniformity of the results concerning interpretation of the texts. Although the interpretation practices executed by the EU authorities and bodies or national authorities may vary, the results of the aforementioned interpretations should be similar or even identical. National authorities or national courts are willing to apply the

methods and rules developed within the framework of the European Union doctrine, primarily through the case-law of the Court of Justice of the European Union (formerly the European Court of Justice) in order to fulfil the aforementioned obligations.

Although the case-law of the Court of Justice is not a source of law on a formal basis, numerous representatives of the doctrine tend to grant such status to the Court of Justice, whereas all of those representatives recognise its prominent role in shaping of the European Union law. Incorporation of the Court of Justice of the European Union to the process of shaping the EU law at the level equal, and sometimes even exceeding, the position of a formal legislator is linked with reception of the tradition originating from the Anglo-Saxon culture and recognition of *de iure* precedent, operating within the common law system, as an autonomous source of law. National courts are more and more frequently taking over the role of the Court of Justice within the national systems.

The process of approximation or ensuring compliance, referred to as harmonisation, is largely determined by the interpretation practice since the modified national legislation, within the context of the requirements imposed by the EU law, is subject to assessment primarily in respect of its application rather its formal structure. The factors which hinder and restrict operation of a common interpretation model include multilingualism of the texts concerning the EU law, as well as the differences in understanding law, its structure, its properties or its institutions in local cultures. The interpretation-related principles and directives, largely reconstructed on the basis of the practices exercised by the EU authorities or bodies, particularly by the Court of Justice of the European Union, are aimed at eliminating the undesirable results. The function regarding principles in the process of interpreting the EU law emerges and becomes particularly apparent in case the structural loopholes are settled or decisions within the framework of administrative discretion or judicial discretion are taken, especially applying imprecise or vague concepts, general clauses or resolving or adjudicating dilemmas arising from openness of particular sources of law.

With respect to the EU law, the principles appear to be of crucial importance while defining inter-system relations, determining the content of conflict-of-law directives and while sorting out the problems concerning multilingualism of the texts of the EU law and its conceptual autonomy. In this perspective, multilingual texts of the EU law are only the starting point. The text and its linguistic meaning constitute only an initial guideline, complemented by legal discourse, and therefore the functional (purposive) interpretation, recognised within the doctrine of numerous countries as complementary to interpretation, is acknowledged as an essential and fundamental requirement of the interpretation proceedings under the binding EU law and its application.

Keywords: interpretation, EU law, legal text, linguistic meaning, functional interpretation.

ІНТЕРПРЕТАЦІЯ ПРАВА ЄВРОСОЮЗУ ОРГАНАМИ ДЕРЖАВ. ДОКТРИНА ТА ПРАКТИКА

Анотація. Спосіб розуміння права залежить від культури, а також усіх історичних, суспільних, економічних чинників, які формували його розуміння. Переважне, типове для сучасних європейців переконання пов'язує право з текстом — сукупністю різних взаємозалежних та взаємопов'язаних актів, що містять мовні висловлювання, спільною рисою яких є так звана директивність, або ж можливість тлумачення обов'язку — наказу чи заборони певної поведінки. Тексти, які містять такого роду директивні висловлювання, є формалізованою, зовнішньою формою права — саме тому право зазвичай і ототожнюється з текстами. Згідно з домінуючою на континенті доктриною позитивізму право створюється сувереном (законодавцем) і має тлумачитися так, щоб інтелектуальна робота над текстом відтворювала саме той зміст, який первинно у ньому закладено. За таких умов роль інтерпретатора істотна, але дещо пасивна. Тобто його завдання полягає у декодуванні норм, вміщених у юридичних текстах, за “алгоритмом”, метою якого є досягнення повної кореляції та віднайдення порозуміння між відправником і одержувачем повідомлення.

Таке розуміння права, хоч безсумнівно корисне, тісно пов'язане з владою держави і здійснюваним державними організаціями, а точніше — її керівниками, способом реалізації суспільного контролю. Суспільні зміни, обмін досвідом, зустрічі різних культур і доктрин змінили такий образ права. Те, що ми звикли вважати правом, виявляється складнішим і багатоаспектним явищем, центром якого, — принаймні у нашому культурному колі, залишається мова і специфічний, притаманний тільки праву, спосіб її використання. Змінюється також і підхід до інтерпретації. У різнорідній дійсності, що динамічно змінюється, завданням інтерпретатора стає надання писаному праву спільного, універсального значення. Доповнення писаного права шляхом мовного аналізу стає природним способом його суспільного функціонування. При мовному аналізі інтерпретація не є вторинною діяльністю відносно тексту, описом чогось даного “ззовні”, але об'єднується з текстом, роблячи право “інтерпретаційним буттям”.

Функціонування правової системи Європейського союзу являє собою ілюстративний приклад конституювання, створення права у процесі інтерпретації. Особливе поширення у просторі і специфіка права Євросоюзу виходять за традиційні схеми, визначені певними межами чи якоюсь однією, домінуючою доктриною. Право Євросоюзу, як і сам Євросоюз, є єдністю у багатоманітності, що походить і має своє джерело у розмаїтті культур, практик, інституцій, а також етнічних мов. Виклик, пов'язаний з приєднанням до Європейського Союзу наступних держав-учасниць, полягає не тільки у прийнятті спільного правопорядку і пристосуванні до нього національного законодавства, але також і у зміні підходу до права і засвоєнню, не рідко, відмінної від звичної інтерпретаційної практики. Це не легке завдання, тому що з одного боку, нормативні акти Євросоюзу підлягають інтерпретації у зовсім

іншому системному, мовному або функціональному контексті, а з другого — в кожній правовій культурі діють певні взірці тлумачення, які, природно, використовуються при інтерпретації права Євросоюзу.

Однак, право ЄС має настільки багаті генезис та характерні риси, що їх врахування вимагає від інтерпретатора взяття до уваги і проблем значно складніших, ніж у разі тлумачення текстів національного права. До найважливіших завдань, які також покладаються на державні органи, належить збереження єдності застосування права Євросоюзу. Гарантування єдиного, отже однакового у всіх державах ЄС, застосування нормативних актів Євросоюзу є основним обов'язком країн-учасниць, що виражається також в єдності результатів тлумачення текстів. Хоч інтерпретаційні практики, що здійснюються національними органами і органами Євросоюзу можуть відрізнятись, однак результати інтерпретації мають бути схожими, навіть й ідентичними. Для виконання таких обов'язків, органи або національні суди охоче послуговуються методами і правилами, напрацьованими доктриною Євросоюзу, передусім — судовою практикою Суду Європейського Союзу (раніше — Європейського Суду Справедливості).

Хоч формально рішення, винесені Судом, не є джерелом права та багато представників доктрини наділяють його таким статусом і визнають його високу роль у формуванні права Євросоюзу. Включення Суду до процесу формування права Євросоюзу на рівні з формальним законодавцем, а іноді — і переважаючій позиції, пов'язане з рецепцією традиції, джерелом якої є англосаксонська культура і визнання функціонуючого у цій системі прецеденту де-юре як самостійного джерела права. Роль Європейського Суду усередині національних систем починають переймати і національні суди. Процес уніфікації чи забезпечення відповідності, який називають також гармонізацією, в основному визначається інтерпретаційною практикою, оскільки, модифіковане національне законодавство, в контексті вимог права Євросоюзу, підлягає оцінюванню насамперед з точки зору його застосування, а не формального конструювання. Чинниками, які ускладнюють можливість функціонування спільної інтерпретаційної моделі, є багатомовність текстів права Євросоюзу, а також відмінності у розумінні права, його структури, власності або органів у місцевих культурах.

Виключенню небажаних результатів слугують принципи та інтерпретаційні директиви, що значною мірою реконструюються на основі практики органів Євросоюзу, особливо Суду Справедливості ЄС. Функція принципів у процесі тлумачення права Євросоюзу виявляється, зокрема, у випадках вирішення конструкційних питань або прийняття рішення у рамках визнання в адміністративному порядку або суддівського вільного розсуду (дискреції), зокрема, застосування невизначених понять, загальних понять або вирішення дилем, що виникли через існування відкритого переліку джерел права.

У праві Євросоюзу принципи відіграють ключову роль у визначенні міжсистемних співвідношень, визначаючи зміст колізійних директив та вирішення проблем, пов'язаних з багатомовністю текстів права Євросоюзу і його

автономністю понять. У цій перспективі багатомовні тексти права Євросоюзу є тільки початком нового “шляху”. Текст і його мовні значення є лише вихідною вказівкою, що доповнюється правничою мовою, і тому функціональне (телеологічне) тлумачення, що визнається в доктрині багатьох країн як доповнення до інтерпретації, у світлі права Євросоюзу і його імплементації визнається необхідною і основною вимогою інтерпретаційної процедури.

Ключові слова: інтерпретація, законодавство ЄС, юридичні тексти, мовні тлумачення, функціональне (телеологічне) тлумачення.

ИНТЕРПРЕТАЦИЯ ПРАВА ЕВРОСОЮЗА ОРГАНАМИ ГОСУДАРСТВ. ДОКТРИНА И ПРАКТИКА

Аннотация. Способ понимания права зависит от культуры, а также всех исторических, общественных, экономических факторов, которые формировали его понимание. Подавляющее, типичное для современных европейцев убеждение связывает право с текстом — совокупностью разных взаимозависимых и взаимосвязанных актов, которые содержат речевые высказывания, общей чертой которых является так называемая директивность, или возможность выражения обязанности — приказа или запрета определенного поведения. Тексты, которые содержат такого рода директивные высказывания, являются формализованной, внешней формой права, именно поэтому право обычно и отождествляется с текстами. Согласно доминирующей на континенте доктрине позитивизма право создается сувереном (законодателем) и должно объясняться так, чтобы интеллектуальная работа над текстом воспроизводила именно то содержание, которое было заложено в нем изначально. При таких условиях роль интерпретатора существенна, но несколько пассивна. То есть его задание заключается в декодировании содержащихся в юридических текстах норм согласно “алгоритму”, целью которого является достижение полной корреляции и поиска понимания между отправителем и получателем сообщения.

Такое понимание права, хотя, несомненно, полезное, тесно связано с властью государства и осуществляемым государственными организациями, а точнее ее руководителями, способом реализации общественного контроля. Общественные изменения, обмен опытом, встречи разных культур и доктрин изменили такой образ права. То, что мы привыкли считать правом, оказывается более сложным и многоаспектным явлением, центром которого, по крайней мере, в нашем культурном кругу, остается язык и специфический, присущий только праву, способ его использования. Изменяется также и подход к интерпретации. В разнородной и динамично развивающейся действительности заданием интерпретатора становится придание писаному праву общего, универсального значения. Дополнение писаного права путем языкового анализа становится естественным способом его общественного функционирования. При языковом анализе интерпретация не является вторичной деятельностью относительно текста, описанием чего-то данного “извне”, здесь она объединяется с текстом, делая право “интерпретационным бытием”.

Функционирование правовой системы Европейского союза представляет собой иллюстративный пример конституирования, создания права в процессе интерпретации. Особенности распределения в пространстве и специфика права Евросоюза выходят за традиционные рамки, ограниченные определенными пределами или какой-то одной, доминирующей доктриной. Право Евросоюза, как и сам Евросоюз, является единством в разнообразии, происходящим из разнообразия культур, практик, учреждений, а также этнических языков. Вызов, связанный с присоединением к Европейскому союзу следующих государств-участников, заключается не только в принятии общего правопорядка и приспособлении к нему национального законодательства, но также и в изменении подхода к праву и усвоению, не редко, отличающейся от привычной интерпретационной практики. Это не легкое задание, потому что с одной стороны, нормативные акты Евросоюза подлежат интерпретации в совсем другом системном, языковом или функциональном контексте, а с другой — в каждой правовой культуре действуют определенные образцы толкования, которые, естественно, используются при интерпретации права Евросоюза.

Однако право ЕС имеет настолько богатый генезис и характерные черты, что их учет требует от интерпретатора принятия во внимание и проблем значительно сложнее, чем в случае толкования текстов национального права. К важнейшим заданиям, которые также возлагаются на государственные органы, относится сохранение единства применения права Евросоюза. Гарантия единого, следовательно, одинакового во всех государствах ЕС применения нормативных актов Евросоюза является основной обязанностью стран-участниц, которая выражается также в единстве результатов толкования текстов. И хотя интерпретационные практики, которые осуществляются национальными органами и органами Евросоюза могут отличаться, то результаты интерпретации должны быть похожими, и даже идентичными. Для выполнения таких обязанностей органы или национальные суды охотно пользуются методами и правилами, наработанными доктриной Евросоюза, прежде всего — судебной практикой Суда Европейского Союза (раньше — Европейского Суда Справедливости).

Формально решения, вынесенные Судом, не являются источником права, но многие представители доктрины наделяют его таким статусом, а все признают его высокую роль в формировании права Евросоюза. Включение Суда в процесс формирования права Евросоюза наравне с формальным законодателем, а иногда и его доминирующей позиции, связано с рецепцией традиции, источником которой является англосакская культура и признание функционирующего в этой системе прецедента де-юре, как самостоятельного источника права. Роль Европейского Суда внутри национальных систем начинают перенимать и национальные суды. Процесс унификации или обеспечения соответствия, который называют также гармонизацией, в основном определяется интерпретационной практикой, поскольку, модифицированное национальное законодательство, в контексте требований права

Евросоюза, подлежит оценке, прежде всего с точки зрения его применения, а не формального конструирования. Факторами, которые усложняют возможность функционирования общей интерпретационной модели, является многоязычность текстов права Евросоюза, а также отличия в понимании права, его структуры, особенностей или органов в местных культурах.

Исключению нежелательных результатов служат принципы и интерпретационные директивы, которые в значительной мере реконструируются на основе практики органов Евросоюза, особенно Суда Европейского союза. Функция принципов в процессе толкования права Евросоюза проявляется, в частности, в случаях решения конструкционных вопросов или принятия решения в рамках признания в административном порядке или судебного свободного усмотрения (дискреции), в частности, применение неопределенных понятий, общих понятий или решения дилемм, которые возникли в результате существования открытого перечня источников права.

В праве Евросоюза принципы играют ключевую роль в определении межсистемных соотношений, определяя содержание коллизионных директив и решения проблем, связанных с многоязычностью текстов права Евросоюза и его автономностью понятий. В этой перспективе многоязыковые тексты права Евросоюза являются только началом нового “пути”. Текст и его языковые значения являются только исходным указанием, которое дополняется законодательным языком, и поэтому функциональное (телеологическое) толкование, которое признается в доктрине многих стран как дополнение к интерпретации, в свете права Евросоюза и его имплементации признается необходимым и основным требованием интерпретационной процедуры.

Ключевые слова: интерпретация, законодательство ЕС, юридические тексты, языковые толкования, функциональное (телеологическое) толкование.

Target setting. The manner of understanding law depends on culture and all the historical, social and economic factors which have been shaping its comprehension. The prevailing belief, typical of contemporary Europeans, associates law with sets of texts containing norms, i.e. statements expressing an obligation aimed at ordering or prohibiting a specific behaviour to the addressees of such statements. The aforementioned statements exemplify a conventional form of law, whereas law itself is usually equated or identified

with texts understood as a formalised expression of a sovereign’s (legislator’s) will.

According to the doctrine of positivism, the most influential doctrine in mainland (continental) Europe, law or legal texts are attributed with objective cognisability. Therefore, written law shall be interpreted as if intellectual work on a text were to reconstruct the sense previously expressed in that text. Taking this convention into account, the role of an interpreter is relevant, though passive. The interpreter’s task

involves decoding norms included in legal texts according to a peculiar 'algorithm' the objective of which is to establish a full correlation and understanding between a legislator and an addressee of a particular message. Although the scheme is relatively deeply inscribed in lawyers' routines, it is easily noticeable that such understanding of law is strictly connected with a country's dominion and the manner in which social control is exercised by state organisations, or strictly speaking, by decision-makers.

The doctrine of positivism is still alive. Law regarded as something objectively existing and cognisable, as well as law regarded as an order, an act of obedience to the sovereign's will is still a valid and useful message, also with respect to democratic societies, where the sovereign is an exponent of the will of the entire community or at least the will of the majority. Positive law can be externally expressed in social space, formalised as a pattern or an applicable rule, identical to all individuals and all entities. Comprehending law in this manner results in posing some hazards. Not only are these the most familiar hazards which were discoursed about after the cruel experiences of World War II, but also hazards to the contemporaries. Obviously, we should all respect the timeless and universal value represented by stability and reliability of law. Thus, we call for its readability and clarity of texts, simultaneously demanding that the texts be commonly understood by ourselves and others. Respecting the valid and valuable aspects of positivism, the role of the interpreter cannot be however depreciated by admitting that the aforesaid role is marginal, passive and subordinate to the legislator.

The static image of law has been revised by social changes, exchange of experience, as well as encounters of disparate cultures and doctrines. What used to be considered as law appears to be a more complex and multifaceted phenomenon, whose centre point is still the language and specific manner, characteristic of law only, in which the language is used. Reference to a text, its analysis and comprehension of a message — what is called the process of interpretation or application of a legal text involves assigning a proper and adequate meaning to law. As a matter of fact, interpretation has always been associated with texts. Interpretation accompanied appearance of liturgical texts, literary texts, and eventually legal texts. At first, in the form of something individual — a reflection, an act of understanding, a reference to an individual character of the (written) word; with the passing of time, interpretation became a *usus*, social practice, professional practice or institutional practice.

Let us have a look at the practice — the contexts of law application. It will require little effort to discern that the more extensive, the richer and the more complex the text is, the more the role and result of interpretation is exposed. What are the young trainees or supporters of the traditional concept of legal positivism, who are simultaneously witnessing convergence of legal cultures, already familiar with? One of the first experiences is specifically related to the growing role of interpreters.

It is attributing texts with common and universal meaning by means of individual and creative acts of interpretation which is becoming their fun-

damental task within the dynamically changing environment.

This emphasis appears to be of major importance as it defies the understanding of law which has already been developed in numerous cultures due to various reasons: most frequently political or ideological reasons. In fact, it is the actual divergences of opinions, where a *ratio decidendi* choice (the rationale for the decision) is the consequence of decision-makers' games and interests, which are hidden under the guise of the objectivity of understanding. Instead of perpetuating the myth concerning objectivity of law-making, it must be therefore ensured that the social and institutional mechanisms by means of which written law acquires its meaning meet the criteria of common acceptability, i.e. they shall be democratic and transparent, they shall be subject to criticism and all other conditions to be fulfilled by practical discourse. Complementing of written law by discourse is becoming a natural method of its social functioning. As far as discourse is concerned, interpretation is not an activity of secondary importance towards the text, a description of something delivered from 'the outside'; on the contrary, interpretation bonds together with the text, thereby turning law into 'an interpretive being'. Interpreters, and primarily lawyers as actual author or creators of social practice, are becoming responsible for the final content of law.

The hermeneutical perspective results in negating the thesis about a derivative (or passive) role of lawyers, especially judges, as an impersonal 'transmitter' of the sovereign's will. On the other hand, the perspective reveals their individual and simultaneously col-

lective impact upon social practice and obliges to active operation in the name of common good. It was observed a long time ago (which is acknowledged even by positivists) that the ethical requirements formulated towards the participants of legal discourse are equally or even more weighty than the interpretive patterns or principles and the manners of their application (the interpretation doctrine). The ethical dimension of discourse, whose relevant or simply crucial element is interpretation, refers particularly to entities having capability for binding by means of the interpretation result — tribunals, courts or public authorities. The aspects which are to be discussed below are largely their output, co-created, commented or complemented by the doctrine.

The EU law is a specific example of forming law within the process of interpretation. The space and specificity of the EU law, in fact, go beyond traditional schemes, demarcated by boundaries and determined by one predominant doctrine. As a matter of fact, similarly to the European Union, the EU law is unity in multiplicity, originating from and clutched in diversity of cultures, practices, institutions and ethnic languages.

The EU law is characterised by peculiar sources and systematics which substantially diverges from the hierarchical and monocentric legislation typical of the mainland (continental) countries. It is worth reminding the essential normative features of this system. The basic and most frequently quoted attribute is division into primary law and derivative law (secondary law). Primary law originates from the founding treaties (currently the Treaty on European Union and the Treaty on the Function-

ing of the European Union), the accession treaties, along with their amendments.

Basing on the provisions of the Treaty of Lisbon, i.e. an act of primary law, the sources of derivative law are legislative acts (regulations, directives and decisions), adopted by means of an ordinary legislative procedure or a specific legislative procedure and non-legislative acts (opinions, recommendations, delegated acts and implementing acts), supplementing or amending elements of a legislative act (Art. 288–289 of the Treaty on the Functioning of the European Union).

Regulations are general and abstract acts issued by the authorities/bodies of the European Union, the character of which is normative and complete at the same time. A regulation is of directly binding nature and is applicable in all Member States, becoming an integral part of their legal order without the necessity of being implemented.

Directives are normative acts which have no equivalent in national law. Directives are binding on each Member State to which they are addressed; nevertheless, they provide the national authorities with freedom of choice with respect to the form and execution measures indicated in the directive. Furthermore, directives are acts addressed to the Member States, and not directly to the authorities, bodies or citizens. A member state is obliged to transpose a directive in such a manner that all objectives indicated in the directive be uniformly and completely accomplished. In the event of failure to perform transposition or improper performance of transposition, the content of the directive shall be a pattern applied

to examine its compliance with national law and situation of EU citizens (the principles of primacy, unity, proximity and effectiveness of the Community law). A particular member state shall be responsible for failure to perform or improper performance of the directive. The sources of derivative law, however on certain conditions, include also other acts, particularly the so-called implementing decisions. In general, the decisions are not treated as commonly applicable law. Yet, in specific cases the content of the acts is binding to individually defined addressees (a decision indicating an addressee, an implementing decision). An implementing decision may however directly confer rights or impose obligations on individuals (natural persons or legal persons) or oblige a member state to issue a specific normative act [12].

The EU law is a complex system, connected by a network of competence relations, institutional relations and functional relations. The system is characterised by huge dynamics and adaptability. Taking the complex and diversified functioning of the sources of law and multitude of legislative entities into account, it is difficult to talk about a distinct border between legislation and application of the acts of the EU law and their interpretation. This is well-illustrated by the example of the so-called soft law, the phenomenon with which primarily the countries characterised by a classic and already a bit archaic constitutional doctrine struggle. The acts being part of soft law, e.g. resolutions, recommendations and opinions are not recognised within the doctrine as commonly binding acts, but they significantly influence ap-

plication of primary law or derivative law due to the fact that they contain guidance relevant to the result of interpretation, and what is most important, the guidance which is binding. It is however highlighted that national authorities/bodies shall take their content into consideration while drawing up or interpreting the national legislation referring to or arising from the EU law [11].

This kind of institutional interpretation exercised by the EU authorities is only one of the examples concerning transition vagueness, using traditional conceptual apparatus of positivism, from law-making to law application, from drawing up a text to its interpretation. Another example, apparently the most representative one, concerns the role of interpretation made by the EU courts and tribunals. Although the case-law of the Court of Justice of the European Union (formerly the European Court of Justice) is not a source of law on a formal basis, numerous representatives of the doctrine tend to grant such a status to the Court of Justice, whereas all of those representatives recognise its prominent role in shaping of the EU law. In accordance with the commonly accepted doctrine, primary law covers general principles of the EU law, which were mostly developed or at least emphasised or systematised by the Court of Justice.

Incorporation of the Court of Justice of the European Union to the process of shaping the EU law at the level equal, and sometimes even exceeding, the position of a formal legislator is linked with reception of the tradition originating from the Anglo-Saxon culture and recognition of a *de iure* pre-

cedent, operating within the common law system, as an autonomous source of law. The norms expressed in settlement of such a precedent are the norms commonly applicable within a particular system. Therefore, violation of such norms is recognised as violation of law to the same extent as violation of formally established law. Furthermore, also courts and national authorities are entitled to occupy a specific position in reception and co-shaping of the EU law in relation to application of national law, as well as in assigning new meanings to national law. The phenomenon referred to as harmonisation is largely determined by the interpretation practice since new or modified national legislation, within the context of the requirements imposed by the EU law, is subject to assessment primarily in respect of its application rather than its formal structure.

Analysis of recent research and publications. The difficulty which the founders of united Europe had to face since the very beginning was how to ensure full effectiveness and functionality of the EU legal system within entire Community. The challenge related to accession of new Member States to the European Union involves not only adopting a common legal order and aligning national law, but it is also connected with a change in the approach to law and adopting an interpretation practice, which is frequently different from the currently applicable one. It is not an easy task since on the one hand, the EU normative acts are construed within a different system context, linguistic context or functional context, and on the other hand, some patterns of interpretation, which are applied to in-

interpret the EU law in a natural manner, tend to operate in each legal culture. Nonetheless, the genesis and characteristics of the EU law are so rich that taking them into consideration requires that the interpreter should confront problems which are much more complex than in the case of interpreting texts concerning national law. Numerous genetic, economic, political, social, functional and praxeological arguments weigh in favour of the necessity of uniform (consistent) interpretation of the EU law. The most significant argument is of normative nature and is supported by primary law and its system-based principles. Ensuring that uniform (i.e. identical with respect to all Member States of the European Union) EU normative or legislative acts are duly applied is therefore a basic obligation of the Member States, which is additionally expressed in uniformity of the results concerning interpretation of legal texts [1]. Although the interpretation practices executed by the EU authorities/bodies or national authorities may vary, the results of the aforementioned interpretations should be similar or even identical. The EU doctrine does not demand that national authorities apply the same interpretation methods and principles which are applied by the EU authorities/bodies or courts, but unity (consistency) of the interpretation results is required. This assumption displays pragmatics determined by efficiency (effectiveness) concerning the results of the interpretation practice in each member state, which is assessed basing on the level of implementation of the axioms related to the EU law. The measure of the harmonisation level, i.e. implementation of the system princi-

ples concerning the EU law, is therefore the final effect of interpretation and its uniform 'translation' into settlement of a particular case [10]. National authorities or national courts are willing to apply the methods and principles developed within the framework of the European Union doctrine, primarily through the case-law of the Court of Justice of the European Union, in order to fulfil the aforementioned obligations. The interpretation patterns and practice of the Court of Justice is spreading within national doctrines and in some sense supplanting or modifying local paradigms. Despite being relatively significant, the differences are not however a complete novelty since they arise out of similarity concerning the origin, output and achievements of the European legal cultures. Similar types of interpretation directives are distinguished within the doctrine of national law and numerous member states: linguistic interpretation, system interpretation and functional (purposive) interpretation [29].

A similar situation occurs in national concepts: linguistic interpretation is understood as perception of expressions included in legal texts, being in conformity with lexical (dictionary) or definition principles and meanings of the language, whereas the aspect of interpretation is specified as 'ordinary meaning' in the case-law practice of the Court of Justice of the European Union [13]. System interpretation is also understood equally or in a similar manner, encompassing application of system directives, i.e. establishment of relations and potential conflict of the interpreted provisions with superior or higher-ranking provisions.

The purpose of the article is the studies into changes within national doctrines of new member states, that indicate symptoms of change in the paradigm.

The statement of basic materials. Namely, the ‘objectivising’ interpretation, particularly typical of legal positivism in the countries of Eastern Europe, consisting in searching for a meaning which corresponds as strictly as possible to the sovereign’s (legislator’s) will, encoded in a legal text is replaced by discourse of interpreting entities. Establishment of a content-related (linguistic) meaning of particular phrases or expressions of a text and formal relations of norms within the framework of a hierarchically ordered legal system are not so exposed or so clear anymore because they are not sufficient to sort out the interpretation problems. Consequently, references to the interpretation practice of the institutions set up to settle cases on a binding manner or determine commonly accepted interpretation patterns tend to appear instead. Specificity of the EU law, its openness and anchoring in the discursive current ‘enforce’ redefinition of national methods concerning interpretation of legal acts as referring to linguistic wording only does not provide appropriate or unambiguous solutions in many cases. Thus, it is the functional interpretation, recognised within the doctrine of numerous countries as complementary to interpretation, which is acknowledged as an essential and fundamental requirement of the interpretation proceedings under the applicable EU law and its application.

The EU-related nature of a case to be settled by a member state autho-

riety imposes an obligation of interpreting law in accordance with the EU law. The operational interpretation of the EU law by national authorities and courts is executed in two standard situations. The former context occurs when a given case falls within application of a provision stipulated by the system of the EU law only, and simultaneously does not fall within application of a national law provision. A task of a national authority or court consists in applying, and thereby also interpreting a provision of the EU law, without any reference to national law. In such a case, upon establishing exclusivity of the EU law regulation and upon declaring no conflict with national law, further interpretation actions are undertaken only in relation to texts of the EU law.

The latter possibility takes place when settlement of a given case requires that the EU law and national law be applied. In such a case, it is necessary to define mutual relations of clashing legal acts and subsequently to apply, in accordance with the adopted system principles, relevant conflict-of-rules directives: elimination directives (e.g. the principle of primacy or the principle of direct effect) or corrective directives (e.g. the principle of conforming interpretation).

Two variants are available in this case: the EU law directly regulates particular factual circumstances, events or legal relationships (‘the integration model) or the EU law stipulates only objectives and principles of legislation, providing the national legislator with some freedom in respect of selecting legal measures for accomplishment of the objectives or principles (the harmonisa-

tion model). Therefore, the manner in which the conflict is to be settled depends on hierarchy and types of legal acts where the interpreted provisions being in conflict are included.

The content-based differences of conflict-of-law rules arise also from types of legislative acts of the European Union. In the event of an act of direct effectiveness (e. g. regulation), conflict-of-law rules come down to demand that the national law provisions contrary to or non-compliant with the act be eliminated. In the event of acts requiring transposition (e.g. directives), determination of the area of conflict is a much more challenging task both if a particular act has been transposed by the applicable national regulation and if such a national 'equivalent' does not exist.

The difficulty of recognising and solving conflict-of-law situations is intensifying when a national legislator (which occurs relatively frequently) introduces normative acts somehow 'implementing' the EU acts of common and direct effect (e.g. regulations) to an internal system (*a national legislator shall not introduce national provisions covering matters stipulated by the European Union regulations unless a particular regulation introduces such authorisation or establishment of national provisions is necessary in order to ensure effectiveness of such a regulation.*)

In spite of numerous differences, occurring particularly in the countries of Eastern Europe, designation and systematisation of the course of the interpretation process is possible. First of all, the basis of each democratic legal system allows for distinguishing a common catalogue of general and system principles which are applied with respect to

interpretation. The specificity concerning interpretation of the EU law, arising from its multilingualism, pragmatics, genesis, functions and objectives, results in peculiar interpretation directives and in attributing the leading role in interpretation of the EU law to the Court of Justice of the European Union.

Assigning exclusive competence in respect of preliminary ruling regarding the EU law to the Court of Justice of the European Union is aimed at ensuring uniformity of its interpretation and applying interpretation in all member states and is applied in the situations when provisions of the EU law are essential to settle cases by national courts [14]. Pursuant to Article 267, par. 2 of the Treaty on the Functioning of the European Union, a national court may apply for a preliminary ruling in the event that interpretation of the Treaties or settlement on validity or interpretation of derivative law acts is deemed necessary in order to make a judgment or ruling. The aforementioned provision states that evaluation of such necessity, within the context of factual circumstances and legal situation, shall be at the sole and exclusive discretion of the national court [15].

The group of entities authorised to present a preliminary ruling is restricted. The competences for referring a preliminary ruling shall be granted only to such authorities/bodies of the member state which can be qualified as 'court' within the meaning of Article 267 of the Treaty on the Functioning of the European Union, i.e. authorities/bodies which are independent in the sense that they are a third party in relation to the public administration authority which has issued the contested decision [16].

It is assumed that interpretation issued by the Court of Justice of the European Union is not of commonly applicable nature. Such interpretation shall be binding only for the court which referred a preliminary ruling and other courts which, in the future, may pass judgments in the case to which the preliminary ruling was related. Nonetheless, the Court of Justice and the doctrine allow the same national court or another court adjudicating in the same case in the same legal proceeding to re-apply for passing a preliminary ruling should any doubts regarding understanding of the previous judgment of the Court of Justice of the European Union arise or should new circumstances or arguments not raised in the previous application affect the result of interpretation [28].

However, a conviction about prevalence concerning the effect of interpretation made by the Court of Justice of the European Union has become established in the practice of numerous national courts and authorities, which means that exercising the competence regarding interpretation by the Court of Justice of the European Union is a *de iure* precedent defining universal understanding of the content of a particular provision of the EU law. Such a practice is also approved by the Court of Justice of the European Union itself, referring to previous judgments in its subsequent judgments or refusing to issue a preliminary ruling due to its previous judgments, and in some cases recognising even omission of its own judgment as infringement of the EU law [17].

The concept of procedural autonomy of the Member States dates back to the beginning of the functioning of the

European Community. The sense of the concept comes down to preventing a situation in which the rights originating from the EU law would be deprived of proper legal protection due to lack of a specific EU procedural measure. The name of the principle is at the same time misleading as the point is that national law should serve to define procedures and measures ensuring protection of the rights granted to individuals by the EU law.

The principle of procedural autonomy does not have one clear definition. What is more, it does not have a status of a general principle of the EU law, being rather a standard to apply the EU law by the Member States [5]. As far as the early case-law of the Court of Justice is concerned, the guidance on the manner in which the Member States should ensure protection of the rights derived by individuals from the EU law was of a general nature and was mostly restricted to indication of applicability of national law while specifying relevant procedures for redress based on the EU law [18].

The principle of procedural autonomy is best illustrated by the position of the Court of Justice of the European Union expressed in the judgment concerning the case of *Reewe*, in which the Court of Justice declared that the purpose of the Treaty was not to establish new measures to be applied before national courts in order to ensure observance of the EU law other than the measures which had already existed in national law. According to the Court of Justice, 'the system of legal protection as set out in Article 177 in particular (currently Article 267 of the Treaty on the Functioning of the European

Union) implies that it must be possible for every type of action provided for by national law to be available for the purpose of ensuring observance of Community provisions having direct effect on the same conditions concerning the admissibility and procedure as would apply were it a question of ensuring observance of national law' [19]. Such understanding of the principle of procedural autonomy, as a property of national law to determine procedural rules and relevant procedural measures aimed at protection of the rights originated by individuals from the EU law in the absence of relevant provisions of the EU law, remains valid also in the latest case-law of the Court of Justice of the European Union [20].

On the one hand, the principle of procedural autonomy allows the Member States to independently lay down procedures and legal remedies. On the other hand, the aforementioned principle guarantees effectiveness of the EU law by obliging the Member States to ensure within their own legal order an effective remedy to protect the rights derived by individuals from the EU law. Procedural autonomy of the Member States does not equate to freedom in shaping national procedures. The case-law of the Court of Justice imposes restrictions on applying the principle of procedural autonomy which the Court of Justice infers from the Treaty principles, such as the principle of sincere cooperation of the Member States and the principle of effective legal protection (Article 4, par. 3 of the Treaty on European Union; Article 19 of the Treaty on European Union).

Thus, freedom of the Member States in regulating national procedures and

measures is not unrestricted. As a matter of fact, the adopted national measures must meet the requirements stipulated by the EU law, in particular the requirements arising from the principle of effectiveness and the principle of equivalence.

While examining compliance of procedural measures adopted by a member state, it is also necessary to provide for other regulations of the EU law. It is responsibility of national courts to carry out a relevant evaluation in this respect. Such an evaluation is aimed at eliminating a situation in which national provisions do not ensure a proper standard of protection in respect of the rights originated by individuals from the EU law and consequently are in contradiction with the obligation of ensuring effectiveness of the EU law.

As seen above, interpretation of the EU law and national law executed by courts and authorities/bodies of the Member States and related to use of functional arguments and directives aimed at ensuring communication of various legal systems and preventing from conflict between such legal systems are of crucial importance for proper functioning of this concept, originated from or based on the axioms of the EU law. The most significant of those principles are to be discussed below.

The factors which hinder and restrict common and uninterrupted functioning of the EU law include multilingualism of the texts concerning the EU law, as well as the differences in understanding law, its structure, its properties or its institutions in local cultures. System directives based on axiology of the EU law are aimed at eliminating the

undesirable results and resolving conflicts between the EU provisions and national provisions.

With respect to the EU law, the principles appear to be of utmost importance while defining inter-system relations, determining the content of conflict-of-law directives, and while sorting out the problems concerning multilingualism of the texts of the EU law and its conceptual autonomy. Majority of general and system principles of the EU law, including those expressed in the Treaties (*in the time when the Treaty of Lisbon entered into force, the basic catalogue of principles has also been covered by the Charter of Fundamental Rights of the European Union, which, pursuant to Article 6, par. 1 of the Treaty on European Union, is a document of equal status to the founding treaties*) are derived from legal cultures and constitutional orders of the Member States or from the acts of international law [21]. The case-law of the Court of Justice of the European Union has also considerably contributed to distinguish such principles and determine their status within the system of the EU law. The principles include, in particular the following: the principle of freedom, the principle of equality, the principle of pluralism, the principle of non-discrimination, the principle of tolerance, the principle of equity and solidarity, the principle of non-retroactivity, as well as the catalogue of the principles defined as procedural fairness standards and many others.

Furthermore, the principles establishing relation of the EU law towards other normative systems, which are primarily applicable in conflict-of-law cases, have also been formed and developed

within the framework of the European Union law. As far as the aforesaid principles are concerned, the following ones must be considered as the most relevant from the perspective of maintaining coherence and uniformity in respect of applying the EU law:

- 1) the principle of autonomy of the EU law,
- 2) the principle of effectiveness of the EU law,
- 3) the principle of direct effect of the EU law,
- 4) the principle of uniformity of the EU law,
- 5) the principle of legal certainty of the EU law,
- 6) the principle of pro-EU interpretation [8].

A detailed presentation of the content and functions of the aforesaid principles must be avoided due to space limitations; however, it is worth reminding the most significant issues. The principle of primacy (supremacy) establishes a system-based relation between the EU law and legislation of the Member States. The principle is a conflict-of-rules directive pursuant to which, in the event of incompatibility of the EU law and national law, the EU law shall prevail, which results in the fact that a national court or authority shall refrain from applying non-compliant provisions of national law [22].

The principle of effectiveness is understood as an order for accomplishing the objectives and values of the EU law to the highest possible extent. In accordance with the principle, the task of a national authority or court, in respect of each conflict-of-law situation arising out of application of the EU law, is to establish the objectives or values stipu-

lated under the European Union provisions, and subsequently to indicate that the result of interpretation adopted in a particular case is the most effective method for accomplishing such objectives or values. Therefore, the content of the principle determines the result of interpretation, thereby making the functional directives (arguments) a basic and simultaneously essential element of the interpretive proceedings.

The principle of direct effect is based on the assumptions that law is applied directly in each of the Member States and remains effective towards the institutions, legal entities and citizens of each Member State should the provisions of the EU law satisfy the conditions of clarity and unconditionality [23]. In such a case, undertaking legislative measures within the framework of legislation of the Member States is not necessary. The principle is of vital importance while evaluating the level concerning accomplishment of the objectives and values of the EU law transposed by national law. Moreover, the principle may be applied in the event that the directives or other acts of indirect effect concerning the EU law have not been implemented.

The content of the principle of uniform application of the EU law provides for recognition that the EU law shall be entirely and consistently applied in each of the Member States. The principle of legal certainty of the EU law, in turn, requires that the texts of the EU law be formulated and therefore interpreted in a manner allowing for precise understanding of the behaviour demanded or prohibited in respect of their addressees [6]. The requirement of certainty shall

be particularly observed in respect of a regulation imposing duties or providing for sanctions towards entities or individuals for failure to perform their obligations or improper performance of their obligations.

The principle of pro-EU interpretation (also referred to as the conforming interpretation) refers to national law. The principle, derived from the general obligation to observe the EU law by the Member States [7], takes the form of directive requiring that authorities and courts of the Member States make interpretations 'in accordance with the law of the European Union insofar as it is possible' [24]. It is indicated that the principle of conforming interpretation is applied not only in the context of discretionary power, but also in relation to a standard interpretation procedure. Additionally, the principle may be subject to restrictions only if its results were to infringe the basic rules of the EU law or national constitutions, e.g. the principle of legal certainty or the principle of non-retroactivity [25].

The principle of conforming interpretation was developed in relation to national law enforcing the EU law and is emanation of the principle of effectiveness in this respect. Not only is it necessary to find a specific standard in the EU law in order that the principle can be ensured, but also to reconstruct the context, objective and function of a particular regulation. Therefore, similarly to other principles, ensuring conformity between national law and the EU law within the process of applying law by national authorities and courts requires that non-linguistic directives (functional directives and system directives) be used.

Validity and application of the aforementioned principles gains in importance due to the adopted model of development of the EU law in each of the official languages of the European Union [2]. The following three system-based interpretation principles of the EU law are subordinated to this specificity:

- the principle of uniform interpretation,
- the principle of autonomous interpretation,
- the principle of equal authenticity of all language versions.

Observance of the first principle is necessary so that the common objectives and values would be equally implemented in each of the Member States. The doctrine of the EU law developed the second principle, assuming that reference to conceptual autonomy of the EU law shall be the best measure to ensure uniformity related to understanding and application of the EU law due to lexical, semantic and pragmatic differences regarding the languages of the Member States.

The principle of autonomous interpretation requires that the expressions, phrases and terms included in texts of the EU law be given a specific, and simultaneously universal, meaning which is not to be associated with any meanings operating in national legal systems. The distinction is expressly exposed and emphasised by the Court of Justice of the European Union, starting from the case of *Costa*, which includes a fundamental statement stipulating that despite being part of the legal systems of the Member States, the EU law shall remain autonomous in relation to those systems [26].

Nonetheless, the practice concerning interpretation allows for some relativisation of the principle as its absolute observance does not seem to be possible. Therefore, the point is that the principle should be an optimising interpretation pattern to be pursued by the interpreter while seeking for adequate and universal comprehension of the text. It is highlighted that an authority (court) should be convinced that the result of such interpretation would be similar or even identical if the case were to be decided upon by an authority of another Member State or by the Court of Justice of the European Union [27].

The principle of equal authenticity of texts concerning the EU law is based on the concept of original texts recognising that all language versions of an EU legislation act are original versions. The principle extends across all texts derived from translations of the language versions applicable prior to accession of new member states to the European Union.

The principle of equal authenticity of all language versions in relation to an EU legislation act is understood in two ways. The former one specifies that, pursuant to the principle of equality, if no language version takes precedence or gains any other advantage, then basing interpretation upon one version only shall be permissible. The latter position, which appears to be more justified, states that all authentic language versions taken together shall establish the meaning of expressions and phrases set out in an EU legislation act [3].

However, execution of the principle of equal authenticity understood in such a manner would require that the interpreter possess and demonstrate

outstanding linguistic competences or be supported by translators or interpreters. Moreover, it is difficult to expect that all addressees of legal provisions, the citizens of the Member States in particular, will use all or even some language versions of the EU legislative acts in parallel [9]. As a consequence, special responsibility for implementation of the principle of equal authenticity rests with courts and authorities of the Member States. Practice suggests adopting a compromise solution in this context, whereby the principle should not be understood as a requirement for comparing all language versions, but rather as a prohibition on rejecting any of those versions, particularly in the cases where differences in meaning (semantic differences) have been revealed during linguistic interpretation of the text [4].

The phenomenon of linguistic specialisation must be noted while discussing the issues associated with application of the interpretation principles regarding texts of the EU law. Genesis of the EU legal texts, particularly their incorporation in economic bases of functioning of the European Union results in the fact that economics-related or politics-related arguments play a prominent role in interpretation, which inevitably entails specialisation of the language and preference for specialised terminology in accordance with the rule demanding adoption of such a meaning of a particular term which corresponds to a particular field of law (knowledge).

Conclusions. Carrying out an analysis of judicial decisions taken by national courts and authorities in respect of compliance with the aforesaid principles appears to be a labour-intensive

and complex task. It is even hardly imaginable that one researcher or scholar could manage to fulfil this task. Such studies seem not to have been carried out within the entire area of application of the EU law. Nevertheless, there are some partial (fragmentary) studies and, having access to such data, my intention is to refer to such partial studies. Their suitability and usefulness is obviously to be subject to verification; yet, some similarities between our systems, as well as the joint historical experience allow for presuming that the studies can be treated as comparative materials. In fact, the studies on the case-law of administrative courts which were conducted basing on the source materials derived from the ten-year period of Polish membership in the European Union allowed us to make some generalisations. First of all, we were able to notice that the practice of national courts corresponds with the interpretation practice of the Court of Justice of the European Union [4]. Following the EU doctrine, the Polish courts emphasise the necessity to verify the linguistic meaning of a provision by applying system-based directives or functional directives.

Similarly, using the principles, primarily the treaty principles, characteristic of the judgments of the Court of Justice of the European Union, can be more and more frequently found in the notions of administrative courts. The standpoint of the Polish judiciary is an inherent part of the harmonisation axioms, arguing that the interpretation patterns formulated by the Court of Justice of the European Union and applied by national courts are becoming more and more convergent in this respect [4].

Adjudication of the Polish administrative courts provides numerous examples of applying the directives of uniform interpretation, directives of conforming interpretation, directives of effective interpretation, directives of primacy and directives requiring comparison of various language versions of a particular act, as well as functional directives referring to the principles and objectives of the EU law, or even European law and international law. A change in the attitude to the text is also reflected in references to the preambles of the EU legal texts.

On the other hand, as is indirectly shown by the judgments analysed above, administrative authorities accustomed to legitimist, i.e. text-based, application of law use the interpretation doctrine of the EU law to a much lesser extent, which undoubtedly results in the fact that an obligation to act for improving this state of affairs is imposed on national courts.

Specificity of the interpretation situation regarding the EU law is reflected in formal and substantive requirements laid down in relation to justifications of interpretation decisions. In fact, the interpreter is required to reveal and consider the entirety of reasons and partial decisions applied in a particular case, quoting all relevant linguistic and non-linguistic arguments to support the result of interpretation, which makes interpretation an essential and distinctive feature of the argumentative law model. It is the change in the interpretation model that distinguishes the harmonisation process of legal systems, affecting also beyond the area of validity and application of the EU law.

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THE TASKS OF THE NATIONAL ADMINISTRATION WITHIN THE PROTECTION OF THE POLISH CYBERSPACE

Abstract. The protection of the Polish cyberspace consists of numerous administrative tasks beginning from creating strategies, normative acts, next implementing them into force, arranging trainings concerning cyber safety, controlling particular institutions, enterprises and citizens, international cooperation and constant development in that matter. As for now, (pursuant to the report of the Supreme Audit Office from 2015) the Polish cyberspace is not protected properly. The report indicates committed mistakes of national entities but it also provides guidelines for better performance of the tasks within the Polish cyberspace protection. The supplementation to the guidelines for public administration in that matter will be implementation of the solutions of the new NIS Directive [2] of the UE Parliament and Council concerning funds for high common level of network and IT system security throughout the EU.

Keywords: the Polish cyberspace, public administration, cybercrime, MC (Ministry of Digital Affairs), UKE (Office of Electronic Communications), CERT (The Governmental Computer Emergency Response Team, MON (Ministry of National Defense).

ЗАВДАННЯ ДЕРЖАВНОЇ АДМІНІСТРАЦІЇ У СФЕРІ ОХОРОНИ КІБЕРПРОСТОРУ РП

Анотація. Охорона кіберпростору Польської Республіки складається з широкої гами адміністративних завдань, починаючи від створення стратегії, нормативних актів, потім впровадження їх у життя, ведення підготовок у сфері кібербезпеки, контролю окремих установ, підприємств і громадян, міжнародної співпраці, а також безперервного розвитку в цій сфері. На сьогодні (згідно з доповіддю найвищої Кімнати Контролю з 2015 р.) кіберпростір Польської Республіки не захищається у відповідний спосіб. У доповіді вказуються помилки державних суб'єктів, а також подаються настанови для кращої реалізації завдань у сфері охорони кіберпростору РП. Доповненням настанов для державної адміністрації у цій сфері буде імплементація і впровадження рішень нової Директиви NIS Парламенту і Ради ЄС у справі засо-

бів в інтересах високого загального рівня безпеки мережі і систем інформатики на території Євросоюзу.

Ключові слова: кіберпростір РП, державна адміністрація, кіберзлочинність, МС, УКЕ, CERT, MON.

ЗАДАНИЯ ГОСУДАРСТВЕННОЙ АДМИНИСТРАЦИИ В СФЕРЕ ОХРАНЫ КИБЕРПРОСТРАНСТВА РП

Аннотация. Охрана киберпространства Польской Республики состоит из широкой гаммы административных заданий, начиная от создания стратегии, нормативных актов, затем внедрение их в жизнь, ведение подготовок в сфере кибербезопасности, контроля отдельных учреждений, предприятий и граждан, международного сотрудничества, а также непрерывного развития в этой сфере. Сейчас (согласно докладу наивысшей Комнаты Контроля с 2015 г.) киберпространство Польской Республики не защищается соответствующим способом. В докладе указывается на совершенные ошибки государственных субъектов, а также даются рекомендации для лучшей реализации заданий в сфере охраны киберпространства РП. Дополнением к рекомендациям для государственной администрации в этой сфере будет имплементация и внедрение решений новой Директивы NIS Парламента и Совета ЕС по делу средств в интересах высокого общего уровня безопасности сети и систем информатики на территории Евросоюза.

Ключевые слова: киберпространство РП, государственная администрация, киберпреступность, МС, УКЕ, CERT, MON.

The purpose of the article. Functioning of the most essential elements of a state critical infrastructure (i.e. systems connected with power, gas or water supply infrastructures) has been based on using IT solutions. The above factors show that stability, development and, first of all, state security depends on the level of cyberspace safety. Technology advance and development of IT systems have simultaneously led to occurring new forms of dangers resulting in consequences that are difficult to presume. Such dangers are as follow: cybercrime, cyber espionage and cyberterrorism or cyber war which are particularly dangerous for interna-

tional security. In the time of common computerization, it is easy to imagine a scenario where cybercriminals could paralyze systems of critical infrastructure, world's financial markets, acquire access to bank accounts, steal secret intelligence information or take over control over a state telecommunication system. The events in Georgia, Estonia or Iran show the actions of cyber terror or cyber war character are a real threat nowadays. Operational tasks in that matter aim at reaching a strategic objective which is providing an acceptable level of security in the Polish cyberspace should be performed by the public sector entities (in the national

and international dimensions), private (commercial one), civic and in the trans-sector dimension. This article describes the tasks of the public sector in that matter.

Analysis of recent research and publications. The statement of basic materials. In present world, IT systems are foundations of proper activity of the most important areas of citizens, public sector functioning as well as the condition of a state development. The tendency to expand IT will undoubtedly increase quickly. Investments in digitization of economy and society are a basic requirement of global competition. The above factors show that stability and development, and first of all, security of present states depends on the level of cyberspace safety.

Cyberspace means “space of information transformation and exchange created by IT systems together with links between them and relations with users” [6]. Main features of cyberspace are: global range, easy access, efficiency, universality, relatively “decent price” which make areas of activity of governments, companies and persons are transferred into cyberspace. Today’s digital technologies undoubtedly appear in every area of our lives. A completely new phenomenon is rapidly developing “cyberspace of devices” where the exchange of information is not performed between people but between devices. Such dialogues occur practically beyond users’ awareness, besides facilitating exploitation and decreasing costs of service, they also become a source of increasing threat. A basic division of threats occurring in cyberspace is connected with objectives of individuals or organizations. According

to that criterion, there may be the following cyber threats [6]:

- Cyber spies — they work for business of powerful resorts, they act in cyberspace in order to secretly acquire knowledge of press impact. Many countries such as China, the USA or Russia widely use cyberspace to collect economic and technology information.

- Cyber activists — they act in order to support some idea, they aim at its dissemination thanks to spectacular actions of great range that may undermine somebody’s image.

- Cyber criminals — they act in order to acquire material benefit, they commit classical forgery or extortion thanks to measures, methods and devices available in cyberspace.

- Cyber terrorists — they act in cyberspace to support their political objectives, they aim at them by intimidation and arousing a state of threat. They also use cyberspace as a device of communication, propaganda, collecting funds and recruiting or training.

- Cyber soldiers — hire organizations or military divisions destined to perform military actions in cyberspace treated as another theatre or war actions. They may be performed individually or in cooperation with armed forces of other kind.

- Cyber bullies — they act in order to check or prove their skills, take revenge on adversary or former employer.

The division is agreed character only and in many cases a unanimous qualification of the threat sources is difficult or impossible.

According to Supreme Audit Office, the most popular threats in cyberspace are: using harmful software (viruses, worms, Trojan horses, back entrance,

espionage programs or procedures using known or secret gaps in commercial programs).

- Theft and using somebody else's personal data.

- Extortion, theft, forgery or destroying data.

- Blocking access to services (mailing bombs, overloading applications and services, mass appropriating computer systems in order to use them to conduct such overloading).

- Sending unnecessary or unwanted information.

- Social engineering attacks (extortion of information by pretending an institution or a friendly person).

- Advanced target attacks (performed via many coordinated and individualized methods aimed precisely at a particular person, organization or company).

Public administration satisfies collective and individual needs of citizens resulting from people's coexistence in a society, adopted by a state and performed by its bodies as well as local self-government entities [1]. Public administration consists of state (governmental) administration and self-government one. Both part perform state functions however and act for its benefit if we consider a unanimous system of law and state. One part performs it directly, the other one indirectly by self-government communities. Public administration has administrative power because a state has decided upon it in the act issued by it. The power dimension of power is always determined by legal regulations [12].

The role of public administration in fighting threats in cyberspace may arouse doubts because vast major-

ity of infrastructure serving to the Polish cyberspace is in hands of commercial entities. Nevertheless, a necessary condition to guarantee cyber safety is building adequate legal system that would provide maintaining necessary and cohesive level of security by all key administrators and users of cyberspace.

Therefore, on 25th June 2013 the Council of Ministers adopted a document by resolution "The Policy of the Polish Cyberspace Security". All users of the cyberspace throughout Poland and abroad, where the representatives of Poland occur (diplomatic offices, military contingents) are the addressees of the above policy [5]. The strategic aim of the policy is acquiring an acceptable level of the cyberspace security in Poland by:

- decreasing results of IT incidents,
- increasing the IT infrastructure security,

- determining competences of particular entities,

- creating a cohesive cyberspace security management system,

- creating a system of coordination and exchange of information between entities,

- increasing cyberspace users' awareness.

The Polish cyberspace protection policy is aimed at the whole public administration — governmental administration and its central and local entities as well as at every level of self-government administration and other offices such as the offices of the President, Sejm, Senate, National Broadcasting Council, and Spokesman of Children's Rights, National Bank of Poland or Polish Financial Supervision Authority. The public administration

tasks may be divided into those which concern all administration entities and those that refer to particular entities and particular situations. It would be difficult to put separate tasks to each entity because, due to the kind of competences, not all entities may be closely connected with the Polish cyberspace security, as for example Ministry of Digitization or Office of Electronic Communication.

A unit manager should create an information security management system in each public administration organizational unit basing on binding regulations and best know-how. It is assumed that a public unit will work out and modify as much as it needs and implement a security policy for IT systems used by them to perform public tasks. In order to provide cohesion of information security policies of organizational units, a proper minister of computerization with the agreement of Minister of National Defense and Head of Internal Security Agency may prepare guidelines concerning information security management systems [5].

There should be determined a role of proxy for cyberspace security within public administration organizational units whose tasks should include first of all:

- preparation of emergency plans and their testing,
- implementing response procedures to computer incidents,
- identification and conducting frequent risks analysis,
- working out procedures providing informing proper CERT teams,
- performing duties resulting from legal regulations proper for providing cyberspace security.

A seat of the proxy for security is not indicated however the role of the proxy should be ascribed a person responsible for performing an IT security process. Besides, there should be educational actions implemented within cyberspace security among its users. Due to an inter-institutional type of the Polish cyberspace protection policy an entity supervising its realization is the Council of Ministers and an entity coordinating the realization is a proper minister of computerization. Obviously, the actions connected with cyberspace security should be performed by all public entities and units but there are about dozen entities that have a wider range of duties in that matter due to their kind.

The previously mentioned Ministry of Computerization (until 8th December 2015 Ministry of Administration and Computerization) plays a key role in the processes connected with the Polish cyberspace security. It is a proper body to communication, namely it is responsible for functioning regulations concerning security in network and information within telecommunication. It also plays a role of a proper body of computerization, including those resulting from the act from 17th February 2005 on computerization of entities performing public tasks. Ministry of Computerization plays a key role in the matter of IT society development and it played the role during the negotiations of the project of the NIS directive. The NIS Directive (the Directive of the EU Parliament and Council on the funds for high common level of network and IT system security in the EU) [2] which was adopted on 6th July 2016 by the European Parliament will

come into force in August. The regulations impose certain obligations onto the entities included in the directive, connected with providing cyber security; it assumes widening cooperation between EU members within cybersecurity. The Directive determines which duties within security shall key services operators be subject to (critical sectors such as power, transport, healthcare and finances) as well as suppliers of digital services (Internet trade platforms, search engines, cloud services). Each EU state shall be obliged to indicate a body or bodies to protect cyber security and work out a proper strategy.

The Directive establishes a common security level of network and information and strengthens cooperation between the EU members which shall help prevent from cybercrimes in future on important mutually connected European systems. Member states shall be obliged to create Computer Security Incident Response Teams as well. The Teams shall discuss trans-border security problems and ways of coordinated response. European Network and Information Agency (ENISA) shall play a key role in implementation of the directive particularly within coordinating cooperation between states within the CSIRT network.

Agency of Internal Security (ABW) shall be responsible for recognition, preventing and fighting threats aiming at the state internal security as well as defense and recognizing, preventing and detesting crimes aiming at the state security. ABW supervises protection of secret information.

The institution consists of

- Information Security Department (including CERT.GOV.PL)

- Anti-terrorist Centre (CAT)
- Department of Secret Information Security

Minister of the Interior is a proper minister for home affairs who plays a key role from the perspective of this dissertation concerning cyberspace security pursuant to art. 29 of the act from 4th September 1997 on public administration departments [11]. The home affairs department overwhelms such areas as: public order and security protection, emergency management, civil defense, border guarding. Proper minister for the interior supervises the activity of the Police, Border Guards, and Fire Brigades, Civil Defense of the State, Chairperson of Foreigners' Affairs, National Centre of Criminal Information and Office of Governmental Security. The Ministry of Interior conducts information systems and registers significant for state such as CEP, CEK, PESEL, ID register, passport register National Information System (KSI), it supervises IT systems such as Government Communication Network, TESTA, sTESTA, SIS, VIS and others. IT security of those systems is of significant importance for public administration functioning. [6].

The Police are a unit destined to fight crimes and one of its areas to combat crime is cyberspace. Since 2014 the Police have appointed special departments to fight cybercrime. They have aroused both in the Police Headquarter, Warsaw Police Station as well as in district police stations throughout Poland. As the Police website informs, the tasks of the department to fight cybercrime belong initiating and coordination of the Police actions within identifying main crime threats in the

Internet, cooperation with public institutions and public and private sector within acquiring information on methods and forms of crimes committed in cyberspace, working out types of cooperation with public sector entities, conducting multi source technical consultations and cooperation with national and foreign entities aiming at recognizing and implementing modern solutions in combating crime, implementing and maintaining dedicating IT systems, reviewing and working out suggestions of legislative changes within IT security, performing operational and recognizing actions in that matter [13].

Ministry of National Defense (MON) is one of the key entities acting in the area of the Polish cyberspace security. The main document that describes the Ministry's attitude to that matter is "The Strategy of the Polish National Security" pursuant to which one of the strategic objectives in the area of security is providing safe functioning of the Republic of Poland in cyberspace [7]. Appointing CERT was crucial for Ministry of National Defense acting for the MND purposes. In 2015 Computer Incident Response System (SRnIK) was established by the decision of the Minister of National Defense, used as acronym MIL-CERT PL in international contacts which was arranged in three-level structure. The Minister of National Defense also appointed a Proxy of the Minister of National Defense for Cyberspace Security by the decision No 38/MON from 16th February 2012. Substantial service of the Proxy is provided by the Coordinating Centre of Computer Incident Response System. MON also appointed

a subject unit called the National Cryptology Centre (NCK) dealing mainly with research and implementation of cryptographic solutions for the purposes of public administration and army [15].

Ministry of Power, which is responsible for supervising implementation of the eIDAS resolution (until December 2015 it was the duty of Ministry of Economics), cannot be omitted while discussing the roles played by the particular public administration entities within the Polish cyberspace security. The main objectives is providing mutual respect and trans-border acceptance of electronic identification (eID) by the EU's member states, unification of legal frames to provide trust services and supervision over suppliers of those services in the EU and providing respecting trust services connected with electronic transactions [9].

Office of Electronic Communication (UKE), while playing the role of regulator of the mailing and telecommunication market provides implementation of the Telecommunication law in the context of cyberspace security. Its main tasks include affairs connected with reservation of waves for the purposes of radio and TV programs broadcasting, conducting contests for waves reservation for the purposes of radio or TV programs in a digital way, registering telecommunication entrepreneurs and analyzing proper markets as well as imposing, maintaining, changing or abolition of regulative obligations towards telecommunication entrepreneurs within supplying systems of conditioned access, electronic guides on programs and multiplexing of digital signals. UKE is supervised by the

proper minister of communication (at present it is the Minister of Digitization) [14].

Whereas Ministry of Justice, pursuant to art. 24 of the act from 4th September 1997 on public administration departments are responsible for the department of justice including the units: judiciary, prosecutor's office, notary office, advocacy and legal counsels in the matter resulting from separate regulations; performing punishments and educational measures, corrective measures ordered by courts and cases of post penitentiary assistance; free legal assistance mentioned in the act from 5th August 2015 on free legal assistance and legal education (Journal of Laws pos. 1255). The proper minister of justice affairs provides preparation of civil law codifying including penal and family ones [11]. In the matter of prosecuting cybercrime, the role of law enforcement authorities managing the law in that matter and supervising its proper performance is crucial do assuring appropriate order in virtual space.

Ministry of Finances (MF) is responsible for administration – public finances and significantly influences the final shape of budget opportunities referring to assuring cyberspace security as well. The services that are subject to that ministry are: The General Inspectorate of Financial Information, fiscal offices and chambers, fiscal audit offices including Fiscal Intelligence and Customs Service. MF and the subject services use the IT systems which are very important from the state financial system point of view (e.g. the e-declarations system). Attacks onto those systems may cause the biggest conse-

quences for the state functioning and huge financial loss also for citizens.

Scientific and Academic Computer Network (NASK) should be mentioned as well, which is a research institute. It is supervised by Ministry of Science and Higher Education. NASK conducts numerous actions connected with cyberspace security affairs. The most important ones are as follow: appointing the first team of CERT kind in 1997 which has been working so far (CERT Polska) which de facto plays the role of the national CSIRT, appointing the team fighting dangerous and illegal contents in the Internet in 2005 (including CSAM), research activity within cyberspace security conducted together with the CERT Polska team and NASK, close cooperation with the EU's Agency for Network and Information Security – ENISA [9].

The Foreign Intelligence Agency is a public administration office however its activity is not overwhelmed by the range of public administration departments. The Agency is managed by the Head of the Foreign Intelligence Agency who is directly supervised by the Prime Minister. The tasks of the Agency are as follow: acquiring, analyzing and transferring information to proper entities that may be significant for security, recognizing and preventing from external threats, providing security of cryptographic communication with the Polish diplomacy and consular seats, messenger mailing, recognizing international terrorism and conducting electronic intelligence. At present, the activity of intelligence services of states is directed to IT technologies and actions in cyberspace. The Military Counterintelligence Service (SKW) is subject to

MON and performs the tasks resulting from the act from 5th August 2010 on the protection of secret information in relation to MON and subject units as well as to attaché's offices protection abroad within the range of personal security and industrial safety. SKW also certifies measures of electromagnetic protection, cryptographic devices and instruments serving to realization of IT security [15].

The Military Intelligence Service (SWW) is a special service, proper in the affairs of external threats protection for the state defense, combat security and ability of the Polish Military Forces and other organizational units subject to or supervised by the Minister of National Defense [9]. The service participates in information and experience exchange between the NATO and EU's states intelligence services.

Conclusions. According to national reports published by the CERT response teams, EU's agencies or commercial companies dealing with cyberspace security, technology security threats (e.g. techniques of infecting with harmful software) are more and more advanced and the rage of incidents in cyberspace is growing every year. The problem of illegal and harmful contents in the Internet is increasing as well. The crime basing on illegal activity in cyberspace (e.g. phishing or crimes with the use of harmful software attacking e-bank accounts) is increasing as well. Such an image of the situation in cyberspace determines the necessity to conduct coordinated actions on the national level that shall involve both public administration and other interested parties. Another crucial matter is good cooperation between the particular of-

fices and CERTs and constant exchange of information between the institutions including the trans-border information exchange. Nowadays, cyberspace security policy should be treated as priority. What does it look like in practice? The Supreme Audit Office negatively evaluated the realization of the tasks by the public entities within the Polish cyberspace protection in 2015. It claims that the public administration has not undertaken necessary actions so far aiming at providing the Polish cyber security. However, it should be considered that the Polish cyberspace security Policy is being still implemented. An important instrument of the legal "sign" in the cyberspace protection is the mentioned new EU's NIS Directive. Member states have 21 months for transposition of the directive regulations into national legal orders and extra 6 months for identification of the mentioned operators of key services.

At present, in Ministry of Digitization there are advanced works over the cyberspace strategy project for Poland as well as over a new act on the national system of cyber security. Both the strategy and the act shall perform requirements imposed by NIS.

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STATE REGULATION OF BUSINESS: FOREIGN EXPERIENCE OF COOPERATION BETWEEN THE STATE AND THE BUSINESS SECTOR

Abstract. The article analyses tendencies of state regulation of entrepreneurship in European Union countries, USA and Japan and identifies state regulation of entrepreneurship as a system, which consists of certain elements, unity and interaction of which determine its efficiency and functionality. Analysis, systematisation and generalisation of experience of state regulation of entrepreneurship in these countries allow making a conclusion that the existing differences in the role of the state in economy are not connected with the degree of state regulation, but are connected with the means used for its realisation. General tendencies of development of relations between the state and entrepreneurial sector allowed identification of main elements of the system of state

regulation of entrepreneurship, which include: forecasting, planning and programming socio-economic development; anti-monopoly competitive policy; tax and investment policy; innovation policy and stimulation of research papers.

Keywords: public administration, system of state regulation of entrepreneurship, forecasting and planning and programming socio-economic development; anti-monopoly competitive policy, tax and investment policy, innovation policy, research papers.

ДЕРЖАВНЕ РЕГУЛЮВАННЯ ПІДПРИЄМНИЦТВА: ЗАРУБІЖНИЙ ДОСВІД ВЗАЄМОДІЇ ДЕРЖАВИ І ПІДПРИЄМНИЦЬКОГО СЕКТОРУ

Анотація. У статті проаналізовано тенденції державного регулювання підприємництва в країнах Європейського Союзу, США та Японії і визначено державне регулювання підприємництва як система, що складається з певних елементів, єдність і взаємодія яких визначають її ефективність і функціональність. Аналіз, систематизація та узагальнення досвіду державного регулювання підприємництва у цих країнах дали можливість дійти висновку, що існуючі відмінності в ролі держави в економіці пов'язані не зі ступенем державного регулювання, а із засобами, які використовуються для його реалізації. Загальні тенденції розвитку взаємин між державою і підприємницьким сектором дали змогу визначити основні елементи системи державного регулювання підприємництва, до яких слід віднести: прогнозування, планування і програмування соціально-економічного розвитку; антимонопольно-конкурентну політику; податкову та інвестиційну політику; інноваційну політику і стимулювання науково-дослідних робіт.

Ключові слова: державне управління, система державного регулювання підприємництва; прогнозування, планування і програмування соціально-економічного розвитку; антимонопольно-конкурентна політика, податкова та інвестиційна політика; інноваційна політика, стимулювання науково-дослідних робіт.

ГОСУДАРСТВЕННОЕ РЕГУЛИРОВАНИЕ ПРЕДПРИНИМАТЕЛЬСТВА: ЗАРУБЕЖНЫЙ ОПЫТ ВЗАИМОДЕЙСТВИЯ ГОСУДАРСТВА И ПРЕДПРИНИМАТЕЛЬСКОГО СЕКТОРА

Аннотация. В статье проанализированы тенденции государственного регулирования предпринимательства в странах Европейского Союза, США и Японии и определено государственное регулирование предпринимательства как система, которая состоит из определенных элементов, единство и взаимодействие которых определяют ее эффективность и функциональность. Анализ, систематизация и обобщение опыта государственного регулирования предпринимательства в этих странах позволили прийти к выводу, что существующие различия в роли государства в экономике связаны не со степенью государственного регулирования, а со средствами, которые исполь-

зуются для его реализации. Общие тенденции развития взаимоотношений между государством и предпринимательским сектором дали возможность определить основные элементы системы государственного регулирования предпринимательства, к которым следует отнести: прогнозирование, планирование и программирование социально-экономического развития; антимонопольно-конкурентную политику; налоговую и инвестиционную политику; инновационную политику и стимулирование научно-исследовательских работ.

Ключевые слова: государственное управление, система государственного регулирования предпринимательства; прогнозирование, планирование и программирование социально-экономического развития; антимонопольно-конкурентная политика, налоговая и инвестиционная политика; инновационная политика, стимулирование научно-исследовательских работ.

Target setting. The strengthening of the state as a social institution is accompanied by the development of its numerous functions, particularly economic. Yes, the state acts as an external force, which implements economic, political and legal power, becomes an important subject an effective national economy. The study of the phenomenon of state regulation of business undoubtedly proves that it is a phenomenon of multi-level and multi-faceted. Finding the optimal and efficient interaction between the public and the business sector have an urgent problem of economic reality.

Analysis of recent research and publications. The issues of state regulation of the economy in general and businesses in particular are engaged Ukrainian scientists actively as A. Butenko, Z. Varnaliy, O. Dolgalova, S. Zharaya V. Zakharchenko, J. Kaszuba, V. Kredisov, P. Cruz, I. Kuznetsova, V. Litvinenko, V. Sizonenko, T. Tkachenko and others. Many scientists consider the theoretical and prac-

tical aspects of regulation of the national economy, the role of corporations and the public sector to ensure its growth; study the world experience of state regulation of small business, or entrepreneurship in the information sector of the economy, or in certain countries. At the same time, a lot of theoretical and practical issues remain problematic scarcely explored in terms of complexity and system. The latter gives grounds to assert the need to study the experience of state regulation of business and the wording on this basis, elements of this system.

The purpose of the article is to analyze tendencies of state regulation of business in the EU, USA and Japan and to determine state regulation of entrepreneurship as a system that consists of certain elements, unity and interaction which determine its effectiveness and functionality.

The statement of basic materials. The practice of state regulation of business in different countries is extremely versatile. Approach to state regulation

of entrepreneurship as a specific system allows you to outline the aspects of interaction between the public and business sectors, which provide its highest effectiveness. The criterion, the use of MDM in our opinion, will allow to define the elements of state regulation of business and the ability to provide favorable conditions for business development in the proposed volumes.

Given the named criteria, review the experience of the state regulation of the economy and business activity in the industrialized countries of the world, namely the European Union, the US and Japan will have a functional orientation. In the EU, historically the state regulation has progressed from its complete indifference to the current situation of direct regulation of the economy and entrepreneurship. An important element of regulation in the EU is a system of state forecasting, programming and short and medium-term planning. In France, the government is engaged in indicative planning and a certain amount of public ownership and participation in the financial remains an important aspect of its effectiveness.

The Swedish model of development planning involves the combination of the interests of monopolies and unions, governments and planning commissions in the process of programming the development of the national economy. The latter is based on gathering information, checking the feasibility of forecasts and projects in terms of the use of national income for consumption and savings.

In the Netherlands, the short-term development planning acts as a combination of public budgets, the annual current programs and economic fore-

casting. With that in planning the government affects the economy through the dissemination of information to the private sector, which helps the latter to coordinate their actions [15]. After Belgium, joining the EU economic policy of the state includes such control levers as state guarantees and loans, investment incentives and tax breaks, as well as the beginning of the applied system of state planning of economic development.

In Italy, the government assigns an important role regulating the enterprises that directly or indirectly has a controlling interest. It affects a wide range of economic activities and in particular on the banking, transport, communications, energy, engineering, using public investment and aid programs [17].

One of the most effective means to promote the development of the business sector in the EU countries there are state tax policy. For example, in the UK individual firms are not required to register with the government, and the payment of taxes is carried out on the basis of the declaration of individual incomes of members of the company. And even if the firm is registered with the state authorities, the taxes are paid only after the company has been actively operating in the market and has found its consumers. In general, the magnitude and the number of taxes paid by small businesses, smaller, and the taxation procedure is much simpler than for large enterprises. In addition it also uses a progressive tax corporate profits tax rates for corporations with less income less than for corporations with large incomes [10].

Thus, the state encourages the creation of small enterprises, and fully sup-

ports their work by applying favorable tax conditions. The mechanism of tax incentives is widely used in France. For his help the state to accelerate scientific and technological progress, the expansion of exports, and the like. So, there are benefits for the newly formed joint-stock companies (for the first two years – do not pay taxes, for the third year is taxed 25 % of their profits in the fourth – 50 %, on the fifth – 75 %, starting from the sixth year – 100 % of the profits) It applies a tax credit for companies that conduct professional training, and the like [8].

Small businesses do not submit a declaration of the value added tax, but pay income taxes, which level depends on the scope of activities (trading, services, etc.) [13]. In general, the system of tax incentives for business development in economically developed countries, includes various tax credits: depreciation, benefits relatively stimulyuvannya research and development activities, benefits with respect to the formation of reserve funds, tax credits, tax holidays and the like.

To stimulate the development of small business and private or donor funding is used, that is, the presence near the small company of a large corporation, which is interested in the results of its work. For example, in Germany, a special company created by banks and insurance companies that participate in the equity of SMEs and provide funding of certain developments. Also advantageous is an organization of commercial banks cooperation of small and medium-sized enterprises with large financial and industrial groups on the basis of contract, subcontracting and leasing relations [8]. Considering the

experience of the state regulation of business in the EU, it is important to emphasize that the concept of support for small and medium-sized businesses in them is clear and understandable.

So a scientist I. Samoilova, notes that this concept takes into account national and European interests, including the objectives and principles of this policy has mechanisms and organizational structure of its implementation [16]. At present, the share of small businesses that are growing in the economy of Great Britain, accounting for 25 % of the total workforce. A recognized European leader in this area is Italy – with almost 800 thousand industrial enterprises of the country and part of the 99 % small and medium in a total amount. In Germany and the Netherlands, small and medium-sized businesses account for about 40 % of exports, Italy – 25–30 %, France – 20–25 %, Japan – 10–15 % [13].

The main directions of state support of small and medium-sized businesses in the EU are the formation of an infrastructure of support and development of entrepreneurship, the establishment of the system of privileges and transparent system of taxation, the availability of financial and credit support for, and cooperation with large enterprises and the like. However, this does not mean creating a “greenhouse” conditions for small and medium-sized enterprises, but rather is a means of equalizing opportunities for small, medium and large enterprises in a competitive environment, way of compensation expenses from business activities in high-risk areas. In the US, despite the spread of the idea of maximizing the freedom of economic activity, the role of govern-

ment in regulating business activities is a significant, albeit ambiguous.

The relationship between the state and the business sector have a “wave-like” trend of business regulation to its deregulation (ie reduction of state influence on business activities), which was circulated in the late '60 years and became widespread in the 70–80-years. Most American scientists note that at the present stage business relationship and the state are antagonistic, and the partnership between them is considered impossible and harmful to society. However, although the majority of the subjects of their business decisions taken independently, the scope of their activity is reduced, and, accordingly, the scope of government influence increases. This trend of increasing state involvement in the regulation of business is spreading and, as emphasized by analysts, it has a growing trajectory [6].

Among the key elements in the US government regulation of business can be identified as follows: 1. The developed system of antimonopoly regulation, including regulation of natural monopolies, which is carried out for the protection of competition and restriction of monopolistic tendencies. 2. Forecasting and Strategic Planning, which provides the basis for all management decisions, including the forecasting system of state regulation. 3. Stimulation of advanced technology, basic science and innovation policy of the state, which is to unite the scientific and technical and investment policy. Almost 50 % of the cost of NDDKR in the country by the state [6]. 4. Support the development of small and medium-sized enterprises, which includes tax breaks; promotion and funding of re-

search and development (in the US small business sector accounts for about 50 % of research and development); implementation of financial and credit assistance to small businesses through the provision of small business loans guaranteed, and the like [8; 10; 15]. Considerable attention is given Japan's experience in the regulation of the business sector. The main function of the state of the country is to encourage, aspiration and acceleration of structural changes in the economy, which are necessary for long-term growth.

Relations between business and the state are largely cooperative relationship, in contrast to the United States. Among state regulation of business the main elements can be identified as follows: 1. Long-term planning, which is indicative, and programming of the national economy, which creates the conditions for effective development. 2. Financing and budget subsidies of basic research and development of new technologies programs, which are carried out by state institutions and research centers, together with private companies. Yes, every year Japan spent \$ 500 million, contributing to the 185 centers of technology development [8; 9]. 3. Support the development of small and medium-sized businesses, which include preferential loans, support for technical projects, customized infrastructure to support small and medium enterprises, protection against abuse by large business entities and the like system. It is important to note that small businesses is significantly involved in public projects. Yes, in Japan, part of the small businesses that perform government contracts, is 45 %, while orders in the public organizations

of the country – 32 %. The latter shows that the share of small and medium enterprises in Japan accounts for about 55 % of industrial products, about 60 % – in wholesale trade and more than 80 % – retail.

In manufacturing of the 6,5 million enterprises 99 % are small. On small and medium-sized enterprises employ 39,5 million people, or 80,6 % of Japan's labor force [13]. 4. Protection of the competitive environment by restricting monopolistic tendencies and access of large firms in the market. 5. Monetary regulation, including flexible variation of the discount rate, especially in times of crisis in the economy [6; 8; 17].

Conclusions. Thus, a short review of the experience of state regulation of business in the EU, USA and Japan shows that indeed in these countries, there are differences in the role of the state in the economy, but mostly they are not in the degree of government regulation, and in the means that are used to its implementation. However, one can not ignore the general trends in the development of relations between the state and the business sector, all this leads to conclusions and assume that the basic elements of the system of state regulation of business are: 1) forecasting, planning and programming of economic and social development, which are to define the strategic lines of action for all participants in the economic process, including businesses; 2) the antimonopoly and competition policy, which is a condition for support of the business sector and the development of civilized competitive relations between its subjects; 3) the tax and investment policy that encourages and

supports the development of production in general, and therefore business in particular; 4) innovation policy and encouraging NDDKR which enhances production efficiency and competitiveness of the entire economy.

Describing the basic elements of state regulation of business systems, it can be argued that the target prediction function, planning and programming of socio-economic development of the country is based prediction directions of development of the country, the individual sectors of the economy, the possible state of the economy and social sphere in the future, as well as alternative routes and timetables achievement of economic and social development. The second element of state regulation of business systems – antitrust, competition policy, aimed at the prevention of monopolistic activity, its limitation and termination, on the development of civilized competitive relations between subjects.

State Antimonopoly Policy includes at two main areas: the demonopolization and regulation of monopolies. Competition policy aims at the creation and protection of a competitive environment. Tax and investment policy, as an element of state regulation of enterprise system, is a state activity, which is aimed at creating conditions for the functioning of the enterprise through the use of tax leverage funds monetary and financial regulation to encourage or deter the development of national production. Innovation policy and promotion NDDKR focused on the development and dissemination of basic and applied research, improvement of infrastructure sectors of the economy and individual regions.

The mechanism of creation and dissemination of innovations has three broad components which are characteristic for almost all countries: the system of state support for fundamental research; various forms and sources of financing and the indirect stimulation of research and innovation support for small businesses. Interaction of selected elements provides a high-quality level of relations between the state and the business sector. Yes, the system of forecasting, planning and programming in a certain way corrects market processes, directs the activities of market participants in areas identified as priorities by the state, speeding up or slowing down these or other economic trends.

Antitrust Competition Policy restrains monopoly trends in the economy, promotes the formation of normal competitive relations between business entities, creating certain incentives or barriers with respect to their activities. Innovation policy and promotion NDDKR helps to activate the innovative potential of the country, provides the basis for the competitiveness of products. Thus, we believe that these elements of state regulation of business systems meet marked our criteria as a whole provide an enabling business environment in accordance with certain state objectives and programmed quantities — support the competitiveness of large businesses and reconstruction of small and medium-sized businesses.

Finally, the development and interaction of selected elements of the system of state regulation of business, in our opinion, provide a consistent movement of the system towards the main vector of development — promoting en-

trepreneurship to ensure stable growth. It is worth noting that the system of state regulation of business in the modern economy of Ukraine has certain features due to the existing imperfect concept of state regulation of the economy, the presence of strains in relations between the state and the business sector and the formality of the declared measures of state support of entrepreneurial activity.

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MAXIMUM ALLOWABLE RISK IN DECISION MAKING PROCESS

Abstract. In the article it is analyzed the opportunity to lead the system with maximum permissible risk, as a part of the chain of interrelated notions: goals, ways, means, and risk; it is determined, that risk-taking increases the adaptability of the system, opens the system for innovations, allows achieving established goals by less means and more simple ways; it is stated that location in the sensitive framework of stepwise of taking of maximum permissible risk, according to the minimax criteria, makes the system secure; it is argued that maximum permissible risk in decision-making process reduces the overall risk of system functionality; it is proposed the algorithm to lead the system with a maximum permissible risk as a theoretical and practical model to lead the system effectively.

Keywords: decision-making process, maximum permissible risk, minimax criteria, an algorithm to lead the system with a maximum permissible risk, leadership of the system.

ГРАНИЧНО ДОПУСТИМИЙ РИЗИК У ПРОЦЕСІ ПРИЙНЯТТЯ РІШЕНЬ

Анотація. У статті проаналізовано можливість керівництва системою з гранично допустимим ризиком як складової взаємопов'язаних понять: цілі, шляхи, засоби, ризик; визначено, що застосування ризику збільшує адаптивність системи, відкриває систему для інновацій, дає можливість досягти поставлених цілей із затратною менших коштів і більш простішими шляхами; вказано, що покрокове прийняття граничного ризику відповідно до мінімаксного критерію робить систему захищеною; аргументовано, що граничний ризик у процесі прийняття рішень зменшує загальний ризик функціональності системи; запропоновано алгоритм керівництва системою з гранично допустимим ризиком як теоретичної та практичної моделі для ефективного керівництва системою.

Ключові слова: процес прийняття рішень, гранично допустимий ризик, мінімаксний критерій, алгоритм керівництва системою з гранично допустимим ризиком, управління системою.

ПРЕДЕЛЬНО ДОПУСТИМЫЙ РИСК В ПРОЦЕССЕ ПРИНЯТИЯ РЕШЕНИЙ

Аннотация. В статье проанализирована возможность руководства системой с предельно допустимым риском как составляющей взаимосвязанных понятий: цели, пути, средства, риск; определено, что применение риска увеличивает адаптивность системы, открывает систему для инноваций, позволяет достигать поставленных целей с затратой меньших средств и более простыми путями; указано, что нахождение в чувствительной рамке пошагового принятия предельного риска относительно с минимаксным критерием делает систему защищенной; аргументировано, что предельный риск в процессе принятия решений уменьшает общий риск функциональности системы; предложен алгоритм управления системой с предельно допустимым риском как теоретической и практической модели для эффективного руководства системой.

Ключевые слова: процесс принятия решений, максимально допустимый риск, минимаксных критерий, алгоритм управления системой с предельно допустимым риском, управления системой.

Target setting. The need of quick changes under influence of the environment, fear of change increase effectiveness of an organization, society, a government (system) and do not allow achieving the goal even with enough means and ways. Notions such as ends, ways and means with a possible permissible level of risk are fundamental in the decision-making process (DMP). In case of lack of means and measured ways, achievement of the goal becomes problematic without taking increased risk. Thus, risk is an important part of any decision.

Analysis of the recent research and publications. Scientists identify and analyze the factors that may affect the use of risk, decision-making process, a leader's ability to achieve the goal successfully when risk may be relative and changeable.

B. Fischhoff suggests that people “often take the form of risk comparison, in which an unfamiliar risk is contrasted with a more common use.” But “risk decisions are not about risks alone. One can accept large risks if they bring large benefits and reject small risks if they bring no good [5, p. 141].” The Sandman, Covello and Slovic guide to risk comparison tells that “use of data in this table for risk comparison purposes can severely damage your credibility [13]”

D. Bernoulli argued that the perceived risk of each, on its own way, cannot be assessed equally. The assessment of the utility of goods is not a simple linear function and depends on the person who is in a risky situation. Thus, knowledge of the price and the probability is not always sufficient for the outcome of the value because the usefulness in a particular case may depend on the subject, who makes evaluation.

And each subject responds to risk in accordance with its system of values [1, p. 49–50].

D. Bernoulli suggested that “there is no reason to assume that of two persons encountering identical risks either should expect to have his desires more closely fulfilled, the risks anticipated by each must be deemed equal in value.” In 1738 Bernoulli published the article “The presentation of a new theory on the risk dimension” [1], where he formulated his famous paradox: the price at which a coin thrown is inadequate to average cash prize. He puts forward the idea that the value of something should not be the basic price, but rather the usefulness of which is associated with the desirability or pleasure.

J. Neumann and O. Morgenstern [12] developed Bernoulli’s idea and proposed that if a player can always arrange such fortuitous alternatives in the order of his preferences, then it is possible to assign to each alternative a number or numerical utility expressing the degree of the player’s preference of that alternative. The assignment is not unique but two such assignments must be related by a linear transformation.

The Neumann-Morgenstern utility theorem shows that, that under a certain rational behavior, a decision-maker, faced with risky (probabilistic) results of different choices, while he maximizes the expected value of a specific action (function) over the potential results in a particular point in the future. This function is known as the Neumann-Morgenstern utility function. This theorem is the basis for the expected utility theory.

In 1947, J. Neumann and O. Morgenstern proved that any individual

preference has the utility function. Individual’s preferences can be represented on an interval scale. The individual will always prefer actions that maximize expected utility.

Last the most significant study of human behavior in terms of risk and uncertainty was accomplished by psychologist D. Kahneman and A. Tversky. For the best known their “Prospect Theory” D. Kahneman was awarded by the Nobel Prize in Economics in 2002. The most important result of “Prospect Theory” is a phenomenon of asymmetry in decision-making – to achieve a prize, and solutions to prevent loss.

D. Kahneman and A. Tversky in their “Prospect theory” confirm that “People underweight outcomes that are merely probable in comparison with outcomes that are obtained with certainty. This tendency, called the certainty effect, contributes to risk aversion in choices involving sure gains and to risk seeking in choices involving sure losses. In addition, people generally discard components that are shared by all prospects under consideration. This tendency, called the isolation effect, leads to inconsistent preferences when the same choice is presented in different forms [6, p. 263].”

The purpose of the article – by analyzing the DMP identify possible ways and levels of possible permissible risk, using a sensitive approach to a permissible risk in a dynamic and changeable environment. The DMP does not look rational in this environment because of complexity and big amount of players. The DMP under changeable levels of risk can be carried out step by step, short phases like a rational process for each step, but not a

rational for the whole process. Overall, the way of actions may seem irrational, but effective according to the minimax criteria. Each phase of the DMP will be the most rational. This rationality may require increased, but permissible risk.

The statement of basic materials.

In condition of the complex changeable environment decision-makers should pay more attention to risk-taking. To balance ends, ways and means in the framework of permissible risk is fundamental in order to achieve the goal. The task is to find appropriate ways to achieve the end-state by available means without losing system functionality. Decision-makers often play with ends, ways and means to decrease risk. Meanwhile, increased risk-taking can facilitate opening the system for adaptation when low risk may delay it. Thus, to provide required system effectiveness may require changing of the level of risk-taking.

Sensitive approach to risk-taking, as a part of the DMP, may facilitate more successful achieving the goal. The purpose of any DMP is to establish equilibrium between the system and the environment through system change, as adaptation, and/or shaping of the environment. It is possible to suppose that any goal is an artificially created subject to satisfy human needs through establishing this equilibrium.

In 1950, John Nash stated that “finite non-cooperative game always has at least one equilibrium point [11, p. 286]” at which all players choose actions, which are best for them given their opponents’ choices. In our case, the system and the environment, like players, are always in the process of

endless mutual influence. There is an equilibrium point when they are both satisfied by chosen actions.

It is possible to raise some questions about risk-taking. For instance, which level of risk is acceptable and how to determine it? In any case, the risk will be taken and the question is about its feasibility: do we need to do it in order to satisfy our ambitions, passion and wish? Will we save our system on the way of its development and adaptation? Is it possible to increase risk and when? How can it be connected with time and suitable conditions, which should provide synergy effect? Can it decrease means and simplify ways to achieve goals?

The research problem is to find a method to achieve the end-state by playing with risk in the DMP. It can be based on the mini-max criteria when the goal is achieved by minimum means and the simplest ways with maximum possible permissible risk. The authors propose call it the edge risk. *This risk is taken in a certain favorable moment in order to maintain system effectiveness.* The question is how to determine maximum possible permissible risk or the edge risk on each stage on the way of achievement of the goal.

Human freedom of actions may define risk-taking. P. Bernshtein stated that “the actions we dare to take, which depends on how free we are to make choices, are what the story of risk is all about. And that story helps define what it means to be a human being [2, p. 4].”

The laws of probability are the most powerful tool of risk management. Risk may be a possibility for the leader to make mistakes and still maintain system functionality. Then less prob-

ability of a mistake then lower risk is. "Not-acting has value. The more uncertain the outcome, the greater may be the value of procrastination [2, p. 15]."

The probability is measured. Gravity and probability should influence a decision... A decision should involve the strength of our desire for a particular outcome as well as a degree of our belief about the probability of that outcome [2, p. 71]. This statement may define the level of risk that a decision-maker is ready to take in order to achieve a desired goal.

Risk is a matter of human perception based on different biases, prejudices, illusions, previous experience and accepted samples. "The most critical decisions would be impossible without sampling [2, p. 73]." D. Kahneman states that "when an unpredicted event occurs, we immediately adjust our view of the world to accommodate the surprise [7, p. 197]." Therefore, it is possible to assume that the roots of risk-taking are located in human accepted samplings, which are essential in risk-taking. We use samples of the past and the present to guess about the future. With change of conditions, the level of risk may require revising also. It is possible to suggest that delay in risk-taking decreases system effectiveness. To maintain system balance or effectiveness, risk-taking in time may be much lower than risk-taking with delay. This approach allows saving means and simplifies ways to achieve the goal.

Hence, it is possible to assume that maximized permissible risk is a way to achieve the goal with less means and the easiest ways. There is always a room for risk-taking because of relativeness of the level of risk. It may de-

pend on human perception about risk and underestimating of the system opportunities. Power of the system can be determined as multiplication of system mass and its acceleration ($P = m \times a$). A system mass (m) can be compensated by system acceleration (a) to produce the same power. Indeed, a big system is inertial and has lower acceleration.

Therefore, acceleration or time is an essential part of risk-taking. The problem is how to determine the level of permissible risk, as a time function, in conditions of environmental change. "Time is a dominant factor in gambling. Risk and time are opposite sides of the same coin. If there were no tomorrow, there would not be any risk. Time transforms risk, and the nature of risk is shaped by the time horizon: the future is the playing field [2, p. 15]." Thus, time becomes a key in risk-taking.

The moment of risk-taking may influence the outcome. There is a moment when the mutual conditions (system-environment) are the most favorable to make decision with the highest possible risk. Hence, time changes quality of the result and may create a decision highlight. This moment can correspond to taking of the maximum acceptable risk. It may allow getting maximum result through synergy effect when all conditions together facilitate achieving the end-state. It is like buying shares in the Stock Market, when the prices are minimum and selling them when the prices are maximum.

Decision is made naturally in order to get maximum result with minimum consumptions. Organizational culture may influence the level of risk-taking. To increase risk means to increase system acceleration in development, for

instance. In these conditions, a leader should imagine the future, open all communication lines, deliver messages simply and clearly, decide and act fast, create learning organizational culture with creativity and critical thinking.

A decision-maker looks for a decision to provide equilibrium between the system and the environment. The decision is based on current data, which is probably different with future data when the goal should be achieved. Hence, taking in account a delay between an environmental action and system reaction to this action, risk is a degree of difference between a probable future composition or simulation of the data and real future conditions to provide equilibrium. Ideally, to predict the future and act accordingly decrease risk to zero. On the other hand, misunderstanding of the future data may increase risk drastically, as an attempt to maintain equilibrium. This risk will be counted as an unjustified risk, which can destroy the system and not allow achieving the goal. But maximum acceptable risk may facilitate saving system effectiveness and achieving the goal successfully.

Implementation of the decision, which is based on the past or current data and the feedback loop, always creates a delay in system reaction or adaptation to the environmental change. Coefficient of dynamic equilibrium between the system and the environment (K_{eq}) defines this delay [10, p. 9]. In the dynamic and changeable environment, the delay may decrease the system effectiveness and, eventually, destroy it. To control the system through monitoring the level of risk-taking is essential. Thus, understanding of pos-

sible change of risk in the framework of “ends – ways – means – risk” may be significant to increase system effectiveness.

New technologies and ways of communication can influence on samples and, hence, risk-taking. Artificially created samples of the future may be a key for risk-taking in order to achieve the goal by existing means and possible ways. The problem is to determine current level of risk-taking in order to achieve the goal in the future. On the way of achieving of the goal, existing conditions will transform to future conditions. Hence, during this transformation, risk-taking can be changed also. Thus, it is possible to assume that a sensitive and gradual approach to risk-taking may be important for the successful DMP.

There are some, proposed by authors, functions of connections and mutual dependencies among probability to achieve the goal, level of maintaining of system balance, maximum permissible risk (edge risk), and human perception.

$$\text{Probability to achieve the goal} = f(\text{Level of Maintaining of System balance}) \quad (1)$$

$$\begin{aligned} \text{Level of Maintaining of System balance} = \\ = f(\text{Speed of system adaptation } (K_{eq}) / \\ \text{Riskedge}) \end{aligned} \quad (2)$$

$$\begin{aligned} \text{Riskedge} = f(\text{Human perception} \times \\ \times \text{System structure} \times \text{Leader}) \end{aligned} \quad (3)$$

$$\begin{aligned} \text{Human perception} = f(\text{national} \\ \text{and organizational culture, leader's} \\ \text{previous experience and} \\ \text{personal characteristics}) \end{aligned} \quad (4)$$

From the function (2), it is possible to suppose that a high-speed adaptive system allows taking higher risk and still maintain system balance. In other

words, the adaptable and effective system allows taking high risk without fear. To balance ends, ways, and means with the edge risk in the current environment is a primary activity on each stage of achievement of the end-state. Changeable environment forces a leader to revise all of them regularly. It is possible to assume that the level of risk can be different for each stage because of human perception or leader's ability to take risk, environmental change and complexity, culture and structure of the system (fig. 1). Thus, in order to maintain equilibrium between the system and environment a leader should take different risks (for instance, *Risk1*, *Risk2* or *Risk3*).

To take the edge risk in advance may provide effectiveness of the system when low risk may decrease this effectiveness. A vector of risk-taking in different moments of time shows the most effective way to achieve the goal (fig. 2). For description of this vector it is possible to apply the mini-max criteria when the goal can be achieved by taking of the edge risk and the use of minimum means with the simplest ways. Accordingly, the edge risk creates a paradox to achieve the goal success-

fully with high risk-taking than with low risk-taking.

This approach facilitates decreasing overall system risk because the system becomes open and adaptable through innovations and structural change. Thus, the system becomes a learning organization with high level of flexibility, decentralization and survivability. Moreover, the system has additional reserve means with simple and realistic ways to achieve the goal.

System balance and the edge risk stay on the opposite sides of the scale, but they work together to achieve the goal. To maintain minimum required balance and take the edge risk may create a learning organization (an adaptive system). It proves that the mini-max criteria is a right approach to maintain system effectiveness through step-leading with the edge risk.

According to P. Senge learning organizations are “organizations where people continually expand their capacity to create the results they truly desire, where new and expansive patterns of thinking are nurtured, where collective aspiration is set free, and where people are continually learning to see the whole together [14, p. 3].”

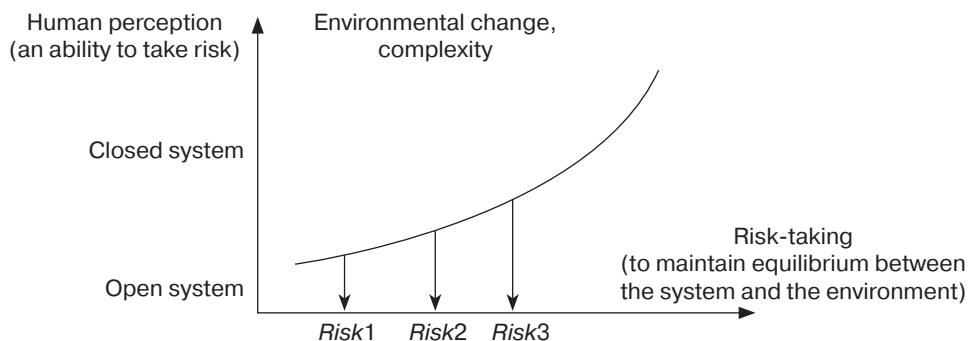


Fig. 1. Risk-taking dependences
Sources: created by Authors

A scheme of risk-taking in the DMP (fig. 2) is based on the mini-max criteria and directs the leader to adapt the system and/or shape the environment.

This approach may allow avoiding bifurcation points or revolutions on the way of system development and creating continuous balance through short steps like a digital net, which is invisible for the human awareness. This makes the system solid and highly adaptable to the environment.

The vector of risk-taking in the DMP (fig. 2) is based on taking a Risk “ x ” (R_x) that should be always very close to the edge risk. Thus, R_1 , R_2 , R_4 , and R_5 (fig. 2) are equal or close to the edge risk in the given environment and in a certain moment. This approach may provide achievement of the goal by minimum means and the simplest ways.

Complex dynamic environment forces the system to be flexible and adaptable like a learning organization with leader’s irrational view that challenges human perception and accepted samples and, therefore, motivates revising the level of risk-taking.

To understand and feel the edge risk is a leader’s quality, which may be developed.

How to determine the edge risk in the given environment, how to follow the line of this risk? It is a matter of clear understanding of the system and the environment through feedback and open communication lines. They can allow making the system available to take risk and survive. Risk-taking is a way to open the system and make it adaptable. However, on one hand, the edge risk-taking may maintain system functionality through opening of the system, and make it vulnerable, on the other hand.

The problem is to determine the edge risk and open the system as much as possible. A learning organization has very high level of the edge risk because it is maximally opened system through continuous feedback and participation in leadership all members of the system. Thus, a decision-maker has to maintain a certain level of risk in the DMP in order to achieve the goal. The mini-max

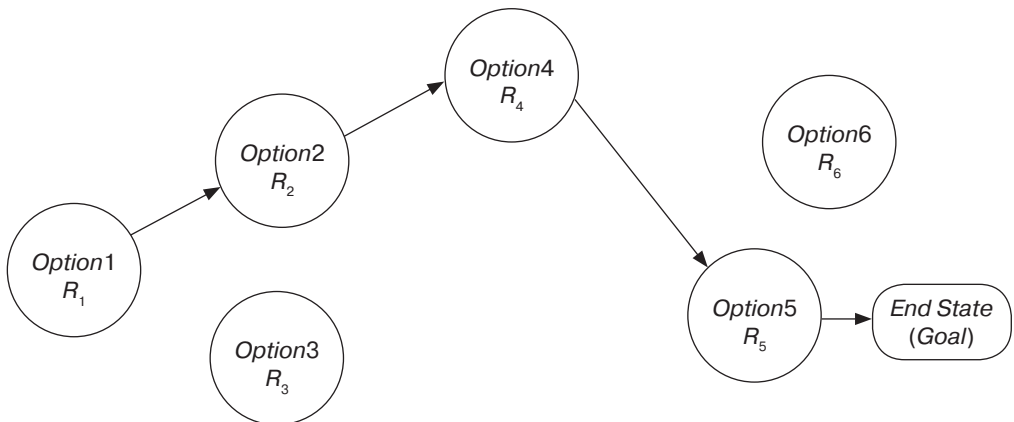


Fig. 2. A scheme of risk-taking in the DMP
Sources: created by Authors

criteria may provide an approach and mechanism how to do it.

How evaluate risk and to determine the edge risk? The authors propose that the edge risk can be determined as a function of equilibrium between the system and the environment.

$$\text{Risk}_{\text{edge}} = f(1/K_{\text{eq}}). \quad (5)$$

A learning organization, as a highly adaptive system, can prove this function. This system may have the lowest level of the edge risk because of continuous changes as graduate and short-step adaptation to the environment. The open or adaptive system (with high K_{eq}) requires low level of the edge risk to restore equilibrium. A closed system can require taking higher edge risk than an open system to maintain equilibrium between the system and the environment. Big delay in adaptation increases the level of the edge risk. It can jeopardize the system functionality. On the other hand, taking the edge risk facilitates opening the system and, hence, decreases the level of general risk for the system.

Dynamic environmental change requires risk-taking to adapt the system. The notion of risk may be more important than existed means and ways because they can become obsolete as nonfunctional tools to maintain equilibrium, because lack of innovations as low risk-taking. In the changeable environment speed of reaction, time and favorable situation, as parts of risk, are getting primary to win.

Risk-taking is a leader's ability to think critically to understand mutual influence between the system and the environment. The right risk means risk, which corresponds to the current situ-

ation and the system in a certain moment. If there is no correspondence, the level of risk-taking may be lower or higher than the edge risk. It makes the system not effective because of more consumption of means and complicated ways to achieve the goal.

On the way of risk-taking it is important to recognize the edge risk and do not cross it. It is a fluctuation process, which depends on a level of mutual equilibrium between the system and the environment. If the system seeks equilibrium with the environment like a "roly-poly" toy there is no reason to take high risk. If the system is far away from the equilibrium, this condition can require taking increased risk in order to restore equilibrium. On the other hand, to keep system always in condition of change makes it vulnerable. To feel and understand risk, to take edge risk and stop it in time is an important leader's quality. Therefore, *to keep the system structurally solid is also profitable until the system will not achieve the critical low level of system effectiveness, which exactly corresponds to the need to take the edge risk in order to save required system functionality.* Thus, the system development may look like step by step process of adaptation with requirement to take the edge risk in a certain moment in order to provide maximum system effectiveness by minimum means and the simplest ways.

It is possible to suppose that risk-taking is a matter of satisfaction, perception and personality in the link of "a person — a society." The wish of satisfaction, as a trigger, motivates to take risk to restore or restore equilibrium. It puts forward the thesis that the value of something should not be the base price,

but rather the usefulness of which is associated with the use of the desirability or satisfaction [1, p. 22]. The motivation factors (psychological, moral, economical, level of life, recognition by others, social, passion, ambitions) are changeable because of human grow or development [8].

Human perception of risk is based on rules, samples, adapted standards and defines risk-taking as an action. Rules or samples originate from previous experience and correspond to the situation of the past. How far a decision-maker is ready to go from his/her experience and accepted standards may define the level of risk-taking. Sensitivity of the edge risk is a valuable leader's quality, which is connected with visualization of the future environment and an ability to leave past experience and accept new conditions. It presents an endless process of mutual adaptation between the system and the environment. It is a policy of survivability when old rules already started losing their relevance and new rules have not worked yet.

The personality and a level of responsibility may define an ability to make decision on the line of the edge risk. There may be diverse types of risk, for instance, personal, collective, emotional, moral, organizational, social, and economical risks. Level of responsibility may defer them or who will blame who in case of failure. Collective risk supposes shared responsibility about risk. Thus, types of risk may influence the DMP through the ability to take edge risk. Fear of risk depends on human perception, personal understanding of the situation, organizational and national culture, and expected stability.

In the DMP "risk and benefit are linked in people's perceptions and consequently in their judgments [4, p. 14]." On one hand, risk is also about what and how leader thinks, how energetic, optimistic and useful the proposed idea is.

On the other hand, risk — is also about what and how people think, how optimistic and motivated they are by the proposed idea. The power of idea realization is function of means and possible ways (*Force*) and human will ($P = Force \times Will$). Thus, it creates an energetic inspiration of success and power to change the system and/or move obstacles (to shape environment) with taking the edge risk, even if you do not have enough means today.

It is possible to assume that there are necessary and sufficient conditions of system effectiveness. The necessary condition indicates that the system is in balance (stability). Leadership power, styles and structural change can provide system balance [9, p. 72]. The sufficient condition indicates that equilibrium between the system and the environment is established or strives to it ($K_{eq} \rightarrow 1$). System adaptation and/or shaping of the environment may provide equilibrium. Risk-taking may facilitate establishing equilibrium.

Even if there is no enough level of equilibrium between the system and the environment, the system can be in balance, but starts losing effectiveness. Thus, only satisfaction of both conditions should provide required system effectiveness. An algorithm to lead the system with edge risk shows how to maintain system effectiveness (fig. 3).

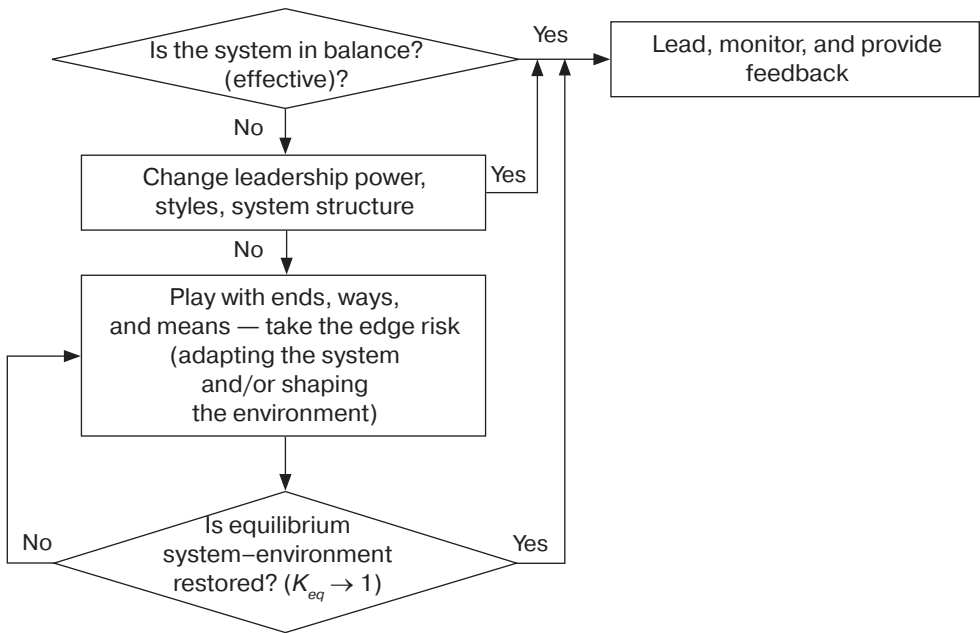


Fig. 3. An algorithm to lead the system with edge risk
Sources: created by Authors

Conclusions. This article analyses the possibility to lead the system with maximum acceptable risk or the edge risk in the framework of notions ends, ways, and means with risk. Leading of the system with the edge risk can improve system effectiveness through revising the human perception to the risk-taking. It increases adaptability through opening of the system to innovations and allows achieving the goal by less means and simplest ways. Staying in the sensitive framework of the graduate step edge of risk-taking according to mini-max criteria makes the system safe. The paradox of this approach is – the edge risk in the DMP decreases general risk for the system functionality because the system opens and becomes a learning organization as a highly adaptable and survivable system. Also the authors propose an algorithm to lead the system with edge risk

as a theoretical and practical model to lead the system effectively with the edge risk.

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FACTORS OF THE FORMATION OF MODERN UKRAINIAN PARLIAMENTARISM

Abstract. The article highlights the issues of formation of modern Ukrainian parliamentarism, revealed external, internal and destructive factors of influence on these processes and is indicated on the way to overcome them.

Keywords: parliamentarism, factors, destructive factors of formation of parliamentary, civil society, representative democracy, parliament.

ЧИННИКИ СТАНОВЛЕННЯ СУЧАСНОГО УКРАЇНСЬКОГО ПАРЛАМЕНТАРИЗМУ

Анотація. У статті висвітлено питання становлення сучасного українського парламентаризму, виявлено зовнішні, внутрішні та деструктивні чинники впливу на ці процеси та вказано шляхи їх подолання.

Ключові слова: парламентаризм, чинники, зовнішні, внутрішні та деструктивні чинники становлення українського парламентаризму, громадянське суспільство, представницька демократія, парламент.

ФАКТОРЫ СТАНОВЛЕНИЯ СОВРЕМЕННОГО УКРАИНСКОГО ПАРЛАМЕНТАРИЗМА

Аннотация. В статье освещены вопросы становления современного украинского парламентаризма, выявлены внешние, внутренние и деструктивные факторы влияния на эти процессы и указаны пути их преодоления.

Ключевые слова: парламентаризм, факторы, внешние, внутренние и деструктивные факторы становления украинского парламентаризма, гражданское общество, представительная демократия, парламент.

Target setting. The relevance of the research factors of modern Ukrainian parliamentarism caused by the complexity of the process, Ukraine has relatively little experience regarding the formation of parliamentary and a large number of the factors that have not been properly studied, that influence this process. Therefore, it is important determining the factors of modern Ukrainian parliamentarism, especially the need to identify and deal with its external, internal, and destructive factors. Particularly important in the current political situation and governance are gaining conclusions, recommendations and ways to overcome the negative phenomena in the formation of modern Ukrainian parliamentarism, aimed at addressing and overcoming obstacles to the establishment of Ukraine as a democratic and legal state.

Analysis of the recent studies and publications. There are few works regarding the factors on formation of modern Ukrainian parliamentarism in Ukrainian scientific literature and, in particular, the science of public administration. The authors mainly highlight the problems associated with the impact of the factors on the development of parliamentarism in Ukraine

and gaps in their knowledge. Among the scientists who recently dedicated their work to this issue are: O. Bondarenko, S. Havrysh, V. Hoshovska, V. Zvirkovsky, V. Kulykova, V. Opryshko, I. Suray, V. Telipko and others.

Determining the factors that affect the formation of the modern Ukrainian parliamentarism is among the previously unsolved aspects of the main problem.

Purpose of the article is to identify external and internal destructive factors that influence the formation of modern Ukrainian parliamentarism and indicate ways to overcome them.

The statement of basic materials. The phenomenon of parliamentary is part of the process aimed at the state building on the whole European continent. Also, adoption in 1991 the Act of Declaration of Independence of Ukraine and adoption the Constitution of Ukraine by Verkhovna Rada of Ukraine on June 28, 1996 are events that confirm the beginning of the formation of parliamentary even in Ukraine and the development path of civil society and legal adoption of new conditions and organizational and legal bases of activity of the civil society and government institutions. It was the

Constitution of Ukraine that established the existence of our parliament as a modern European legislative body type. The process of adjustment and changes in the status and role of parliament and parliamentary is continuing even now. Therefore, there may be the development prospects of the Verkhovna Rada of Ukraine as a legislative body and the Ukrainian parliamentarism [4].

According to the Constitution of Ukraine through a single legislative body – the parliament – the people exercise their sovereign power, itself as a source. Parliaments primarily embody democratic principles of the state, acting as the primary guarantors of the procedural democracy. This is due to a set of powers, the role and significance in the system of government. Legislative bodies define the content and nature of the entire legal system, actively influencing the practice of its usage. Their work appears on the well-being of the population as a whole, and individual members of the local communities and the nature of the regime of constitutional law and public order, the realization of citizens' constitutional rights and freedoms, their guarantees and protection [10, p. 72].

The development level of parliamentarism in any country indicates on its democratic principles and the quality of life of population and affects the state building as a whole. The state of modern Ukrainian parliamentarism reflects the general state of relations in society. The phenomenon of parliamentary is relatively new in Ukrainian realities and policy, and is still in the stage of its development and formation. That is why we have many gaps and inconsistencies and obscurities even on this concept.

A large number of citizens of Ukraine do not accept the parliamentary system as a necessary phenomenon for the country and its democratic development. There are opinions that the presence of parliamentary means only the presence of the parliament in a country that is not in fact the true understanding of the phenomenon of parliamentarism [8]. Thus, O. Bondarenko said that parliament and parliamentarism are different social and political phenomena that can co-exist in countries with developed democratic political regime [1].

The essence of the parliamentary system lies in its political and legal orientation on dialogue to search a constructive compromise, the ability of the representative body freely discuss and make decisions in the form of laws. Parliamentarism is a system of state management of the society, based on a separation of powers, representation and control the level of legislative and controlling competence of the parliament [4, p. 11].

According to the team of authors led by scientists S. Havrysh and V. Opryshko, the parliamentarism is defined as a system of interaction between the state and society, in which the leading role belongs to parliament. In this system, they believe, there are many actual theoretical and practical problems that need to be addressed [5].

In a general sense parliamentarism can be defined as a system of formation and activity of the supreme representative body of the state, political relations and institutions somehow related to it. The foundation of modern parliamentarism is the recognition of the sovereign people. Parliament also called to

be the mouthpiece of the ruling sovereignty of the people [6].

In the scientific community, parliamentarism is conceptually considered as a system of power relations based on the division of power, the multiplicity of interests of different social groups, civil society, freedom of political pluralism, respecting the rights and freedoms of man and citizen. The rule of law is the main determinant of a parliamentarism principle, whereby, the legislature is in priority in relation to the executive and the judiciary authority. Legislative bodies, such as parliaments are trusted by the people [9].

There are many scientific views on the parliamentarism and many of its definitions. Their analysis suggests that the most important thing in understanding this phenomenon is to determine the leading role of parliament in the organization of the public authority. Therefore, the parliamentary reform should encourage further development in Ukraine the parliamentary democracy as a system of government in which parliament becomes the organizing center of political life of the state, takes the center stage in the operation of the power mechanism, shaping governmental policies, and ensuring its legislative safeguards and monitoring the implementation of the Constitution and laws of Ukraine by other governmental bodies [5].

On Ukraine's way to become a democratic, legal, social state, it must overcome significant challenges and barriers that hinder further development of the Ukrainian society. These are the influencing factors on the formation of parliamentarism: external, internal and destructive factors.

A factor is a condition, the driving force, the reason for any process that determines its character or one of the main features; dimension [8].

The important factor that determines the content of the phenomena of parliament and parliamentarism is a form of government authority is in a particular country. It is characterized that precisely under a presidential republic the parliament is not only a legislative body, but also serves as one of two (except the president) centers of the concentration of political power. Linking the notion of parliamentarism with a parliamentary form of government authority, which is quite usual for members of political science cannot be equating. In general, the role of parliament and parliamentarism in each specific country is largely dependent on the form of government accepted in it. However, the phenomenon of parliamentarism is present in terms of existing of all modern progressive forms of governance [11, p. 12].

External and internal factors of modern Ukrainian parliamentarism, in our opinion, are the factors that directly affect both outside and inside the country.

As the external factors we consider the following: globalization processes in the world, European integration of Ukraine and geopolitics that define the vector of direction of the development of our country. Influence of different international organizations and communities, where Ukraine is a member (EU, UN), as well as political and financial institutions collaborating with our government (IMF et al.), which anyway are the factors that influence on the formation and development of the

parliamentarism in modern Ukrainian society. Thus, Ukraine is too much dependent on IMF loans. No effective and systematic cooperation with international non-governmental organizations and is not used fully their experience of cooperation with the authorities. Ukrainian society is lacking highly skilled professionals with work experience in countries with well developed democracies. Today in Ukraine is still continuing the process of joining the European Union, which has its changes in parliamentarism as well. An important factor is also the international recognition of our state, which began recently – after the events in 2013-2014.

The *internal factors* in our opinion are the following: national idea and ideology, development of civil society, active civil position of every citizen of Ukraine, political stability, and equality in the electoral process, open and fair elections, peace and unity in the country, and social factor. Also factors of influence are the political parties and political institutions that operate in the territory of Ukraine. Also, there are internal factors of the development – the historical process of state building and the mentality.

Among the factors complicating the process of the parliamentarism V.Zvirkovska highlights: the imbalance of elements of the political system, contradictions and conflicts that periodically sharpened between branches of government and political institutions. One of the main roles in the complicated relations between public authorities plays Verkhovna Rada – the parliament of Ukraine. Conflict and permanent state of tension between the executive and legislative branches caused

by a number of objective and subjective reasons, including: unstructured social interests on political grounds, lack of sustainable electoral legislation, imperfection of judicial and administrative reform, etc. All this indicates that not only individual elements, but the entire political system needs to be improved through scientifically based concept of reforming it [2].

Revealing the essence of parliamentarism V. Telipko writes that the parliamentarism is a system of organization and functioning of public authorities on the basis of the constitutional principle of separation of powers guaranteeing their independence and autonomy. That is the main criterion of parliamentarism is not the rule of parliament, but the formation and functioning of the body on the basis of the constitutional separation of powers. Parliamentarism is a special system of the state management of society, which is characterized by the distribution of legislative and executive power, with significant political and ideological role of parliament. Parliamentarism cannot exist without the parliament, but also the parliament cannot exist without some of the most important elements of parliamentarism, which include the separation of powers, representative character and legitimacy. Parliamentarism is a special system of organization of the government authority that is structurally and functionally based on the principles of separation of powers, the rule of law in conditions of the leadership role of the parliament with the aim of establishing and developing social justice and the rule of law [10, p. 73].

Parliamentarism should not be characterized by the opposition, but the

interaction of powers for the good of the people, for the good of state integrity and prosperity. [9]

From the experience of developed European countries, we support the idea that the interaction between government and society leads to the progressive development of the country. [9]

The Ukrainian civil society is only beginning to develop; interaction with the public authorities is rather low. Public organizations that are being created do not always reflect the will of the people, sometimes they are created for single projects or to meet only the needs of the members of the non-governmental organizations, they are often not heard by the authorities. Many citizens of Ukraine do not take an active part in public life, and there are those who do not have active social position, because ever since the communist repression, people are afraid to express an opinion or to defend it. The community keeps silence, and the government does not require its activity, and especially interaction with it. Therefore, the Ukrainian society is not in the best light: the government has high level of corruption, the country has economic and political instability, there is real territorial threat from neighbors, and the vulnerability of young people who in search of a better life travel abroad to study or make earnings and seldom returns home. There is a certain lack of professionalism of the authorities on the ground, there is a huge social tension and crisis of the government interests and civil society that is neither educated, nor trained regarding their rights and opportunities [9].

Thus, in the current regulation of the Cabinet of Ministers of Ukraine

“On public participation in the formulation and implementation of public policy” stipulates that the executive authorities must take action to create community councils and ensure their functioning on the ground [7]. It sounds promising for the active civil society of Ukraine as now public can participate in the formulation and implementation of public policy. But in practice, we believe, this is a formality. Community councils were established by the management of Ukraine under the requirements of joining the European Union and nothing more. Because in reality community councils were created on paper, in their members were introduced non-governmental organizations that have been tempered to the authority bodies and just supported authority bodies and their policies. The status of community councils, defined by this Regulation [7], as an advisory body to the executive authority bodies, so the advice that is submitted by the community councils is considered deliberately, formally, and taking advice is often simply ignored. That community is not heard [9].

Civil society has slowly begun its development by only small steps after the Revolution of Dignity, but these changes cannot be considered fruitful and constructive. Political changes and democratization of the state.

Ukraine stayed long as a deformed state. Today, the state goes to a new stage of development — the formation of relations in parliamentarism.

Representative democracy, which showed in the Western countries its appropriateness and necessity, means, above all, the transfer of authority to legislation and making important

political decisions in the parliament [6].

The people of Ukraine transferred its powers to elected representatives and expressed its confidence in solving important state affairs. The representatives of the people are not complying fully with obligations imposed on them, they have no responsibility towards the citizens of Ukraine on their election promises [9].

There are a number of People's Deputies in the Verkhovna Rada of Ukraine who lobby business interests. Political parties cannot agree among themselves to work constructively for the good of Ukraine. Sometimes are pronounced populist speeches and just, and the people is not getting the solution of urgent problems. Ukrainians get desperate seeing what officials and People's Deputies hold on their positions and seats for their own benefit, but not to solve the people's problems. Law-making body – the Verkhovna Rada of Ukraine has turned into a smithy, preparing bills under its sphere of influence, but not to protect the rights and freedoms of voters. People's Deputies are the representatives of the people, representing private interests, protect their benefits, and do not serve the people properly, as required in a democratic society [9].

Work experience of the Verkhovna Rada of Ukraine in conditions of independence of our country shows that law-making activity of the supreme representative body cannot be clearly recognized as positive or negative. The positive aspect is that a range of public relations much expanded, which are governed by laws, and the negative is that some of these laws are still far from perfect [5].

However, it should be said that people's representations in the transitional societies are capable of playing the role of a "school of democracy". They strengthen the determination to find a democratic solution to the problems encountered opposition to the authoritarian tendencies. [6]

Today in the Verkhovna Rada of Ukraine unfortunately does not exist a consensus between the coalition and the opposition, and there is no constructive dialogue between them. Politicians do not bear personal responsibility for decisions taken and laws. In the Verkhovna Rada of Ukraine can be seen insufficient cultural level of parliamentarians, during the meetings they quarrel and insult each other. Unfortunately, there is no dignity and respect in the session meetings [9].

In the Ukrainian democracy exists a crisis of political democracy. There is a lack of political consciousness of citizens. The parliament and the government lack a true Ukrainian elite. Not fully implemented a rule of the Constitution of Ukraine (Article 5), on which the bearer of sovereignty and the only source of power in Ukraine is the people [3].

We believe that there are destructive factors of the national parliamentarism development – undeveloped party system, weak social background, lack of legally defined status of the parliamentary opposition and the mechanism of interaction of the parliamentary majority. The electoral system is flawed, weak legal factor and low level of legal culture and political awareness among the population; we can say even miserable level. There are minimum voter turnouts in elections – absen-

teeism. Manipulation of votes is also present. There is a political pluralism and policy of different direction among politician. No formation and development of the political elite in the state. In the state, there is no responsibility for political parties to the electorate and lobbying private interests. The parliament has lost its image in the public opinion. There is a predominant influence of business groups, oligarchic clans and financially powerful groups on society in general. In the population has begun prevalence of people with low incomes. As a result of military operations in eastern Ukraine, we are losing economically strong areas, trades with Russia, there is a dependence on the financial resources of the IMF. We lost the role of a transit state. Today Ukraine has the low competitiveness of the economy to external markets, there is a financial and economic crisis, monetary dependence. Ukraine has a neutral status as a state. There is ineffectiveness of international mechanisms to protect the integrity of Ukraine. During the hostilities in the eastern part of Ukraine, has increased the illegal circulation of weapons in society at large, steady increase in radical sentiments. The state has a large number of internally displaced persons. Until now, there is absence of reforms in the judiciary. The media are mostly pocket, rather than separate and independent. The country has an existing high level of corruption and the minimum responsibility for such actions. The incomplete legal system does not ensure the development of parliamentarism in Ukraine. Law enforcement is weak in general. There is bureaucracy in the government bodies. Non-governmental orga-

nizations that are created and function do not cover the most active citizens. There is a hardened clan-oligarchic political system in the state that reduces its social nature.

The historical experience of Western parliamentary confirms the thesis that there is no ideal, once and for all established form of representative democracy. From here is one of its advantages — openness to innovations and enhancements that meet the changing demands of real life. Therefore, the parliaments of the West yet able to cope with the challenges of recurring processes and eliminate its degradation [6].

So, as a **conclusion**, should be noted that parliamentarism in Ukraine is going through complicated and lengthy process of its formation. It has a wide range of problems. There is much controversy and have not been fully resolved issues.

Ukrainians lack of justice, the level of legal knowledge of the people is in a very low position. This is an indicator of democratic processes in any country of the world.

The main destructive factors of parliamentarism in Ukraine, in our opinion, as for now are: misunderstanding and rejection of the phenomenon of parliamentarism; inability, unwillingness or inability of the political (political and administrative) elite to change habits, standards, norms and rights to the democratic, its lack of awareness of parliamentarianism; insufficient consideration of parliamentarians and authorities the public opinion [9].

Ways to overcome the destructive factors of modern parliamentarism in Ukraine, in our opinion: development of the national idea and ideology, consoli-

dation of society; protection of rights and freedoms; equality of all citizens before the law; civil society development; active social position of every citizen of Ukraine; forming a true Ukrainian elite in public administration; prejudice and conflict resolution in society; raising living standards to European levels, removal of social tension due to the economic component; amendments to the law regarding the responsibility of People's Deputies before voters and getting rid of the mandate for their ineffectiveness; create safeguards for constructive opposition activities; reducing the number of People's Deputies (in proportion to the number of population) [9].

Prospects for further research in this area should be applied to clarify and supplement the factors influencing the formation of parliamentarism in Ukraine.

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PROBLEMATIC ASPECTS OF MAINSTREAM PUBLIC POLICY IN THE INFORMATION SPHERE IN THE CONTEXT OF THREATS

Abstract. The state and problematic aspects of mainstream public policy in the information sphere mentioned in Information Security Doctrine have been analyzed, identified countermeasure information aggression against Ukraine.

Keywords: information, information security, public governance, information aggression.

ПРОБЛЕМНІ АСПЕКТИ РЕАЛІЗАЦІЇ ОСНОВНИХ НАПРЯМІВ ДЕРЖАВНОЇ ПОЛІТИКИ В ІНФОРМАЦІЙНІЙ СФЕРІ У КОНТЕКСТІ СУЧАСНИХ ВИКЛИКІВ

Анотація. У статті проаналізовано основні напрями державної політики в інформаційній сфері в контексті сучасних загроз, задекларованих у Доктрині інформаційної безпеки України, та на цій основі виокремлено проблемні аспекти їх реалізації, визначено заходи протидії інформаційній агресії щодо України.

Ключові слова: інформація, інформаційна безпека, державне управління, інформаційна агресія.

ПРОБЛЕМНЫЕ АСПЕКТЫ ОСУЩЕСТВЛЕНИЯ ОСНОВНЫХ НАПРАВЛЕНИЙ ГОСУДАРСТВЕННОЙ ПОЛИТИКИ В ИНФОРМАЦИОННОЙ СФЕРЕ В КОНТЕКСТЕ СОВРЕМЕННЫХ ВЫЗОВОВ

Аннотация. В статье проанализированы основные направления государственной политики в информационной сфере в контексте современных угроз, задекларированных в Доктрине информационной безопасности Украины, и на этой основе выделены проблемные аспекты их реализации, определены меры противодействия информационной агрессии в отношении Украины.

Ключевые слова: информация, информационное обеспечение, государственное управление, информационная агрессия.

Target setting. The promotion of the information society, the spread of global information and communication networks, the need to use new information and communication technologies requires more effective public policy. Today the functioning of the information and communication sector of Ukraine depends on finding the best ways to ensure a harmonious balance between the level of development of information and communication technologies and the needs of the modern Ukrainian state.

The role of information and communication sector is crucial in the context of the need for information security as part of national security, guarantee public welfare, peace, the rights and freedoms of man and citizen throughout Ukraine.

In terms of global information, access to information, information and communication policy serve a dangerous tool of influence on the population. Indeed, "Russia is using against Ukraine the latest information technology impact on the minds of citizens, inciting national and religious matters, propaganda of aggressive war, the constitutional order by force or violation of the sovereignty and territorial integrity of Ukraine" [2], and it requires the definition of innovation approaches to the development of systems security and information space.

The use of modern information and communication technologies is a powerful tool of influence, and, therefore, effective information and communication policy today serves as a strategic priority and in the context of the need to implement effective information to combat the aggressor is of particu-

lar relevance for the whole Ukrainian state. The level of development of information society in Ukraine does not meet the capacity and capabilities of Ukraine and one of the reasons for this situation is a flawed model of sectoral public policies and ineffective procedures for its implementation [3]. The model of sectoral public policy does not meet the urgent needs of information development of Ukraine for the following reasons: it is unstable (too dependent on the current situation in the country), causing underfunding industry, spraying administrative efforts and budget, ignoring the real needs of regions and specialized industries, creating soil for various abuses.

Analysis of recent research and publications. The aggression of the Russian Federation in February 2014, followed by the seizure of Crimea peninsula and the spread of hostilities in the Donetsk and Lugansk regions contributed to the creation of new social and political conditions that require systematic research and comprehensive forecasting of future threats to national security. Presidential Decree from 25.02.2017 "On the Doctrine of Information Security of Ukraine" [2] identified new directions for further scientific debates.

Formulation purposes of article (problem), — identify problematic aspects of the implementation of state policy in sphere of information in the context of threats to national security.

The statement of basic materials. Fundamental regulations of Ukrainian legislation on the development of information society in general correspond to the fundamental principles and strategic goals of the modern glo-

bal information laid down in the Geneva Declaration of Principles and Plan of Action, as well as Tunisian commitment program for the information society. However, analysis of information sphere made it possible to highlight the need to improve the legal framework as one of the key issues. Many researchers emphasize the need for the adoption of Information Codex of Ukraine, which was enshrined in the “Fundamentals of information society development in Ukraine for 2007–2015”. By Information Codex of Ukraine it is proposed to include some chapters, including the principles of electronic commerce, the legal protection of the rights to the content of computer programs improve protection of intellectual property rights, the protection of databases, remote learning, telemedicine, providing government agencies and local governments to businesses and individuals information services via the Internet, trade secrets, etc. [3]. In accordance with the main principles of the information society in Ukraine in 2007–2015 years, approved by the Law of Ukraine at January 9, 2007 Number 537-V, the strategic goals of information society development in Ukraine are: to accelerate the development and introduction of new competitive information and communication technologies in all 52 spheres of public life, including the economy of Ukraine and the activities of the state and local governments; to provide computer and information literacy, primarily through the establishment of the education system, focusing on the use of new ICT in the formation of a fully developed personality; to develop national information infrastructure and its integration with the global

infrastructure; to support new “electronic” sectors (trade, financial and banking services, etc.); to establish a national information systems, primarily in the areas of health, education, science, culture and environmental protection; to preserve cultural heritage of Ukraine through its electronic documentation and improvement of information security. However, a large number of the provisions laid down in the “Fundamentals of information society development in Ukraine for 2007–2015” have remained declarative.

Strategic legal act in this context is the Doctrine of Information Security of Ukraine, which defines Ukraine's national interests in the information sector, the threat of their implementation, and priorities of the state policy in the information sphere. Its purpose is to clarify the principles of the formation and implementation of public information policy, especially to counter the destructive impact of the information of the Russian Federation in terms of its hybrid waged war [2].

According to the Doctrine of Ukraine's information security protection from destructive information and psychological impacts, protection of Ukrainian society from aggressive informational influence of the Russian Federation are aimed at propaganda of war and inciting national and religious hatred, change the constitutional order by force or violation of the sovereignty and territorial integrity of Ukraine, development and protection of the national information infrastructure, safe operation and development of national news item rostoru and its integration into European and world information space, the effective interaction of pub-

lic authorities and civil society in shaping, implementing state policy in the sphere of information, development of information and communication technologies and information resources Ukraine, creating a positive image of Ukraine in the world, reports rapid, accurate and objective information about events in Ukraine in the international community is an important national interest in Ukraine nformatsiyniy field [2].

The priorities of state policy in sphere of information are defined: an integrated information system for evaluating threats and respond quickly to them; improving powers of state regulators that operate state information space in order to achieve an adequate level of state capacity and meet the real and potential threats to Ukraine's national interests in the information sphere; legislative regulation mechanism discovers, blocking and deletion of information space of the state, including the Ukrainian segment of the Internet, information that threatens the life or health of citizens of Ukraine promotes war, national and religious hatred, change the constitutional order by force or violate the territorial integrity of Ukraine threatens national sovereignty and promoting communist and/or national socialist (Nazi) totalitarian regimes and their symbolism; fight against destructive misinformation and propaganda from the Russian Federation; detection and prosecution under the laws of the subjects of Ukrainian information space created and / or used by aggressor State to conduct an information war against Ukraine and prevent their subversive activities; prevent the free circulation

of information products (printed and electronic), primarily originating from the territory of the aggressor containing propaganda of war, national and religious hatred, change the constitutional order by force or violation of the sovereignty and territorial integrity of Ukraine, provoking riots; intelligence agencies of Ukraine shares at promoting and protecting national interests of Ukraine in the sphere of information, countering external threats to information security States outside Ukraine, etc. [2].

Coordination of executive authorities on national security in the information sector should implement National Security and Defense Council of Ukraine. Also, additional functions entrusted to the Cabinet of Ministers of Ukraine, Ministry of Information Policy of Ukraine, Ministry of Foreign Affairs of Ukraine, Ministry of Culture of Ukraine, State Agency of Ukraine for Cinema, the National Council of Ukraine on Television and Radio, and more. State Committee for Television and Radio Broadcasting of Ukraine according to its competence participate in the protection of Ukrainian information space advocacy audiovisual and printed materials aggressor state. It is assumed that the National Institute for Strategic Studies is to provide scientific analysis and expert support to the process of forming and implementing the state information policy.

Thus, the doctrine of information security of Ukraine declared its fundamental principles of the fight against Ukrainian state information aggression, defining the main directions and priorities of state policy in the sphere of information, but many questions re-

main problematic, and so far conducted discussions on this issue — the threat of impending new information. However, awareness of the power of information systematic struggle against Ukraine use for this purpose of sophisticated manipulation technology to realize the need for decisive action.

The initiative to create Information forces Ukraine to attract citizens of Ukraine for the response of the Internet to the actions of the aggressor, did not give proper results [1]. However, social media is evident total public dissatisfaction with government actions, social and economic situation, which would be better spent on an information fight with Russia.

Conclusions. So, at this stage of development of the state of implementation of the Information Security Doctrine of Ukraine depends not only on implementation of the state information policy, but also on the inviolability of the sovereignty and territorial integrity of Ukraine. It is important to avoid a situation in which a large number of the provisions laid down in the Doctrine and remained declarative. For this purpose, the realization of the legal act involved an extremely large number of public authorities: National Security and Defense Council of Ukraine, the Cabinet of Ministers of Ukraine, Ministry of Information Policy of Ukraine, Ministry of Foreign Affairs of Ukraine, Ministry of Culture of Ukraine, the State Agency of Ukraine for Film, National Council of Ukraine on television and Radio, State Committee for television and Radio broadcasting of Ukraine. From coordinated their work will depend on implementation of the Information Security Doctrine of Ukraine.

It is also necessary improve the legal status of the National Strategy for Information Society Development in Ukraine, which at the moment is a document approved by the government, as objectively does not fulfill any regulatory and binding functions. However, the National Strategy for Information Society Development in Ukraine needs some work especially in terms of the highest possible specification of its main priorities, goals and objectives, the timing of their implementation, defining the entities responsible for their implementation and to identify required target state programs and local strategies required for the development of information society in Ukraine, including cyber security strategy, the state program “IT education” and “public-private partnership in the IT field” [5].

Although the threat to national security in the information sphere is identified, the legislation defines further ways of dealing with them, the reality of social life showed their fundamental value, and therefore the prospects for further research in this direction will be effective to impact the entire state.

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INFORMATION SUPPORT OF DECISION-MAKING IN THE MANAGEMENT OF SOCIO-ECONOMIC DEVELOPMENT OF THE REGION

Abstract. In the article the theoretical-methodological bases of informational support of decision-making in the management of socio-economic development of the region and provided suggestions for improving the process.

Keywords: management decisions, management decisions, information support of managerial decisions, region, socio-economic development of the region.

ІНФОРМАЦІЙНА ПІДТРИМКА ПРИЙНЯТТЯ РІШЕНЬ В УПРАВЛІННІ СОЦІАЛЬНО-ЕКОНОМІЧНИМ РОЗВИТКОМ РЕГІОНУ

Анотація. У статті визначено теоретико-методологічні основи інформаційної підтримки прийняття рішень в управлінні соціально-економічним розвитком регіону та надано пропозиції з удосконалення даного процесу.

Ключові слова: управлінські рішення, прийняття управлінських рішень, інформаційна підтримка управлінських рішень, регіон, соціально-економічний розвиток регіону.

ИНФОРМАЦИОННАЯ ПОДДЕРЖКА ПРИНЯТИЯ РЕШЕНИЙ В УПРАВЛЕНИИ СОЦИАЛЬНО-ЭКОНОМИЧЕСКИМ РАЗВИТИЕМ РЕГИОНА

Аннотация. В статье определены теоретико-методологические основы информационной поддержки принятия решений в управлении социально-экономическим развитием региона и даны предложения по совершенствованию данного процесса.

Ключевые слова: управленческие решения, принятие управленческих решений, информационная поддержка управленческих решений, регион, социально-экономическое развитие региона.

Target setting. The socio-economic reforms that have been conducted in recent years led to continuously growing complexity of the processes occurring in the region, exacerbated the crisis in the budget system, many

regions are facing the threat of underfunding and social stratification. These circumstances require fundamentally new approaches to management based on anticipatory, predictive information.

The first and the major step in the management process is information gathering and analysis of the status, which are usually carried out through monitoring of basic socio-economic indicators for the region. The analysis of the collected information, as well as identifying trends and development factors require the use of modern means of analyzing huge volumes of data and providing results to users in a convenient way to manage the socio-economic development of the region.

Analysis of recent studies and publications. Issues of socio-economic development of the region, as well as the support of management decisions are highlighted in the works of many famous Ukrainian and foreign scientists, including E. Y. Andryeva [10], V. D. Bakumenko [1], A. O. Dyehtyar [2], G. Gnatienco [4], V. R. Kigel [5], I. I. Kozak [11], K. M. Kosmina [12], P. M. Maydanevich [6], D. O. Lazarenko [6], V. V. Lytvyn [7], O. V. Luchakova [12], M. S. Pashkevych [8], V. E. Reutov [9], I. I. Semenova [10], B. Snytyuk [4] A. Sukhorukov [3], G. S. Tretiyak [11], T. V. Umanets [12], A. M. Cheremys [11], Y. M. Harazishvili [3] and others.

Despite its importance and relevance, the issue of computer support for the decision-making in management of the socio-economic development of the region is still theoretically undeveloped. There are different approaches to the concept of "support for

the decision-making in management", but to date is not formed a clear categorical apparatus; there are no single classification factors and indicators; there are no unified methodology for assessing the efficiency of decision-making support.

The purpose of the article is to determine the theoretical and methodological foundations of information support for decision-making in the management of the socio-economic development of the region, and provide suggestions to improve the process.

The statement of basic materials. In the current circumstances, the socio-economic development of the regions is an important strategic component of regional management, along with administrative and legal regulation and budget (financial and investment) policy. In practice, strategy development for the socio-economic development is connected with planning the long-term and the short-term development plan for the region. The formulated strategy largely determines the content of the main activities of local governments [12, p. 21]. Management of the region is composed of:

- comprehensive analysis and forecasting of the socio-economic development;
- formation of a consolidated plan for the development of the region;
- management of the socio-economic development.

In accordance with the structure of management of the region, there are three levels of decision-making in the field of the socio-economic development [11, p. 34]. At the top level is

carried out the macro modeling of the socio-economic development of the region and shaping the strategy of socio-economic development of the region, drafting a program for the development. At the secondary level, there is developing specific management decisions regarding economic regulation of the market. Lower level is informative, which flock information from the regions, governing bodies, committees, administrative and commercial services.

The main objective target in the management of the socio-economic development of the region is purposeful choice of the management decisions and economic management, determining such proportion of social reproduction (achieving a balanced of the use of resources in the system) that, to the fullest extent possible, meets the needs of the population in the region and improve living standards [9, p. 41].

Forecasting and simulation are a kind of information support for any decision-making process. They expand the horizons of strategic planning, provide timely and adequate response to changes in the external environment, determine the field of alternatives options of the development of the system, which is simulated, and the range of possible ways to achieve the desired options.

Permanent vision of the prospective allows promptly identify risks and take measures to avoid negative results. The socio-economic forecasting reveals uncertainty in the system, justifying factors at which the achievements of the objectives establish. Timely and accurate forecasting data and monitoring data should provide quality support

for all the necessary management functions, reduce uncertainty in decision-making of the crucial management decisions and promote the development of regional systems. Forecasting allows you to move from reactive management that is based on system which responses to the current challenges to the projective state regulation, which promptly detect possible threats and opportunities of the future.

Phase of the development of the plans and development strategies is based on an analysis of the status and forecasting and is a proposal of structural change, in which the development of the region will be the most balanced and will meet the requirements of the government and people of the region. The objectives of this phase are implemented taking into account expert opinion, and is also used scenario approach and computer methods of the decision-making support [8, p. 77].

Thus, forecasting and simulation are part of the management process, which is a tool of the socio-economic development of the region.

The high importance of forecasting and simulation for the regional management implies the need to improve its quality and make research results and models more accurate using new computer technology, accumulated and updated databases, modern methods of the simulation of complex systems, including stochastic and imitative approaches.

However, at the regional level theory and practice of simulation and the regulation of economic processes did not receive sufficient recognition. Local authorities remain inadequately engaged in the development perspec-

tive and little use modern tools of the regulation of economic processes. The current practice of forecasting and analytical activity does not provide a balanced forecast across many social and economic indicators related to the use of macroeconomic models and extrapolation methods. As a result, forecasting results are contradictory, especially in the long term. Furthermore, the used approaches do not allow assessment of the impact of control parameters, solve problems of the target management, and conduct scenario analysis, which are so essential for the real management of the socio-economic development areas.

Therefore, currently for the management of the socio-economic development is used modern technology of computer simulation that improves the quality of the developed forecasts and taken decisions. Methodological basis for simulation the socio-economic development of the region is a systematic analysis, the central procedure of which is building a generalized model of the region reflecting all the factors and relationships of the real system. Today the computer model of decision-making is seen as a situational computer model, which can not only solve the problems of forecasting, but the tasks of playing a large number of alternative scenarios.

In developing the models of the socio-economic development should be taken into account that the region is seen as a complex low structured system, system simulation which involves identifying a large number of complex interrelated causal relationships between factors described with a large portion of the expertise knowledge. The simulating object is characterized by the weakness of theoretical knowledge,

qualitative knowledge of the system, high level of uncertainty of the initial information. Investigation of the operating processes of the region requires a study of the dynamics of the system, analysis of the process of growth, taking into account the total life cycle of the region and its parts (people, enterprise, housing, etc.), while there is a conflict between the goals of long-term planning and the short-term solutions, thus there is need for coordination when making decisions [3, p. 52].

Recently, the major backbone method in the socio-economic simulation of the region are becoming imitation models that help to explore complex, low formalized systems in dynamics, in conditions of uncertain information and impact of a large number of factors of the stochastic nature, conduct a large number of options, scenarios and strategies.

The development of the modern information technology opens up new prospects for automation and informatization of functional activities of the government. Taking into consideration the fragmentation of information and analytical applications in the current practice of management, it is necessary to create a modern decision-making support system, with support of the collection of baseline information on the locations, its syntactic and semantic matching and placement in an integrated data warehouse, organization of processing and presentation of accumulated information by the means of modern methods of the decision-making support.

Analysis of technology of the territorial structures with information-analytical tasks allowed selecting a number

of factors that determine the need to develop a support system for enforcement of the socio-economic development of the regions:

1. Handling large volumes of diverse information that is often stored in databases, organized on different platforms and hard copies, and specialists of various units have no direct access to a whole variety of accumulated information.

2. The current technology of preparation and decision-making in the executive bodies at all levels requires a large amount of coordination within the department and with other agencies, both vertically and horizontally.

3. The presence of a large number of system complexity tasks of reporting, analytical and predictive nature requires the use of advanced and special mathematical and economic, and toolkit means to find relationships, study time series, analysis, simulation and variant forecasting of the key indicators of the socio-economic development.

4. The high diversity of possible forms of initial reports requires a flexible means available to developers and users for the rapid formation of reports.

5. Disparate information and analytical support for various stages of development management of the region.

6. Using outdated models and forecasting techniques, lacking of information base and tools for using advanced computer models lead, as a consequence, to poor quality of forecasts.

7. The high complexity of the processes of regional management.

All above factors lead to the conclusion that for the successful implementation of the functions of management for

the development of economy and social sphere should be used systems for the support of decision-making, which are capable to: consider the huge amount of financial and economic, social and demographic, natural and environmental, and other retrospective information, conduct identification and specific indicators forecasting of the economic development, and social sphere on possible future scenarios of the region development, and on the basis of their assessment determine the most reasonable, that is quite cost-effective and perfectly acceptable for the social and environmental evaluation criteria.

In such a system are organized processes of accumulation, analytical processing of the territorial information and tools for the system simulation of the socio-economic development and decision-making.

The main purpose of the decision-making support for the government bodies and local authorities is to solve such complex problems [1, p. 34]:

- monitoring of the socio-economic and financial indicators in order to control and make comprehensive analysis of the current socio-economic situation;

- analysis of the territorial information and identifying trends and patterns in accumulated data;

- forecasting of the state of sectoral and regional systems, and allocating distortions in markets and corresponding points of rise in the socio-economic system;

- analysis of the impact factors of different nature on the socio-economic situation in the regions;

- system simulation of the socio-economic development of the regions

on the basis of complex interrelated imitation and optimization models;

- information and analytical support of the decision-making of management decisions that involves performing multivariate calculations of scenario and target type of the socio-economic development and the assessment of effects of the decision.

With the creation and operation of the decision-making support system should be used by the management and specialists of the structural units of public authorities and local self-government bodies of the regions in the analysis of the current situation, identifying trends and patterns in the decision-making and the evaluation of performance, and in some other areas, on general issues of the socio-economic development of the region.

Thus, the central objective of this study is the developing of common approaches to the construction of system of this class for authorities and toolkit means that perform the complex decision-making support.

The basis of toolkit filling of the system of the decision-making support is a process of decision-making and support methods that are implemented in the circuit of this class of systems. Modern decision-making support systems should have a complete set of tools that provides continuous support of the entire decision-making process.

There are two approaches to the concept of administrative decision in scientific works on the theory of the decision-making management [2, p. 64]. The difference between them, above all, in the width of coverage of this concept in the narrow definition of the decision-making management is seen as a selec-

tion of the best set of alternative rational decisions, and in extended terms the decision-making management is understood as the whole process of management.

In known work the decision-making process is seen as some iterative procedure in which the authors identify the different decision-making phases. The process of development and adoption of the management decision is rather well developed and reflected in scientific works. In meeting the challenges focused on the computer decision-making support will be considered, according to [4, p. 78], the decision-making process as a set of stages: collection and analysis of information, problem statement; generation of possible solutions (alternatives); assessment of the proposed scenarios; computer analysis of the dynamics in the situation; decision selection; conformity assessment of the decision tasks.

Currently, there are a large number of the decision-making support methods known that can be implemented as appropriate tools in the decision-making support systems. The most frequently used method are: heuristic methods such as decision trees, method of hierarchy analysis, cognitive maps, so-called data mining, among which the most widely used are factorial, regression and correlation analysis, simulation techniques, including mathematical, imitation, neural network models and genetic algorithms. Analysis of these methods allowed assessing their suitability for various stages of the decision-making.

At the first phase, there are preparations for the development of management decision that includes: getting

information about the situation, setting goals, developing evaluation system, analysis of the management situation, diagnosis of the situation, identify problems and setting objectives and implementing them. The most important element at this stage is to collect and structure information on the processes that take place in the socio-economic systems. In the regions it is collection and analysis by statistical bodies the information in the following areas: generalized indicators of the socio-economic development, demography, labor market, money income and living standard of the population, municipal engineering, supply health services to the region's population, education, investment activity, characteristic of the regional budget, and so on. In modern computer systems this stage is supported by the subsystem monitoring.

An important aspect of the decision-making procedure is identifying the key issues of the subject area and analysis of trends, comparisons, exceptions, accumulated in data storage, as well as confirmation and interpretation of the identified patterns, which in turn stimulates the search for adequate solutions. Information and analytical support for this phase is implemented so-called data mining tools [5, p. 24], the spectrum of used methods which, depending on the task, is rather wide: from advanced statistical techniques, including regression, cluster analysis to intelligent technologies: genetic algorithms, neural network technology.

Visualizing of found dependencies using OLAP technology [7, p. 52] that forms multidimensional submission of data and arbitrary cuts of the analyzed data using a convenient and beautiful

graphics membranes, significantly increases the efficiency of the system analyst at this stage.

At the second stage, there is a phase of development of possible management decisions of elimination the problem. The output of the second stage provides several options for management decisions and the influence on the situation, and creating scenario conditions. It is necessary to consider various options for changing the dynamics of the main factors of the situation. At this point are used cognitive maps, processes of generation solutions, scenario development, expert evaluation.

At the third stage is carrying out the analysis and assessment of the applicability of the scenarios proposed in the previous step. At this stage, the main task is to develop a feasibility evaluation of the considered options of administrative actions and the goals to be achieved. On the basis of this assessment is carried out ranking the considered options. As a result of this stage, only the most likely scenarios are left, usually 3–5. The main method here today is peer review [6, p. 31].

At the next stage is carrying out a computer analysis of the dynamics of the situation in accordance with the proposed and selected scenarios. Technological support for this phase is often imitating [7, p. 97] or mathematical simulation [6, p. 62]. Dynamic analysis gives the opportunity to explore the behavior of the system as a result of changes taking place both within the system, and as a result of changes in the external environment that allows to understand the development trends of the system under consideration in time, and to analyze possible trajectories of

such development. When calculated on a comprehensive imitation model scenario approach takes a prominent place, which allows conducting multivariate situational analysis of the simulated system.

At the fifth stage is carrying out the procedure of evaluating options and making choices on the results of sophisticated, informative experimental studies conducted on a set of imitation models, characterized by the direct participation of an expert in targeted modeling research and using computational procedures based on compensation experimental approach combining computer modeling with different analytical Data Mining methods (from statistical methods to the expert and intelligent systems), balance methods, iterative imitation and optimization computational procedures and others [4, p. 58]. If necessary, the problem of coordination of proposed solutions between different divisions is solved by using different rules of searching for a compromise, such as an ideal point method, concessions method, and method of approval decision on the main criterion.

At the final stage is performed the decision directly by the performers, the use of financial and material resources. Also in this phase are carried out control procedures of the implementation and results analysis of the situation after the management impact. It is advisable to use a monitoring system as part of the decision-making process, which should control the process of achieving intermediate results of the management solutions. Another objective of this phase is the timely development plan for correction of the taken decision. In

particular, the adjustment of the earlier taken decision often requires the same procedures and actually the decision-making.

Conclusions. In the decision-making support system for government bodies and local self-government at the regional level, should be implemented man-machine procedures that support all stages of the decision-making process, including analytical monitoring, generation of possible scenarios, computer dynamic analysis, up to procedures of selection alternatives and evaluating the results of the changes.

However, in practice, there is no comprehensive support for all stages of the decision process in the modern decision-making support systems. At best, implemented analytical tasks of analytical monitoring, storage of consolidated data and identifying trends, that are, the components of the decision-making process in most of the modern decision-making support systems are implemented fragmented, and methods of computer analysis and simulations of situations are not represented at a proper technological level.

All this hence the relevance of developing new approaches to build the decision-making support systems for the governing bodies that carry out cross-cutting information and analytical support of the decision-making processes are composed of advanced tools that allow to provide the computer decision-making support, form a complex computer model of the socio-economic system from positions of system approach that allows the study of complex regional processes, forecasting indicators of the socio-economic development, computer analysis of the dyna-

mics of situations, and make evaluation and selection of proposed management decisions.

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IMPROVING OF THE ORGANIZATIONAL MECHANISM OF STATE REGULATION OF DEMOGRAPHIC DEVELOPMENT

Abstract. In the article is based on analysis of the effectiveness of state regulation of demographic development corresponding author improved institutional mechanism of regulation of the population. The necessity of improving the institutional mechanism of state regulation of demographic development of regions of Ukraine. As a core element of the mechanism proposed establishment of the Regional Council for the demographic development and the concept of its activities, taking into account: goals and major tasks of its activity (providing a complex of measures on demographic development of the region; coordination of state authorities, local authorities, associations, scientific and other organizations on the implementation mechanism of state regulation of demographic development); principles of the (implementation of constitutional rights, the validity, comprehensiveness, transparency); sources of funding (budget and extra-budgetary funds). It is shown that the product of such a subject of state regulation in favor of state regulation strategy of demographic development of the region, and program implementation.

Keywords: demographic development, mechanism, people, organizational mechanism, strategy, finance.

УДОСКОНАЛЕННЯ ОРГАНІЗАЦІЙНОГО МЕХАНІЗМУ ДЕРЖАВНОГО РЕГУЛЮВАННЯ ДЕМОГРАФІЧНОГО РОЗВИТКУ

Анотація. У статті на основі аналізу ефективності державного регулювання демографічного розвитку автором удосконалено організаційний механізм регулювання чисельності населення. Запропоновано створення єдиного суб'єкта організаційно-економічного впливу на демографічний розвиток, уточнено концепцію його діяльності за блоками: цілі та завдання, принципи діяльності, джерела фінансування, продукт діяльності (стратегія державного регулювання демографічного розвитку регіону, програма її реалізації), очікуваний результат.

Ключові слова: демографічний розвиток, механізм, населення, організаційний механізм, стратегія, фінансування.

СОВЕРШЕНСТВОВАНИЕ ОРГАНИЗАЦИОННОГО МЕХАНИЗМА ГОСУДАРСТВЕННОГО РЕГУЛИРОВАНИЯ ДЕМОГРАФИЧЕСКОГО РАЗВИТИЯ

Аннотация. В статье на основе анализа эффективности государственного регулирования демографического развития автором усовершенствован организационный механизм регулирования численности населения. Предложено создание единого субъекта организационно-экономического воздействия на демографическое развитие, уточнена концепция его деятельности по блокам: цели и задачи, принципы деятельности, источники финансирования, продукт деятельности (стратегия государственного регулирования демографического развития региона, программа ее реализации), ожидаемый результат.

Ключевые слова: демографическое развитие, механизм, население, организационный механизм, стратегия, финансирование.

Target setting. At the end of XX – the beginning of XXI century the socio-economic development of Ukraine is taking place in insufficient, from the point of view of state interests, demographic potential of the population. Deficiency of the population supports the objective reality which must be taken into account in the formulation and implementation of the socio-economic

policy of the state. Therefore, regulation of demographic processes is a priority of the socio-economic policy of the state, and in connection with this, a task of improving can be resolved in three ways: increasing fertility, reducing mortality, and effective migration policy.

Analysis of the recent studies and publications. Demographic problems

of the domestic transformation economy in the context of their impact on human reproduction in Ukraine are studied by V. Geyets, I. Hnybidenko, O. Hrishnova, T. Zayats, O. Makarova, A. Malynovska, V. Mandybura, V. Novikov, V. Onikiyenko, I. Prybytkova, M. Romaniuk, U. Sadova, A. Chukhno, K. Yacuba and other scientists. However, despite the significant achievements of the above authors, theoretical and applied basis for research mechanisms of state regulation of the demographic development are not sufficiently developed.

Purpose of the article. The development of theoretical and applied basis for research the effectiveness of state regulation of the demographic development in Ukraine, scientific substantiation of the appropriate institutional mechanism to apply population control.

The statement of basic materials. Among developed countries of the world, Ukraine has been consistently ranked on the top of the lower end in the rating in terms of life expectancy. Low standard of living leads to high mortality, adverse qualitative changes in the structure of morbidity and mortality, a characteristic feature of which is the strengthening of the social deterministic component. To solve problems like this, it is necessary not only to implement accounting of mortality, fertility, and migration processes, but also identify and eliminate the causes and factors that affect them. This is particularly important at regional and local levels, as each region and each area have their own specific features. Therefore, a set of factors that have a significant impact on the demographic processes in one region may be irrelevant to oth-

ers. Formation of demographic trends is closely connected with the characteristics and factors that determine the nature of internal regional relations.

Improving the institutional mechanism of the state regulation of the demographic development, in our view, should be to create a single entity of the organizational and economic influence – the Regional Council on the demographic development (fig. 1).

In practice, many areas have already decided to create a similar entity of regulatory implications on the demographic development, particularly in Donetsk, Rivne, and Luhansk regions. Their experience demonstrates the need for the formation of such a body in order to increase the impact of implementation of the state regulation of the demographic development in the region.

Thus, in the Regional Council on the demographic development should be included representatives of entities of the state population control – departments, central offices of Healthcare, Education and Science, Youth and Sport, Environment and Natural Resources, Finance, the Social Insurance Fund on temporary disability, the State migration service, the Pension fund of Ukraine, village, town and city mayors, representatives of the media. The chairman of the Regional Council on the demographic development is the chairman of the regional council.

The Regional Council on the demographic development will work to: ensure integrated implementation of interventions on the demographic development of the region; coordinate the activities of public authorities, local authorities, public associations, scien-

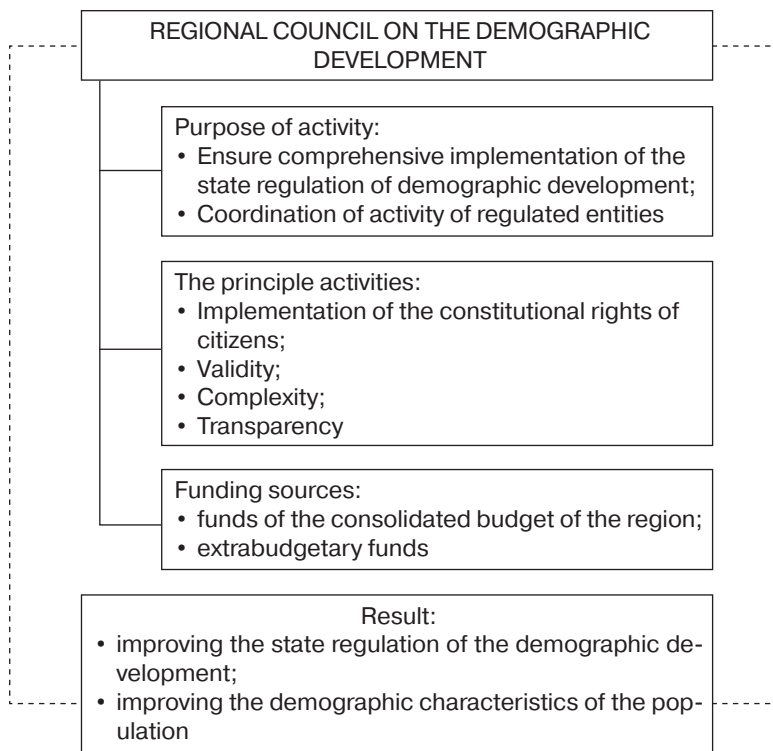


Fig. 1. The concept of the Regional Council on the demographic development

tific and other organizations on the implementation mechanism of state regulation of the demographic development.

In conformity with the purposes, there can be identified the following objectives of the Regional Council on the demographic development. Firstly, ensure the interaction between the executive authorities, local authorities, non-governmental organizations.

Secondly, conduct the demographic examination regulations, socio-economic programs to identify possible demographic factors and consequences of the management decisions taken at regional and local levels, which can affect the demographic development of the region, or apply to those aspects of the region, which themselves depend on the impact of demographic processes.

Thirdly, monitoring the demographic situation in the regions and cities of the region, analysis of the practice of implementation of demographic population policies in the region, evaluating the effectiveness of interventions.

Fourthly, the preparation of proposals for improving the policy to stimulate fertility, mortality reduction and regulation of the migration processes.

Fifthly, the organization of sociological studies on the implementation of population policy measures.

Sixthly, hold meetings, conferences and seminars on issues related to the development and implementation of the state regulation of the demographic development.

Seventhly, inter-regional cooperation on the demographic processes.

Also as part of this, councils can discuss concrete proposals for improving the housing conditions of the population, building social facilities and modern infrastructure, and creating new high-efficiency and high-paid jobs, as a result, make the standard of living in the region closer to the European standards.

In our opinion, the activities of the Regional Council on the demographic development should be based on the following principles: firstly, the implementation of constitutional rights; secondly, validity; thirdly, complexity; and fourthly, transparency.

The realization principle of the constitutional rights means that the Regional Council within its activity should not contradict the human rights and freedoms. For example, the Council may not impose any restrictions on citizens' family type behavior (marriage, reproductive, etc.), its activities should be aimed at improving working conditions and health care of the population, supporting mothers, fathers, children and so on.

The reasonableness principle implies that the Regional Council on the demographic development should present specific guidelines for calculating the efficiency of these implemented activities regulating the population of the region.

The complexity principle means that the Council should be carrying out a comprehensive impact on all aspects of the demographic development of the region, that is, to stimulate the birth rate, reduce mortality, improve the standard of living and the regulate migration processes simultaneously, in order to stabilize the population of the region.

The principle of transparency is aimed at informing the public about the formation and implementation of measures on regulating the population control of the region, the achieved results of the Council to increase interest and demographic literacy of citizens and senior officials in the region. This can also affect the efficiency of population policy. Relevant information must be published in the media. Sources of funding of the Regional Council on the demographic development will be serving funds of the consolidated regional budget and extrabudgetary funds (donations of legal persons and individuals).

Thus, the Regional Council will be the body coordinating activities of the state regulation in the region (local authorities and local governments) on the demographic development, serving as a key element in improving the institutional mechanism of state regulation of the demographic development (fig. 2).

Together with local authorities, the Regional Council will determine the main strategic directions of the state regulation of the demographic processes in the region, which will take into account the specific strategy for the socio-economic development of the region and especially its demographic development. Practical implementation the principles of regulation and ensuring a sufficient level of funding of measures of the state regulation of the demographic development will lead to positive results that will manifest itself in reducing mortality, increasing life expectancy of the population; increase fertility, strengthening the family institution; improving the standard of liv-

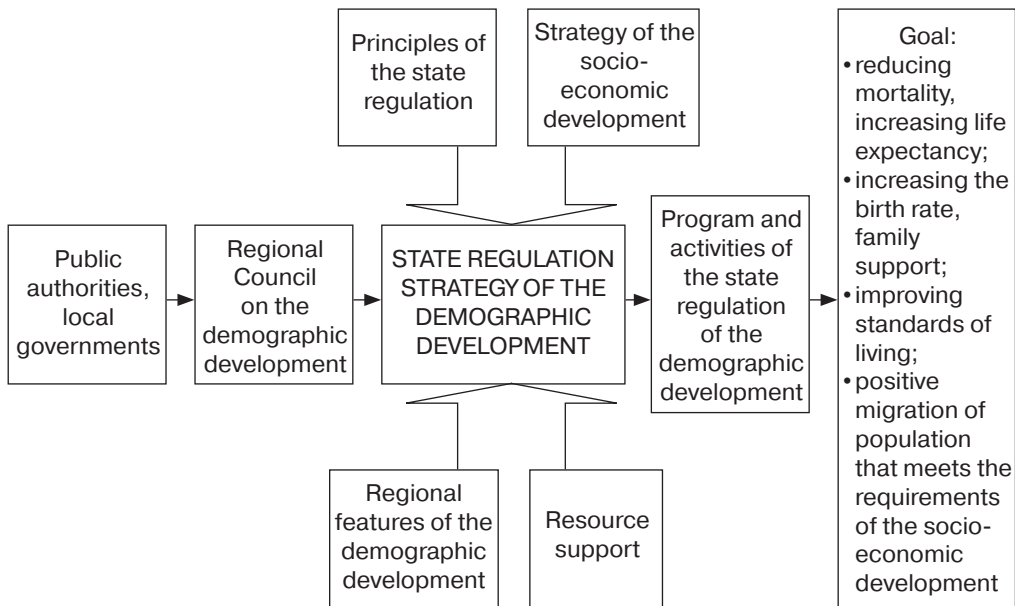


Fig. 2. Organizational (institutional) mechanism of the state regulation of the demographic development

ing; positive migration flow according to the requirements of the socio-economic development.

In our opinion, among the directions of improvement to the state regulation of the demographic development in the initial phase of the Regional Council the ones that can be offered are listed below.

Firstly, some women refuse from having children due to the fear of losing professional skills. Therefore it is important to create conditions for balancing work and child care. One can be also offered various courses of free training for women who come to work from maternity leave.

Secondly, analysis of the relationship of young people to the activities of the regulatory impact on the demographic development based upon research indicates that so-called “maternity capital” would have influenced the decision to

have more children in more than half of the respondents. At the same time, half of them would have spent it on housing. But the most promising material measures of the policy in the area of fertility in young, people call assistance in improving the living conditions (not only due to “maternal capital” – about 30 % of interviewed), significant wage growth (32 % of women and 39 % of men), providing of a minimum guarantee (correspondingly over 15 % of women and over 17 % of men) [1]. This gives rise to the realization by the public administrations regulatory measures to support families and the demographic development. For example, one can develop and offer the “guaranteed minimum”. The essence of this regulatory tool of the demographic development is that if the average income of the families with children aged 16 years are below the subsistence minimum, they

are granted financial assistance. The size of such assistance is defined as the difference between the amount of the subsistence minimum and family income. For “guaranteed minimum” family shall submit documents confirming the amount of income to the Regional Council on the demographic development.

Practical implementation of this regulatory mechanism will help improve the financial situation of families that can affect the decisions about the child's birth, to use these extra funds to improve the health, etc.

Thirdly, it is necessary to take measures towards the formation of young people responsible attitude to health, including reproductive. Consideration should be given to the compensation of part of the expenses (partial or complete) for the treatment of infertility, the introduction of advanced reproductive technologies for the purpose of having children. Thus, during the period from 2000 to 2014 including, the number of women who have established infertility increased by 20 %: in 2001 per 1,000 women of childbearing age the infertility was reported in 279, and in 2014 – 335. If, for example, in 2014 infertility could have been cured in 100 % cases, and each woman gave birth to at least one child, the total fertility rate would increase by 2 %, reaching a value of 1277 births per 1,000 people, which would witness improving the demographic situation in the country [2].

It should be also noted. According to the Institute of Demography and Social Studies of M. V. Ptukha of the National Academy of Sciences of Ukraine [4] in 2015 in Ukraine according to official data correlation between termina-

tions of the pregnancy to all fertilized is 22 %. In comparison with 1990, in 2015 the value of the index decreased from 1 million to 90 thousand abortions, that is, 91 %. This is due to increased levels of sexual culture, education, and gender equality. But, in any case, available statistics show high rates of abortion – every fifth pregnancy is terminated. This fact is additionally compounded by the fact that abortions adversely affect the reproductive health of women. To smooth such problem, there should be an extended practice of mandatory counseling by a specialist (psychologist) with women who decided to have an abortion. Such a specialist should identify the reasons and explain the possible consequences of abortion, the positive moments in the birth of children and so on.

The Regional Council on the demographic development should pay special attention to such issues, as their successful solution will help identifying additional reserves to increase the birth rate and strengthen family relationships.

Fourthly, in order to increase the birth rate it is necessary to pursue an active government family policy aimed at the formation of family values among young people, commitment to the registered marriage with several children, preparing children and adolescents for family life, providing psychological assistance to spouses of different life situations, developing the family, cultural and sports events.

Fifthly, the Ukrainian phenomenon of super-high mortality rate is manifested among the citizens of working age. Compared to European countries, the mortality rate in Ukraine is 3–5 times

higher for men and more than twice — for women. This necessitates the introduction of more effective impact of regulatory measures to decline in mortality in the regions of the country.

Indisputable priority to better habits affecting health of the population is developing programs to combat alcohol consumption. For presenting the scale of the problem, one can compare the scale of mortality from causes related to alcohol in Ukraine and, for example, in the EU countries. It is essential that today, according to the World Bank the mortality difference for these reasons is more than 5 times for men and 4 times for women [5]. Thus, in the early 1980s, when high levels of alcohol consumption of population of the USSR provoked anti-alcohol company, the difference did not exceed two times [3].

As for the anti-alcohol regulatory measures, there can be offered: limiting the sale of alcohol over specific time, organizing special anti-alcohol classes in schools, educating people about the consequences of alcohol-related harm through the media and so on.

Sixthly, according to the Ministry of Health of Ukraine non-communicable diseases are leading in the structure of morbidity, early disability and premature mortality of the population of the country. Such socially important non-communicable diseases include cardiovascular, gastrointestinal diseases, cancer, neuro-psychiatric, respiratory diseases and metabolic diseases. The main risk factors for these kinds of diseases can be attributed tobacco smoking, alcohol abuse, sedentary lifestyle, and low consumption of fruits and vegetables. These diseases cause significant economic damage to the state, affect-

ing more and more people, especially of working age. Negative impact on public health has also infectious diseases, which include various strains of influenza, hepatitis and so on.

Local authorities in the region should focus on solving these problems. As one direction in reducing mortality and improving the health of the population can be offered placement in public places posters with information about the basic features and rules of treatment of infectious and noninfectious diseases, the possibility of preventive vaccination, quarantine measures, training television programs and so on.

The implementation of the above measures designed to stop the negative trend of the demographic development of regions in Ukraine, and create the conditions for the transition to the more active state regulation of the demographic development in order to create conditions for the preservation and promotion of health, impact on family values and decisions about having children, improving living standards of the citizens. The earlier measures will be implemented the state regulation of demographic development in full, the higher will be their efficiency. Failure is this could lead to the pessimistic scenario in the demographic development that will have even larger scale of depopulation than today.

Conclusions. The necessity of improving the institutional mechanism of the state regulation of the demographic development of regions in Ukraine was justified. As a core element of such mechanism was proposed the creation of the Regional Council on the demographic development and the concept of its activities, taking into account:

goals and major tasks of its activity (providing complex measures on the demographic development of the region; coordination of state authorities, local authorities, public associations, scientific and other organizations on the implementation mechanism of the state regulation of the demographic development); principles of activity (implementation of constitutional rights of the citizens, validity, comprehensiveness, and transparency); and sources of funding (budget and extra-budgetary funds). It was shown that the product of such a subject of the state regulation is a state regulation strategy of the demographic development of the region, and also its implementation program.

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STATE REGULATION OF LABOUR PROTECTION OF THE PERSONNEL OF RADIATION-HAZARDOUS PRODUCTION

Abstract. The article analyzes the state regulation of occupational safety of personnel working in the field of radiation-hazardous production. The study was performed on the basis of normative-legal base of Ukraine and published documents that provide guarantees of the right personnel on safe working conditions in the workplace.

Keywords: labour protection, state regulation, nuclear and radiation safety, social security, state maintenance, the risks of radiation-hazardous production.

ДЕРЖАВНЕ РЕГУЛЮВАННЯ ОХОРОНИ ПРАЦІ ПЕРСОНАЛУ У СФЕРІ РАДІАЦІЙНО НЕБЕЗПЕЧНОГО ВИРОБНИЦТВА

Анотація. У статті аналізується державне регулювання охорони праці персоналу, який працює у сфері радіаційно небезпечного виробництва. Дослідження виконано на основі нормативно-правової бази України та опублікованих документів, які забезпечують гарантії здійснення права персоналу на безпечні умови праці на виробництві.

Ключові слова: охорона праці, державне регулювання, ядерна та радіаційна безпека, соціальні гарантії, державне забезпечення, ризики, радіаційно небезпечне виробництво.

ГОСУДАРСТВЕННОЕ РЕГУЛИРОВАНИЕ ОХРАНЫ ТРУДА ПЕРСОНАЛА В СФЕРЕ РАДИАЦИОННО ОПАСНОГО ПРОИЗВОДСТВА

Аннотация. В статье анализируется государственное регулирование охраны труда персонала, который работает в сфере радиационно опасного производства. Исследование выполнено на основе нормативно-правовой базы Украины и опубликованных документов, которые обеспечивают гарантии осуществления права персонала на безопасные условия труда на производстве.

Ключевые слова: охрана труда, государственное регулирование, ядерная и радиационная безопасность, социальные гарантии, государственное обеспечение, риски, радиационно опасное производство.

Target setting. According to the Article 3 of the Constitution of Ukraine – a man, his life and health, honor and dignity, inviolability and security are recognized in Ukraine as the highest social values. Human rights and freedoms and their guarantees determine the content and direction of the state. The state is responsible to the people for its activities. To affirm and ensure human rights and freedoms is the main duty of the state [1].

Ensuring appropriate working conditions and social protection of personnel working in radiation dangerous production is the primary task of the state to preserve the life and health of workers, establishing safe conditions in

the workplace, in order to prevent and minimize the risks of adverse effects on staff of preventive measures to prevent accidents and occupational injuries.

Analysis of the recent research and publications. The source base for the study of the problems of this issue in the field of health and safety of personnel working in radiation dangerous production serve to the legal framework of Ukraine. When writing this article we analyzed published research papers of scientists and scholars as: I. P. Krynychna, V. A. Legasov, Sh. Shayhatdynov, D. V. Zerkalov, M. V. Doroshenko, O. H. Wilson and others. Research were conducted fragmentary and are incomplete.

To analyze the current level of provision of health and safety of personnel working in hazardous radiation production, it is necessary firstly to familiarize with the concept of safety, which is enshrined in the Article 1 of the Law of Ukraine "On Labour Protection".

Thus, labour protection is a system of legal, social, economic, organizational, technical, sanitary and preventive measures and means to preserve life, health and human performance in the workplace. The law defines the provisions for the implementation of the constitutional right of workers to protection of their life and health in the workplace, the proper, safe and healthy working conditions, regulates the participation of the relevant government authorities relationship between the employer and employee safety, occupational health and production environment and establishes a uniform procedure for organizing labour protection in Ukraine [2].

The Law of Ukraine "On Compulsory State Social Insurance" according to the Basic Laws of Ukraine on compulsory social insurance, determined by the legal, financial and organizational principles of compulsory social insurance, guarantee working people for their social protection due temporary disability, maternity, accident and occupational disease, life and health [3].

The Labour Code of Ukraine regulates labour relations of workers contributing to increased productivity, improved quality of work, the efficiency of social production and the rise of the basis of the material and cultural standard of living of workers, strengthen labour discipline and the gradual transformation of the work for the be-

nefit of society as a vital need for every able-bodied man. The labour legislation establishes a high level of working conditions, in every way possible protection of labour rights [4].

But regardless, the current legislation on the regulation of health and safety of personnel working in radiation dangerous workplace often raises the question of violation of the norms of labour and social protection of the workers. The failure of the employers of the regulatory obligations enshrined lack of information-advocacy, guidance on compliance with legislation on health and safety, the lack of financing for enterprises, leads to violations of working conditions and lack of appropriate incentives for employee benefits and compensation, failure certification of working conditions of labour and other factors lead to negative consequences and threaten the life and health of employee, the layoffs.

The purpose of the article. The analysis of the state regulation of labour personnel in the field of radiation dangerous production to improve basic safety standards of their radiation protection.

The statement of basic materials. The analysis of the health and safety of personnel working in hazardous radiation production is still relevant today. After all, the state should maximize nuclear safety of Ukraine, which is provided by including workers in manufacturing in the performance of their duties by improving and modernizing legislation on labour protection, social protection, strict compliance with the established existing rules, job descriptions, and raising awareness not only of personnel working in this sphere, but also of the population in general.

The national policy on occupational safety is determined according to the Constitution of Ukraine by Verkhovna Rada of Ukraine and is aimed at creating the proper, safe and healthy working environment, prevent accidents and occupational diseases and is based on the following principles: priority of life and health of workers; the employer's full responsibility for creating appropriate, safe and healthy working conditions; improvement of industrial safety by providing continuous technical monitoring of production, technologies and products, as well as assisting enterprises in creating a safe and friendly working conditions; complex solution of problems of labour based on national, sectoral and regional programs on this issue and considering other areas of economic and social policy, advances in science and technology and environmental protection; social protection, full redress to persons who have suffered from accidents at work and occupational diseases; establishment of uniform occupational safety requirements for all enterprises and businesses, regardless of ownership and activities; adapting work processes to the capabilities of the employee considering his health and psychological condition; using economic methods of safety management, the state's participation in the financing of measures for safety, attracting voluntary contributions and other income for these purposes, the receipt of which is not against the law; public awareness, education, professional training and certification training of the workers on safety; ensuring the coordination of activities of public authorities, institutions, organizations, associations of citizens to

solve problems of health, hygiene and safety of work, as well as cooperation and consultation between the employers and employees (or their representatives) among all the social groups in decision-making on health and safety of work at the local and national levels; the use of world experience to improve conditions and increase safety through international cooperation [2].

At all the enterprises, institutions, organizations to create safe and harmless working conditions. The provision of safe working conditions rests with the owner or the authorized body. The working conditions in the workplace, safety processes, machines, equipment and other capital goods, the state of collective and individual protection used by the employee, and sanitary conditions must comply with the regulations on safety. The owner or the authorized body shall introduce modern means of safety to prevent occupational injuries and to ensure sanitary conditions to prevent the occurrence of occupational disease of the staff. The owner or the authorized body has no right to require the employee to perform work combined with the obvious danger to life and in conditions that do not comply with the legislation on labour protection. The employee has the right to refuse to work if the production creates a situation dangerous to his life or health or people around him, and the environment. In case of failure to complete elimination of unsafe and unhealthy working conditions, the owner or the authorized body shall inform the central executive body that implements the state policy in the sphere of labour, which may give temporary consent to work under such conditions. On the

owner or the authorized body relies the systematic instruction (training) of the employees on safety, fire protection. The labour groups discuss and approve comprehensive plans to improve conditions, safety and health and wellness activities, and monitor the implementation of these plans [4].

According to the Article 23 of the Law of Ukraine “On Ensuring Sanitary and Epidemiological Welfare”, the enterprises, institutions and organizations that produce, store, transport, use radioactive materials and sources of ionizing radiation, carry their disposal, destruction or utilization, must comply with the rules radiation safety, the relevant sanitary rules and standards established by other legislative acts containing requirements for radiation safety. The work with radioactive substances and other sources of ionizing radiation are carried out with the permission of the State Sanitary and Epidemiological Service and other government agencies under the Act. The cases of violations of radiation safety, sanitary rules of radioactive substances and other sources of ionizing radiation and radiation accidents are subject to mandatory investigation involving officials exercising state sanitary and epidemiological surveillance. The Article 25 of the aforementioned Law stipulates that the executive authorities, local governments, enterprises, institutions, organizations and citizens in the case of using chemicals and materials, biotechnology products are required to comply with the health standards. The production, storage, transportation, use, disposal, destruction and utilization of toxic substances, including products of biotechnology and other biological

agents are made subject to sanitary standards. These requirements also apply to transit through the territory of Ukraine of chemical, biological, radioactive and other hazardous raw materials, minerals, substances and materials (including oil and oil products, natural gas, etc.) by any means of transport and product pipelines [5].

The coordination of efforts of the states to ensure nuclear safety is primarily only in the form of the documents, most of which was developed within the IAEA (*International Atomic Energy Agency*) with other international organizations. Among them: Basic Safety Standards for Radiation Protection (approved by the IAEA, the International Labour Organization, the World Health Organization); Code of Practice on Radiation Protection Personnel of Mines and Enterprises for the Processing of Radioactive Ores (IAEA, ILO (*International Labour Organization*) and WHO (*World Health Organization*)) and others. The main purpose of nuclear safety as defined by the IAEA is the support for radiation exposure from a nuclear facility to optimally achievable low as during normal operation of the device, and in the event of an accident, as well as providing protection from ionizing radiation of individuals, their offspring and humanity in general. To explore the experience of safe operation of NPP (*nuclear power plants*) and advising public authorities of relating to radiation protection and nuclear safety, the IAEA set up a special IAEA Group to monitor the participation of which produced most of the international instruments in this field. When ensuring the radiation safety of NPP,

the focus is on the technical measures to prevent accidents. To this end, the IAEA regularly publishes a special edition — “Safety Series”, which sets out the rules, criteria and standards for the safe use of nuclear energy for peaceful purposes, to protect human health and the environment. The IAEA regularly prepares development program nuclear safety standards, which are designed for government agencies of countries-members of the IAEA, regulatory and supervisory activities on the implementation of nuclear power programs. Another important focus of the IAEA in this area is the development of the recommendations of the International Commission on Radiological Protection for principles of radiation protection standards and their practical application. The IAEA radiation protection system combines two systems of protection: general rules regarding radiation protection of an individual and protection requirements in the operation of a particular source of ionizing radiation. According to these rules the exposure of an individual to a controlled source or the result of a controlled activity shall not exceed the limits of the prescribed doses. If the radiation comes from several sources, it sets the upper limit of the dose received from separate sources. The additional protection is a system of accounting for all doses obtained from a source independent of place and time of exposure. A significant place in the sources of regulation in the field of radiation protection covers the ILO Convention No. 115 On the Protection of Workers Against Ionizing Radiations, of 1960, the Convention applies to all activities involving exposure of workers to ionizing radiations in the course of their work.

The Convention establishes a procedure for establishing maximum permissible doses of radiation and the maximum amounts of radioactive substances that can enter the body of workers. It is prohibited to prevent work related to ionizing radiation of workers younger than 16, others, if it is contrary to medical opinion. The enterprise is obliged to measure the radiation levels in the workplace, to inform workers of them and take all the measures to reduce radiation. The states are required to bring their legislation into conformity with this Convention [6].

According to the Article 13 of the Law of Ukraine “On Nuclear Energy Use and Radiation Safety”, the citizens whose health and property are damaged due to the negative impact of ionizing radiation during nuclear energy, have the right to compensation in full accordance with the law. The staff of nuclear installations, radiation sources, as well as the state inspectors on supervision of nuclear and radiation safety at nuclear installations have the right to social and economic compensation for the negative effects of ionizing radiation on their health according to the laws of Ukraine. The employees have the right to professional training, professional development and licensing by the licensee. The Article 35 of the aforementioned law establishes that the staff is the workers of the enterprises, institutions and organizations that perform work related to the operation of nuclear facilities intended for radioactive waste and other sources of ionizing radiation. The staff must strictly observe the regulations and safety standards and does not perform

any unauthorized actions that can lead to situations that violate this law. The staff of nuclear installations and facilities designed for handling radioactive waste has no right to strike; must undergo mandatory medical examinations (previous – during the employment and periodic – for employment). The persons who defined diseases mentioned in the list of medical contraindications for admission to work with sources of ionizing radiation to work in nuclear facilities and with sources of ionizing radiation are not allowed. The list of medical contraindications under which a person can not be allowed to work at nuclear facilities and sources of ionizing radiation is set by the central executive authority which provides public policy in health care [7].

Analyzing the Policy Statement on the Nuclear Regulatory Committee in ensuring the safety and security of the nuclear energy, we can distinguish that the Nuclear Regulatory Committee take active measures to support the formation and development of culture of safety and security among its employees and employees of other organizations, businesses and institutions. The Nuclear Regulatory Committee pays due attention to ensure transparency, objectivity and impartiality review of the process of regulatory decisions to that end: establishes and enforces written procedures governing all kinds of regulatory activity and interaction; creates conditions to enable licensees and other stakeholders to express their opinions, suggestions, ideas, and get clear answers on their account; welcomes the initiative of its employees, licensees and other interested parties regarding the improvement of the le-

gal framework and regulatory activities; provides access to the information about decisions taken by the regulatory procedures and adheres to appeal to the regulatory decisions by the stakeholders; ensures the implementation of a comprehensive and independent assessment of the safety and security based on modern methodologies and international best practices. Each expert of the Nuclear Regulatory Committee by example of the requirements of safety and security has a positive impact on creating a culture of safety of the licensees, pays attention to their leaders to found examples of high culture of security measures to stimulate its maintenance and further development [8].

It is urgent in the safety management system to ensure regulatory agencies occupational safety and labour protection services enterprises, institutions, organizations, qualified experts on health of different educational levels of the relevant specialized aspirations with current socio-economic conditions and real needs. The information management in the field of labour which should be carried out by the safety management at all levels needs to be improved through the study and dissemination of international and domestic experience in promoting safe methods and means of work, solving other issues in this area with the assistance of modern information technology, media, rapid spread of aids, techniques, postcards of proper direction [9].

While improving sanitation conditions of work, the important moments are the complex mechanization and automation of production processes, the use of new computer technology and information technology research and production.

The measures to reduce the occupational injuries and occupational diseases as well as improving working conditions are leading to the professional activity of workers, increase productivity and reduce losses during production. One of the most important factors in the operation of any enterprise is a correct organization of the labour, namely the proper division of responsibilities between the managers and their subordinates and the rules which were recorded in special regulations [10].

For violation of the legislation on labour protection, the failure or improper fulfillment of job duties, there are disciplinary, administrative, financial and criminal liability of the employees.

Conclusions. Thus, the first priority for improving the health of staff who works on radiation hazardous activities, should be conducted the following activities: improving state control in the sphere of labour; the analysis and modernization of existing legislation; the implementation of new standards and technologies; the compliance with dose limits of the exposure of the personnel and population established by the rules and standards on nuclear and radiation safety; increasing the qualification of the employees; carrying out research activities; the international cooperation in the sphere of radioactive waste; achieving preparedness of the personnel, where the security is a priority for every employee.

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SOCIO-COMMUNICATIVE ASPECTS OF STATE PUBLIC MARKETING IN THE CONDITIONS OF IMPLEMENTATION OF THE MODEL OF THE NEW STATE ADMINISTRATION

Abstract. This article considers the preconditions of formation, directions of development and socio-communicative aspects of the public marketing. Research consistently proves that the establishment of public marketing has been influenced by two trends: the development of the theory and practice of social communications and the formation of a new paradigm of public administration. The researchers share the position that communication technology, especially the government and political public relations, was the core of the formation of marketing in the public sector. Public relations in the article was interpreted as a coordinating communicative strategy in the public sector, particularly public administration, as an inherent component of public marketing. Proved the value of new models of public management in shaping the theory and practice of public marketing, in particular the concept of “new public management”.

Keywords: Marketing in public administration, state marketing, new public management, communicative technologies, government and political public relations, development of state marketing.

СОЦІОКОМУНІКАТИВНІ АСПЕКТИ СТАНОВЛЕННЯ ДЕРЖАВНОГО МАРКЕТИНГУ В УМОВАХ ВПРОВАДЖЕННЯ МОДЕЛІ НОВОГО ДЕРЖАВНОГО УПРАВЛІННЯ

Анотація. Основним предметом аналізу в статті є передумови становлення, напрями розвитку та соціокомунікативні аспекти державного маркетингу. Дослідження послідовно доводить, що становлення державного маркетингу відбувалось під впливом двох тенденцій: розвитку теорії та практики соціальних комунікацій та становлення нової парадигми публічного управління. Дослідники поділяють позицію, що комунікативні технології, насамперед урядовий і політичний паблік рилейшнз, були ядром формування маркетингу в публічному секторі. Паблік рилейшнз в статті трактується як координуюча комунікативна стратегія в сфері публічного, зокрема, дер-

жавного управління, як іманентна складова державного маркетингу. Доведено значення нових моделей публічного управління в формуванні теорії та практики державного маркетингу, зокрема концепції “нового публічного менеджменту”.

Ключові слова: маркетинг в державному управлінні, державний маркетинг, новий публічний менеджмент, комунікативні технології, урядовий і політичний паблік рилейшнз, розвиток державного маркетингу.

СОЦИОКОММУНИКАТИВНЫЕ АСПЕКТЫ СТАНОВЛЕНИЯ ГОСУДАРСТВЕННОГО МАРКЕТИНГА В УСЛОВИЯХ ВНЕДРЕНИЯ МОДЕЛИ НОВОГО ГОСУДАРСТВЕННОГО УПРАВЛЕНИЯ

Аннотация. Основным предметом анализа в статье являются предпосылки становления, направления развития и социо-коммуникативные аспекты государственного маркетинга. Исследования последовательно доказывают, что становление государственного маркетинга происходило под влиянием двух тенденций: развития теории и практики социальных коммуникаций и становления новой парадигмы публичного управления. Исследователи разделяют позицию, что коммуникативные технологии, прежде всего правительственный и политический паблик рилейшнз, были ядром формирования маркетинга в публичном секторе. Паблик рилейшнз в статье трактуется как координирующая коммуникативная стратегия в сфере публичного, в частности, государственного управления, как имманентная составляющая государственного маркетинга. Доказано значение новых моделей публичного управления в формировании теории и практики государственного маркетинга, в частности, концепции “нового публичного менеджмента”.

Ключевые слова: маркетинг в государственном управлении, государственный маркетинг, новый публичный менеджмент, коммуникативные технологии, правительственный и политический паблик рилейшнз, развитие государственного маркетинга.

Target setting. In a democratic state at the stage of development of the global information society, with all its contradictions and conflicts, it is necessary to develop a coordinated strategy in the field of public policy, as well as the use of modernized instruments of state control, based on a new paradigm of social development. Public marketing in the dichotomy of integration of theory and practice of modern communications, on the one hand, and market-

ing management, on the other, in this close link serves integrating modern management component of the state.

Emerged at the beginning of the last century, marketing as the concept and management activities accompanied the development of public administration, the latter providing a wide arsenal of communications between the government and the public. Theory and tools of marketing enriched by the works of such famous scholars and lea-

ders as Edward Bernays, Jacques Ellul, Manuel Castells, Gustave Le Bon, Ivy Lee, Gabriel Lippmann.

Analysis of recent research and publications. However, the state marketing as a special kind of marketing with its own substantive tools and instruments finally formed after the conceptual development and practical implementation of new models of governance, including the “new public management”. Apologists of the new trend of public administration are D. Osborn, T. Gaebler, John Wilson [13], R. Levy and others.

There are numerous works, including those of Ukrainian scientists, which highlight the issue of government marketing. In particular, publications by N. Likarchuk [1], Ye. Romat [2], K. Romanenko, I. Chaplay [2] must be mentioned.

Manuel Castells and Niklas Luhmann considered the fundamental issues of transformation of communicative discourse in the information society. Ukrainian researchers S. Datsyuk, N. Mantula, E. Muza, L. Synelnikova focused on integration processes in the social and communication sectors and stressed the strategic direction of public relations, as well as the need to improve cooperation between authorities and society.

The purpose of the article is to define incentives in regards of social and communication formation and development of public marketing in the era of the formation of new paradigm of public administration.

Meanwhile, the role of two factors in the formation and development of public marketing, namely social communication and new models of public admini-

nistration — present in modern scientific discourse is not accentuated.

The statement of basic materials.

The ambiguity of interpretation of the term “public marketing” in the context of changes in the theory and practice of public administration necessitates separation of the two most significant milestones in its evolution. For a long time foreign literature used the term “Marketing in Public Administration”, “Marketing in the public sector”, “Marketing in non-profit organizations”. The latter concept was first applied by P. Kotler and R. Levy when scientists in 1968 published a paper which considered performance of marketing functions in non-profit organizations. In August 1970 American Marketing Association held a conference, which was clearly defined areas that belong to marketing in non-profit organizations and, in particular, noted some structures of public administration [3]. Since then a successful pace of marketing in public administration started, and during the processes, the enrichment of technology, tools, concepts and ideas has taken place. However, the term “marketing in public administration” means the first use of the marketing function and specific marketing tools and technologies without a fundamental change in the principles of public services. A block of varieties of social and political marketing (such as an election marketing, a regional marketing, local government marketing, and others.) developed in parallels.

However, we underlined that the public marketing as a specific marketing activities and management concept called for the formation for a number of assumptions that have contributed to

its development as an independent type of marketing.

These prerequisites we assign as:

- developing social communications, the organization of parity dialogue between the government and the society;
- growing together public and private structures, creating hybrid institutions that are united not only with capital, but also formed a special type of entrepreneurial culture and moral values;
- converting passive recipient of administrative (public) services to its customer with a higher level of complexity and the culture of consumption, enabling the performance of the functions of control and supervision;
- “managerialism” of activities of officials and public servants learnt from techniques are used in industrial marketing.

Thus, the state marketing we define as a concept and a specific type of management, which has the task: (i) the formation of special, trusting relationship between the state through its agents (companies, organizations and individuals) and people of their own and other countries; (ii) improving social communication between all members of the marketing process; (iii) best meet the needs of consumers of public services and products — accompanied by the use of theoretical concepts, technologies and tools marketing.

The communicative aspect played a significant role in shaping relations between the state and society. This communication technologies, especially the government and political public relations, was the core of marketing in the public sector.

Treating public marketing as part of social marketing D. Akimov determines that it is caused by natural necessity in the face of government institutions and non-government organizations to “dialogue” with the people, on the basis of mutual exchange of ideas, values, principles, rules of life [4].

Given the transformation of communicative discourse in the information society and social communication in its highest stage formed a human-oriented public management, government public relations.

Public relations (PR) as a communication technology influences public consciousness and plays an increasingly important role in all spheres of social life, especially in politics. Since the beginning of the PR clearly separated direction of integration and communication management.

Nowadays in the scientific community it comes understanding the public relations as a strategic management of communication technologies, not just one part of marketing communications mix, subordinated to the common goal of marketing. It is clear that the goals, objectives and mission provided by communication technology PR is more global in the current development. In modern conditions scientists generally refer to “giving new meaning PR” as the integrator of communication practices, “communications leader” [5, p. 50–51].

Ukrainian researchers L. Synelnikova and H. Mantula noted that it was PR that brings together different communication practices and develop innovative technologies, including the Internet and multimedia. Nowadays researchers consider the role and function of PR, are based on the new angle

of view, the postmodern paradigm, which emphasizes its integration, societal function [6, p. 264].

A. Trunov believes that public relations occupy "central place in the process of adjustment of meaningful dialogue between individuals, civil society and the state" and expresses the view that "global society ... can not in principle exist, operate, develop without virtual technology "public relations" and even provides public relations status "specific basic technology civilization" or "basic social technology postmodern ... [7, p. 11].

From the beginning of marketing in public administration public relations paved the bridge between marketing theory and practice, between the introduction of its principles in public and business institutions.

In the context of public administration, public relations techniques serve the primary tools of governance according to general decline in confidence to the authorities, and it has its extreme (negative) manifestation of generating information wars and complex manipulation systems. However, the public relations' main task as a communication technology is to harmonize relations, search for understanding, creating a tolerant atmosphere of communication and dialogue, which is especially important in the field of relations between the state and society. Public relations modern technology provides feedback to the public and may be mechanisms of the government public relations implementation.

In the article we consider government PR as connections between the government and the public in the process of governance that involve the use

of tactical and strategic communications to provide the desired values, positive attitude and properly formed public opinions on the perception of public authorities and their policies.

The difference between the communication technologies of the government public relations and other communication technologies contained in this feedback mechanism of action, double vectors of communication flows. However, political public relations do not guarantee the availability of manipulative discourse in public administration. The feedback alone is not sufficient enough to prevent political manipulation. It is the only condition for interactivity as the recipient answers the content message sender, implementing the principles of public policy deliberation process of open discussion and argumentation alternatives and agreed between the parties of communication choices.

Specificity of public relations in government bodies and in general in public administration depends not only on specific technologies, but also on a certain mission. If PR aimed at the public interest and the principle of transparency in government, it smooths contradictions and harmonize the interests of society. In such circumstances public relations plays the role as an important structural component of public administration. Moreover, information governance in terms of prediction of events, forecasting processes taking place in the field of political communication is an important function of public relations as strategic communications.

However, the lack of understanding of strategic human-oriented focus of public relations both in domestic and

foreign policy of the state leads to serious consequences.

In modern conditions of social development scientists generally refer to the provision of new content of PR as part of state marketing and specific information and communication technologies. Inherent self-organization and self-development give rise to new forms of interactive communication, which in turn raises new problems and challenges for the whole of the public administration and public marketing in particular.

The goals, objectives and mission of PR communication technologies are becoming more global [7] that goes beyond the concept of public marketing and becomes a prerequisite of interstate marketing and inter-governmental global marketing.

With the development of information and communication technologies and globalization, public space communication gets new performance options, winning the Internet as a “global social space” as it characterized by M. Castells, calling this new world of communication as “mass self-communication” [8].

However, the question arises about the quality of this social reality, its control over a person and “authenticity” of the Internet communication. Ukrainian philosopher S. Datsyuk studied in the Internet Theory generally come to the conclusion that “... the network is not reflect the real world”, “web event is a virtual event” [9]. However, the question: “Will the Internet and its attendant technologies really revolutionize the political sphere or the stench will be adapted to the current status quo?.. Will these technologies expand our po-

litical ability or restrict democracy — or, alternatively, to carry out a little this and that” [10, p. 10]. The answer lies in the regulation of Internet communication and censorship of its content. As part of government marketing, public relations establish a specific dialogue to create a certain community. Dialogue in the system of public administration is the ability of the authorities to communicate with the public, to create ethical communication that respects the rights of citizens and leads to understanding the mutually agreed interest as well as tolerant attitude to power. The government PR should work out the technology of the Internet, social networks, using these as a “global social space” in the positive adjustment of desired communications.

Unlike public relations, propaganda as a communication technology, updated in today’s world of conflicts and the information-psychological war, propaganda assumes the character of division, discord, and derives aggression, hatred in response. Propaganda perceives an object in unidirectional impact manner and ends when public relations start.

Thus, public relations is treated in the article as a coordinating communication strategy in public management, including public administration, as an inherent part of public marketing.

However, the state marketing as an integrated concept formed under the influence formation of a new marketing product, for instance administrative (public) services; a new type of consumer; new nature of relations between public authorities and the public in providing services; a fundamental change in the nature of management. The new impetus to the development of market-

ing in the public sector, which led to its evolution to the public marketing, gave upgraded model of governance, namely the theory of “state service”, “new public management” and so on.

Having been developed from the phenomena of “marketization” of the state (70 years of the twentieth century) [11, p. 17], these new models have leaked into the organs and structures of public administration, where in the 90s became the dominant paradigm of theory and practice in many countries. Thus, the theoretical foundation for the formation of the theory and practice of public marketing is the concept of “new” administration, in particular the concept of “new public management” (New Public Management, NPM).

As noted by Professor John. Siltala (Juha Siltala), “New public management (NPM) has fitted public services into quasimarket models and introduced punishments and rewards to produce better services with lesser staff” [12]

Practical application of new public management was based on these “pillars” such as: marketization (including the creation of a quasi-market, market testing, compulsory competitive tendering organization); disaggregation (decentralization of decision-making and, consequently, the level of responsibility, monitoring outcomes rather than process and etc.); inventiveness (targeted application methods, focusing on achieving organizational efficiency, etc.) [13, p. 55].

In implementing the new model, the nature of public organizations changed named the phenomenon of “commercialization”, goal-setting modernization, problems solving with preventive

measures, the principles of public reporting. When building a social communications take into account not only the form and content of the dialogue. The new type of state activity created, aimed at expanding the existing range of products, understanding the needs of consumers of public services and their best satisfaction.

Citing D.Osborn and T. Gaebler, John Wilson identifies ten attributes that characterize the development of public organizations “entrepreneurial” type [13, p. 52]:

- “promote competition between service providers,
- empower citizens by pushing control out of the bureaucracy,
- focus on outcomes not inputs,
- are driven by goals and not by rules and regulations,
- redefine clients as customers and offer them choices,
- prevent problems before they emerge rather than simply offering services afterward,
- earn money not spend it,
- decentralize authority, embrace participatory management,
- prefer market mechanisms to bureaucratic mechanisms,
- catalyze public, private and voluntary agencies to solve community problems”.

As it can be seen from the list, there are many relevant points and tasks that are implemented in the performance of marketing organization functions.

Analyzing public marketing statement in Ukraine, particularly in terms of political communication, public relations in public administration, it may be noticed that most public displays of

marketing is in the process of embryonic development. In some of its parts, in particular in political marketing, it is more successful, mainly active borrowing international experience, technologies and concepts.

Analyzing the stage of political communication in the field of Ukrainian mass media, everybody can say that instead of effective dialogue, the trend of monopolizing media space and imposing a single understanding of vector is followed up. The media is shaped as to dictate public opinion and were largely ineffective in establishing public discourse, which should take into account the diversity and differences of social and political interests. In many cases, the media were not the objective mean of informing the audience but, instead of, politically engaged instrument of a policy.

In general, a meaningful analysis of the socio-cultural and political communication in national governance, its direction and shape indicate imperfect communications as a tool for dialogue between public authorities and society needed to clarify their positions of power and making reform and receiving support from the public, providing a sufficient level of public confidence in government. It is not working mechanism of feedback and do not incorporate the interests and positions of citizens on "consumption" products of public administration.

Conclusion. Thus, the formation of the state marketing took place under the influence of two trends: the development of the theory and practice of social communication, on the one hand, and new models of public administration on the other.

Public administration as a kind of public administration realized through communication technologies, the importance of which in the development of the information society is increasing. Communication technology has become a vivid sign of the existence of the state of marketing. They are constantly improved both in technology and in mass-media aspects. State puts marketing head angle to the interaction of government and civil society is impossible without effective communication process that in the field of public administration implemented through government public relations. To be an effective mechanism for coordination of policies, decision-making of public, state communicative mechanism should focus on the tasks of settling relevant principles of democratic governance, which requires adversarial positions, dialogue, promote stabilization and development.

The concept of New Public Management contributed to the formation and development of state marketing enriching its focus on results and effectiveness, measurability and close cooperation with customers of administrative services. Together with social communication, the concept of new public management were the basis for the formation of the public marketing led to its forward movement development. However, subject to further researches is to expand the list of concepts, practices, and technologies that lead to the further evolution of the theory and practice of public marketing.

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REGULATION OF MAIN LAW AREAS BY MODELS OF INFORMATION SECURITY OF ENTERPRISES IN UKRAINE

Abstract. The article examines approaches to the regulation of the major law areas by models of information security of enterprises in Ukraine, outlines individual components of information security of the enterprise, analyses information legislation in the field of enterprise activity.

Keywords: information law, information security, information security system, information relations, legal security, enterprise security, information security models.

РЕГУЛЮВАННЯ ОСНОВНИХ ГАЛУЗЕЙ ПРАВА МОДЕЛЯМИ ІНФОРМАЦІЙНОЇ БЕЗПЕКИ ПІДПРИЄМСТВ В УКРАЇНІ

Анотація. У статті досліджуються підходи щодо регулювання основних галузей права моделями інформаційної безпеки підприємств в Україні, ви-

значаються окремі складові інформаційної безпеки підприємств, аналізуються інформаційне законодавство у сфері діяльності підприємств.

Ключові слова: інформаційне право, інформаційна безпека, система інформаційної безпеки, інформаційні відносини, правове забезпечення, безпека підприємств, моделі інформаційної безпеки.

РЕГУЛИРОВАНИЕ ОСНОВНЫХ ОТРАСЛЕЙ ПРАВА МОДЕЛЯМИ ИНФОРМАЦИОННОЙ БЕЗОПАСНОСТИ ПРЕДПРИЯТИЙ В УКРАИНЕ

Аннотация. В статье исследуются подходы по регулированию основных отраслей права моделями информационной безопасности предприятий в Украине, определяются отдельные составляющие информационной безопасности предприятий, анализируется информационное законодательство в сфере деятельности предприятий.

Ключевые слова: информационное право, информационная безопасность, система информационной безопасности, информационные отношения, правовое обеспечение, безопасность предприятий, модели информационной безопасности.

Target setting. Information security of enterprises as part of information law in Ukraine, is a set of legal norms that regulate social relations in the field of information safety, building and use of information resources, establishment and operation of information systems in order to secure the information needs of citizens, businesses, state and society [1].

Analysis of recent research and publications. Among the scientists who deal with this subject, it is advisable to outline the following: I. Behyshev, L. Zadorozhna, M. Koval, B. Bryzhko, V. Tsymbalyuk, D. Dovhal, B. Kormich, G. Vinogradov, V. Zarosylo, E. Skoolysh, A. Maruschak, G. Kalyuzhny V. Lipkan A. Podolyaka, N. Banchuk A. Movchan, I. Aristova and others.

At the same time, some issues of information security remain unsolved.

The purpose of the article is to study approaches to the basic regulation of branches of law by models of information security of enterprise in Ukraine.

The statement of basic materials. Since information is the subject of interaction in several spheres of law, the specific rules of information law contain provisions of both civil, financial and business law that govern civil, financial and business relationships.

So, given the complex nature of information security in general, we can conclude that it is the subject of social relations that arise, change and stop when information security is secured in the information sector as a result of information processes.

That information processes are the principal in defining which specific branch of law should be used during certain relations. But in our days, goes on the systematization of rules in diffe-

rent areas of law that are drafted to regulate information relations. The same is referred to the enterprise information security.

Some scientists consider information security as an institution of information law. They believe that the category "institute of law" serves as communication of standards of specific areas of law with real relationships, implemented in certain areas due to the methods and forms of influence on the behavior of participants of relations. In this, Institute of Information Security refers to the general legal institutions of information law [2].

Other experts consider law in the field of information security a subsector of information law, which is set of legal rules that regulate public relations for the protection of national interests, vital interests of the individual, society and state in a balanced way, in the information sphere from internal and external threats. Accordingly, the subject here is information security, and the object is public relations related to its provision [3].

This viewpoint leads to the conclusion that legislation in the field of information security ensuring is the subsphere of information legislation that includes various legal institutions [4]. The legislation in the field of information security and are used restrictively-prohibitive methods. This is typical of the legal norms contained in the administrative and criminal law [5].

A number of regulations which form the legal ensuring of information security, develop legal mechanisms that regulate social relations associated with other fields of law, including such basic areas as constitutional, civil, ad-

ministrative and criminal law. The assignment of these rules to the information law separates them from the basic spheres, that creates difficulties for development first of all of the information law because it involves the subject of relationships that are not directly related to the information [6].

It is logical to think that the legal provision of the information security is based on the totality of institutions and norms of information, constitutional, civil, administrative and criminal law that regulate relations in the sphere of countering threats for facilities in the information sector. [7]

Taking this view as a basis, we propose to consider the individual components of information security of enterprises to fully understand the pattern of research.

Constitutional and legal component of information security companies is stipulated by the necessity to guarantee the implementation of information constitutional rights and freedoms of citizens, employees who have were further developed in other legislations. At the same time, the necessary to determine the rights and obligations of legal entities and foreigners for free flow of information and intellectual property, which is already rotating in Ukraine [10].

Civil-legal component of the enterprises information security is due to the fact that most of the information rights and freedoms is implemented in the civil turnover of information. This are property rights and ownership right of information resources in the information field. Now is the time to develop contractual information sphere, that will allow foreign investors and professionals to freely and legally

provide information about technology and inventions for national producers. Friendly and modern civil component will encourage the development of national science and maintain intellectual potential in our country [10].

Administrative and legal component of information security of enterprises is due to the necessity of government management of information processes of formation and use of state information resources, their use by entities, the creation and use of state information systems and their software and hardware tools for information security. A similar sense acquires the need for administrative regulation of information relations in enterprises of any form of ownership. Information security of enterprises is also a system that must be managed and build relationships. The regulation of relations between the company management, owners and subjects of information security should be regulated by certain standards that may be fixed in certain laws and enterprise regulations [11].

Criminal legal component of information security of enterprises is preconditioned by the need to counteract to illegal encroachment in the information sector in enterprises of different ownership forms. Granting certain rights and obligations in the sphere of information should be compensated by corresponding deterrent levers. Abuse, embezzlement, illegal use of the information etc., which is an intangible object, must be deterred by creating a number of responsibilities. Responsibility for infringements in the information sector should range from disciplinary and civil to administrative and criminal. This criminal liability may occur for the same actions

as in the penal and administrative cases, but depending on the severity of arisen consequences and losses [11].

Information-legal activities of any enterprise that is carried out in the information relations process is aimed at collecting and processing the information, its evaluation, decision making, creating software etc. In this activity are resolved goals and objectives of legal regulation, and in case of breach of information legislation, are taken measures of administrative and criminal nature [8]. In this case, information legislation is represented by international treaties ratified by the Verkhovna Rada of Ukraine. A great part of rather important and modern treaties are not implemented in Ukraine. Some are reflected in national laws, but changed and distorted in the process of editing, so they cannot stimulate the development of certain information relations in Ukraine. Therefore, the goal is to bring all the achievements of the modern world in this area into line with national legislation.

It should be emphasized that the mentioned legislation framework does not quite correspond to the general legal approach. Information legislation was not declared as an independent branch, but just as part of administrative law. Although there are several small law branches directly connected to the information circulation, but are not part of it, such as patent law or media legislation. On the other hand, information security has always been regarded as a part of national security. Thus, the law on information security due to its specificity is already a legislation branch dealing with information safety, and can combine the rules

contained in the regulations of other branches of law [9].

As part of international cooperation, information security is used in international agreements and decisions ratified in Ukraine. Due to the fact that the main feature of information security is its complex and international nature, the source of information law can be divided into: international legal regulations; Constitution of Ukraine; regulations that are part of information law, and regulations of other branches of law [3].

Conclusions. After analyzing the normative system of information security and applicable law, we can state that the vast majority of legal sources for the information security of enterprises are the regulations of different areas of law. Therefore, to protect their information the enterprises of Ukraine need to systematize all norms in this area. Alternatively, a specific scheme for the use of existing rules on which will be created corporate standards. One of the possible solutions could be the introduction of some models of information security of enterprises, that will combine certain administrative procedures of election law.

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METHODS OF THE STATE INFLUENCE IN ESTABLISHING THE INTERACTION WITH THE CIVIL SOCIETY

Abstract. The article deals with the methods of the state influence in the interaction with the civil society. The current relations between the state and civil society institutions show no universal ways of effective interaction due to specific national, economic, political and social conditions that reflect the culture, history and traditions of the state. It was found that the construction of the interaction between the state and civil society has traced a transfer of the methods of influences from the Soviet era. It was indicated that the civil society activity

determines the level of interaction and determines the peculiarities of the administrative process, it requires the introduction of new, sustainable forms of the public activity, responsibility, maturity of the civil society, active position of the civil society based on participatory governance.

Keywords: civil society, government, state, methods of influence, partner interaction.

МЕТОДИ ВПЛИВІВ ДЕРЖАВИ ПРИ ВСТАНОВЛЕНІ ВЗАЄМОДІЇ З ГРОМАДЯНСЬКИМ СУСПІЛЬСТВОМ

Анотація. У статті розглянуто методи впливу держави при встановленні взаємодії з громадянським суспільством. Сучасні взаємовідносини держави та інститутів громадянського суспільства демонструють відсутність універсальних шляхів ефективної взаємодії, що пов'язано з національною специфікою, економічними, політичними та соціальними умовами, які відображають культуру, історію та традиції держави. Встановлено, що при взаємодії держави з громадянським суспільством прослідковується перенесення методів впливів з радянської доби. Зазначено, що громадянська активність суспільства визначає рівень взаємодії та особливості динаміки управлінського процесу, що вимагає запровадження нових, раціональних форм активності громадськості, відповідальності, зрілості, активної позиції інститутів громадянського суспільства на основі партисипативного управління.

Ключові слова: громадянське суспільство, органи влади, держава, методи впливів, партнерська взаємодія.

МЕТОДЫ ВЛИЯНИЯ ГОСУДАРСТВА ПРИ УСТАНОВЛЕНИИ ВЗАИМОДЕЙСТВИЯ С ГРАЖДАНСКИМ ОБЩЕСТВОМ

Аннотация. В статье рассмотрены методы воздействия государства при установлении взаимодействия с гражданским обществом. Современные взаимоотношения государства и институтов гражданского общества демонстрируют отсутствие универсальных путей эффективного взаимодействия, что связано с национальной спецификой, экономическими, политическими и социальными условиями, которые отражают культуру, историю и традиции государства. Установлено, что при взаимодействии государства с гражданским обществом прослеживается перенос методов воздействий с советских времен. Отмечено, что гражданская активность общества определяет уровень взаимодействия и формирует особенности динамики управленческого процесса, что требует новых, рациональных форм активности ответственности, ответственности, зрелости гражданского общества, активной позиции институтов гражданского общества на основе партисипативного управления.

Ключевые слова: гражданское общество, органы власти, государство, методы действий, партнерское взаимодействие.

Target setting. The modern administration trend needs improvement of the setting of the interaction between the state and civil society. The social democratization must necessarily be based on the citizens' initiative, in coordination with the authorities and delegation of the certain powers range of civil society institutions. An urgent need for Ukraine is the formation of an effective administration system based on a comprehensive study of institutional interaction between the government agencies and civil society at all levels of the administration.

The experience of the relations between the state and civil society institutions indicates the absence of universal ways of effective interaction due to specific national, economic, political and social conditions that reflect the culture, history and traditions of the state. Therefore, it becomes necessary the consideration of effective forms, methods and theoretical study ways of establishing effective interaction between the government and civil society.

Recently, more and more is enhanced the role and place of the civil society in the public administration activities. In many countries, such as: Belgium, Britain, Estonia, Spain, Canada, Germany, Poland, Portugal, USA, France, Croatia and others actively is introduced the practice to establish effective interaction between the government and civil society through strategies, concepts, programs, agreements, etc.

Analysis of the recent researches and publications. To the interaction of the government and civil society have dedicated their works T. Belska,

R. Dal, I. Ibrahimov, M. Ilyin, O. Radchenko, N. Rosenblum, F. Rudych and others. The organizational aspects are reflected in scientific works of V. Bebik, T. Butyraska, V. Martynenko, V. Nikitin, N. Pirozhenko, Yu. Reznik, A. Yakubovskiy and others. In the area of governance approaches to scientific methods and forms of institutional interaction ways of its effective exercise are developing the scientists and experts as A. Kolodiy, A. Krupnyk, V. Knyazyev, N. Nyzhnyk, G. Pocheptsov and others.

The purpose of the article is to analyze and identify the main methods of state influence in establishing interaction with the civil society.

The statement of basic materials. While implementing their functions and competences the authorities are applying certain techniques, ways to achieve their goals, through which the ordering is made, ensuring of the effective governance, organization of the government process, there is an influence on the behaviour and activities of the public. For their definition are used concepts such as: "administration methods", "active methods of the authorities", "methods of the influence of the government", "methods of functioning of the government" and so on.

Under the method is understood a system of techniques to achieve the goal [1]. The correlation and comparison made it possible to identify the main methods of influence, which investigated the various branches of science, to compare them with modern ideas in the field of "public administration" and distinguish the methods based on establishing the state interaction with the civil society.

The classification of these methods is possible by various criteria, for their different properties. The use of administrative influence is for the purpose of regulation and management process, achieving appropriate administrative purposes, the invention of an appropriate system of links (relations) for formation of the type of behavior of the object; creating programs of “administrative influence” with regard to economic, political, ideological and organizational component for the effective implementation of the impacts on society and the relevant socio-psychological phenomena in the society. The goal of the administration influence in the process of democratic governance is to create a positive dynamic in the administration, which ultimately leads to the effectiveness of public administration activities and the establishment of relations between the state and society.

In addition, the methods of administration influence include: coercion, power-coercive methods, methods of administration, administrative, economic, political (moral, political, socio-political), methods of functioning of the public administration and local government, regulation, monitoring and ethical methods [2; 3]. Their application is made to: establish relationships between the object and subject of administration according to the dialectics of the administration system; provide new movement to the object of administration; achieve administration objectives; change and direct the human behaviour; regulation; improve and develop the society; target the social development; ensure the adoption and implementation of decisions; create an effective system based

on information communication and relationships. In accordance with the objectives of the administration influence, the result stands for achieving social benefits, setting up the relations between the state and society, focus on the public administration, streamlining and organization of the processes of the relations between the state and civil society.

At the present stage in the public administration the methods of influence are: regulation, organization and command methods [4]. In accordance with the methods of influence arises the goal which aims to streamline the administration and direction of a person's behaviour in a given direction. The result of the implementation with outlined methods is the effect on the participant of the on public administration relations, his consciousness and people's behaviour that has an orderly nature.

The methods of information administration include methods of the impact of information, education, advocacy, command and regulation [5]. Establishing the relations between the state and civil society to create a complex system of causality describes the purpose of influence. As a result of the impact is to optimize the system, obtaining a result with the least effort and cost.

Some researchers singled out information influence. Different historical periods of the description of the information influence are characterized by using different methods. In Soviet times, the methods of information influence included: information, education, regulation, promotion, persuasion, guidance and incentives [6; 7]. The pur-

pose of the change was determined by the impact of the current human needs, social orientation, social relations, objectivity when assessing subjective reality, formation of the programs of behaviour according to specific tasks, using active propaganda channels and other technical means to the individual. Informing the population took place by transferring an information flow containing relevant information on economic, political, social and spiritual development of the country. In the process of the above aspects were formed the desired behaviour of the managed object, the achievement of the given nature of its conduct.

Today the set of methods for practical implementation of information influence significantly changed in content and number of methods. Experts identify methods such as information, forecasting, persuasion, incentives that in scientific definitions correspond to the formative influence techniques [8].

The exercise of the public authority includes work with volume and variety of information needed to make good decisions, their implementation and assess of their effectiveness. The administration (in the broadest sense) requires direct (from the subject to the controlled object) and return (from the controlled object to the subject) channels of communication. So a mandatory element of the organizational activities of the public authorities is a method of providing information that is working on the collection, processing and evaluation of the information, which is held at all stages of the decision-making and execution of the government.

The communicative administration influence in the management is

set up through methods of modeling, encouragement, motivation and communication [9]. The purpose of the communicative administration impact is determined in the simulation situation, identifying the need for change, developing an overall strategy for the invention of the best ways to solve the problem. As a result of its implementation is to stimulate a specific action, activity of the object, administration of reasons.

In the public administration are singled out communication activities as a kind of formative influence [1], the method characterized by cooperation and the use of methods of transmitting information aimed at changing attitudes, belief, understanding, thinking. In the model of forming the communicative activities of the public administration is selected the technology to avoid disputes, adverse effects, manipulation, establish emotional contact, the formation of positive emotions, challenge of the sensual response to the communication, orientation to meet the recipients of information, the formation of trust to the originator of the communications, input standard, addressing the critical experience, activating thinking beneficiary communications, positioning value orientations, etc. [10]. The purpose of the communication is a focus on building the relations between the state and society. The result is the formation of the communicative confidence in the state, the openness and transparency of the public administration. It is believed that at the present stage of the implementation of the communication activities in a professional manner will establish the relationship between the state and

civil society, and ensure that the public administration decisions involving the citizens.

In the field of public administration to influence methods of the communication carry information, beliefs and methods of interaction [11], which moved from the field of psychology. It is believed that the implementation of the communication influence is a factor of the development and formation of the civil society in the process of democratic governance.

In the 1970s were singled out the methods of influence, which include convictions, information, message [12]. The goal of making sure the impact is to change the way of the entry of the field element values in the activities of the object to change its attitude towards reality (without affecting its abstract knowledge of it). The result is a double piece of modeling specific semantic field of the object, and the ability to perceive information provided recently [13].

The public administration influence from the standpoint of the modernity distinguishes such methods as coercion, administrative methods, administrative, legal, regulatory [10], regulation and management method, advisory, development and regulation, persuasion, encouragement [4], methods of ruling and regulations [4], information, management, monitoring [10]. The purpose of the public administration influence is the realization of public interest, the regulation of public administration relations, creation of the organizational governance, focus action on achieving the administration objectives, establishing relations between the state and society. The practical realization of the

goal of the public administration influence is reflected in the regulation of the public administration relations, implementation of the public interest, a special type of public administration relations, is the support of the established order, to achieve the highest forms of the civil society organizations.

The public administration influence combines the following methods: enforcement, administrative and legislative, control [2], the direct impact (administrative-legal), indirect effects (economic, social and political regulation of the state authorities and local governments), ensuring the implementation of the objectives and functions of the government (moral, ethical, social, political, economic, administrative), training of the administrative solutions (system and functional analysis, forecasting, methods of game theory and statistical decision theory, probability and statistical methods, mathematical programming, economic and statistical modeling, queuing theory) [2]. The goal of this influence is the ordering process for the benefit of society, the development and implementation of administration actions.

Realizing their competence, the authorities study and summarize the information coming from the subordinate bodies, the public and other sources. Any information received through the feedback forms is the basis for the adoption of the public authorities of the next decisions. With excluding the information is impossible the forecasting, or planning, or development of the control systems and objects.

Every year the weight of the information in the field of public administration is increasing. The government,

as other organizations is covered by the law of the awareness-ordering; the larger and better the quality of the information on the internal and external environment has the organization, the greater is the likelihood of the sustained operation (self-preservation).

The relations associated with the receipt, transmission, use and storage of the data on the phenomena and events in the community, the country and the environment, are called the information links (relationships). In general terms, they can be divided into two groups: information relationships within the structures of the public authority (internal) and information relationships that are established outside the system of the public authorities on obtaining the necessary information for its functioning (external).

The content of the information provision consists of the following stages: setting appropriate objectives and goals of the information communication awareness; creating the fund of information, data bank; processing of the information, its systematization, so that data are available for further use;

- determining the most optimal usage of all the forms and means of dissemination (sharing) of the information, the use of the most rational of them;

- providing (distributing) of the information on special forms and tools (media reports, public speaking, publishing regulations, etc.).

In order to provide proper information to the public authorities are created special information services or systems whose status is determined by the law “On Information”, “On the Order of Coverage of State Authorities

and Local Self-Government in Ukraine by Media” and the special provisions for them.

The information services (information administration, information-analytical unit, press service, press centers, control centers and public relations, press office, a press secretary and press attaché to the corresponding apparatus) of the public authorities collect, analyze, process and promptly provide the information on the activities of these bodies in full media, except as provided by the Law “On State Secrets”.

In the process of information of the society is becoming increasingly important the method of information-communication provision, which is a set of techniques and methods for preparation, collection, creation, dissemination and use of information by the public authorities, their departments, officials, servants to meet the information and communication needs in the performance of their functions and powers. For each type of the information is typical a set of specific techniques and methods of implementation.

In particular, the receiving of the necessary information is in the following ways: 1) empirical – by conducting individual interviews with officials and ordinary citizens, receiving of the reports and information from officers and employees, through processing and analysis of the citizens’ appeals, processing of printed, audiovisual and electronic media messages, etc; 2) theoretical – as a result of scientific research, generalizations that clarify new facts and laws through abstract thinking.

Bringing information about the activities of the authorities to the public

is through the media, through briefings, press conferences, “hotlines”, distributing press releases, giving interviews, responses to appeals of citizens, providing information, necessary documents and extracts from them and others. Intensive exchange of information takes place during the public meetings, public hearings, debates on issues of the public authorities and their officials.

To ensure the public authorities with complete and reliable information, the communication with the public in each of them are formed specialized units – the press service, public relations management, information analysis centers, research services and more.

The methods of coordination are the ways and methods of cooperation, coordination, adjustment of the actions of the public authorities, their departments and officials in the performance of functions and powers. They depend on the nature of the relationships and connections between the actors involved in the administration process. If the subjects are in a state of subordination, dependency, the relationships between them become of subordinated nature and ways of interacting respectively are called method of coordination-subordination. If there is coordination between the institutions of government that is not accountable, there is a method of coordination-interaction.

Various means of coordination can be classified into: *institutional* (establishment of joint bodies: coordination, consultative, advisory); *legal* (adopting joint or concerted acts involved in the development of several acts of government); *organizational* (joint activities, joint and extended sessions,

panels, seminars, conferences, “round tables”, reports, audits, etc.); *informational* (joint discussion of problems, exchange of information, correspondence, negotiations, and sending of the copies of the draft decisions of the adopted acts, etc.); *material and financial* (joint financing of the events, joint ventures and organizations, and others).

Conclusions. In the process of the formation of the information space is becoming increasingly important the method of information-communication provision, which are a set of techniques and methods for preparation, collection, creation, use, dissemination and use of information by the public authorities, their departments, officials, servants to meet the information and communication needs in the performance of their functions and powers.

The public participation and the civil society activity determine the level of the interaction and determine the peculiarities of the administration process.

This process requires the introduction of new, sustainable forms of public activity, responsibility, maturity of the civil society, active position of the civil society, the differentiation of the administration spectrum of the public life based on the methods of the state influence. It is in the context of dialogue between the authorities and civil society is emerging the area of mutual social agreement, is made the new context of social values, builds a new structure of joint actions of the social and public practices specified model of the partnership interaction based on participatory governance. The latter is defined as one of the effective methods of the administration, which involves its de-

mocratization and active participation of the citizens in the public administration issues.

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THE COMPLEXITY OF MANAGING THE AUTOMOTIVE INDUSTRY IN UKRAINE

Abstract. The article highlights the most serious problems of the modern automobile on the planet. The place of this industry in the economy of various countries is stated. The main enterprises of the branch in consideration of their development effectiveness are estimated. Further prospects of development of the industry in Ukraine in modern conditions are considered.

Keywords: public administration, automotive, governance mechanisms, automotive industry.

ПРОБЛЕМАТИКА УПРАВЛІННЯ АВТОМОБІЛЕБУДУВАННЯМ В УКРАЇНІ

Анотація. У статті аналізуються проблемні тенденції автомобілебудівної галузі у світі. Визначається роль цієї галузі в економіці різних країн. Аналізується стан вітчизняних підприємств автомобілебудівної галузі. Встановлюються подальші перспективи розвитку цієї галузі на території України в сучасних умовах.

Ключові слова: державне управління, автомобілебудування, механізми державного управління, автомобілебудівна галузь.

ПРОБЛЕМАТИКА УПРАВЛЕНИЯ АВТОМОБИЛЕСТРОЕНИЕМ В УКРАИНЕ

Аннотация. В статье анализируются проблемные тенденции автомобилестроительной отрасли в мире. Определяется роль данной отрасли в экономике разных стран. Анализируется состояние отечественных предприятий автомобилестроительной отрасли. Устанавливаются дальнейшие перспективы развития этой отрасли на территории Украины в современных условиях.

Ключевые слова: государственное управление, автомобилестроение, механизмы государственного управления, автомобилестроительная отрасль.

Target setting. The automotive industry has a significant impact on the positive socio-economic processes inside the society of different industrialized countries. This industry is one of the main pillars of the economy in France, Italy, South Korea and China. Exclusive economic prosperity was achieved in countries such as the UK, Japan, USA, and Germany, where one of the key roles of the sector is held by this industry.

Based on this it is necessary to determine the industries that can perform as strategic industries because of their socio-economic importance. The national automotive industry is one of these branches, which has an underestimated potential and all the possibilities to be considered as strategic. That is why the analysis and the establishment of the barriers of its effective development in the modern conditions acquire relevance.

Analysis of the recent research and publications. Basic scientific results on this subject are presented in the sci-

entific works [1–6]. The perspective directions of development of the industry, evaluating the competitiveness of domestic producers, the role of modern technologies in the improvement of the technological processes of manufacture of cars, the analysis of legal regulation of competitiveness of the national automotive industry were covered there.

Among the unresolved components of the overall problem it should be highlighted that there were studied only issues relating to the production of passenger. Secondly, the scientific works do not consider the problem of the existing automotive complex. In addition, the bulk of scientific developments are somewhat outdated, which leads to updating existing information on the subject.

The main purpose of the article is in the isolation of priority factors that prevent the national automotive industry from the effective development; development of initial arrangements that can resolve the crisis of the industry.

The statement of basic materials.

First of all, we should analyze a number of issues that are common to the global automotive industry as well as for the national automotive industry.

The first negative factor is excess of capacity, which is the basis of two interdependent phenomena. Firstly, it entails an increase in production costs, but, secondly, provides a smooth transition to the production of new cars (update range), thereby enabling production to be more flexible.

The second negative factor is the fact that the operation of the automotive industry requires the constancy of investments. So the lineup upgrade (industrial development of a new model) suggests the involvement of up to one billion US dollars. As a result, the production of new cars will be justified, i. e. would be economically acceptable (will achieve profitability), in the case of releasing at least a million copies, which in turn is reflected in the final cost of a unit of commodity products.

The third factor is the high level of competition among the car production enterprises, due to the size of the markets. This problem partly can be solved by combining the disparate concerns of automotive manufacturers, which already has led to a significant reduction of independent producers. The trend of integration was not perceived 20 or 30 years ago as a development opportunity but was considered as consolidation process of small enterprises by larger ones. Ultimately, this can lead to a certain monopolization of the market that is desirable for any sector of the economy.

The first problem can be solved by such factor as a consumer. The ability

to shift the unwanted part of the costs from automotive manufacturers on the consumer is a solution. On the part of the consumer it is a forced necessity to compensate the hidden losses of manufacturers through the acquisition of new products and upgrading the lineup.

The fourth factor is the global overproduction of automotive products. The last decade has seen a gradual decline in sales. Today the problem of overproduction became urgent for each automotive group as the volume of profits decreased, while the cost of development of new models is rapidly increasing, and does not stop the production process itself. This leads to the accumulation of enormous amounts of useless products. This is primarily due to a decrease in demand, which is a natural and expected phenomenon. Also it is due to the fact that cars are widespread in countries with advanced economy, but there are countries in which cars are still unavailable. So the most preferable car buyers are people living in the most economically prosperous countries. This shows that the functional effort of various departments of the concerns and marketing services are aimed to competitive struggle for the consumer from the economically developed countries. This has led to a global oversupply of automotive goods and the appearance of another problem such as the accumulation of large volumes of cars that cannot be sold in the future for a variety of reasons. Thus, we can single out the main features of the newly created problems.

1. Storage of a large number of vehicles requires the allocation of vacant land, which leads to inefficient use of

land resources, the destruction of hundreds of acres of green space.

2. Additional costs of the car manufacturers on rent or building the storage places for vehicles that eventually are covered by the final consumers.

3. The ultimate impossibility of implementing these vehicles and its immobilization for twelve months or more, standing idle for a long time and the impact of outside (rain, snow, water, sun, high/low temperature, etc.) and inside (long-term lack of oil in the engine) factors can cause irreversible processes in the car.

Search of the solutions of existing problems allowed formulating the most realistic scenarios. The first is the donation of such vehicles in freehold or their selling through the network at a much lower retail prices. Number two is full stop or decrease in production volumes of releasing vehicles at any time. Finally, it is the premature disposal of unused vehicles.

Since the first statement on the one hand is baseless in the current economic conditions, but on the other hand can be quite realistic. Its prospects are in the fact that car manufacturers will be able to compensate partially a deficiency of profit through the sale of automotive parts, accessories and provision of services, due to the form of transmission, which, undoubtedly, will take place in the operational cycle.

The second statement is not feasible for the reasons that it can become the basis of a series of new problems such as the loss of jobs in the primary sector, the loss of jobs in related industries (primarily metals), a slowdown in the main and related industries.

A third option is the most preferred and is already widely implemented in practice, however, only partially it allows removing stress, but do not solve the problem.

In the problem of overproduction of vehicles we can see another significant problem, which is important for the humanity. It is the depletion of natural resources, which are utilized in the production of vehicles and their components. In this aspect, the premature disposal (recycling) of unsold cars only shows a problem of the shortage of natural resources. It should be noted that the processes of car manufacture is based on the transformation of natural resources from one form to another, a proportion of which is significantly reduced. This leads to an increase of goods cost, a significant reduction in demand and sales, and total profits. Seeking for ways to reduce the cost of manufacturing cars under these circumstances, the previously unsold vehicles are involved. In this case, there is a need for raising the question of irrational use of natural resources and energy enterprises of the automotive industry.

Investigating problems of domestic and worldwide automotive industry it is clear that the car today is included in the list of the most popular products. Based on this, the opportunity of attracting its population, the sale of goods by enterprises of the national automobile industry in the domestic market is quite effective and long-term way of development of the state economy.

According to the estimates of national experts, the Ukrainian automotive industry allows us to create one job in the industry for at least six jobs in related industries, to ensure consistency

of scientific and technical activities and to create demand for goods and services in related industries.

National automotive industry is represented by enterprises of different ownership, that are engaged in the production of cars, trucks, buses, trailers, construction equipment, municipal vehicles, military equipment, as well as enterprises that produce components for them. The main competitive advantage of the national products to the manufacturers of Europe, China and Russia is the ability to manufacture not only cars, but also machinery, military vehicles, which are in demand on the world stage. The comparative analysis (from 2009 to 2011.) of production volumes of cars in Ukraine with the corresponding amounts of the Western European countries suggests the exceptional underdeveloped industry in Ukraine (see Table. 1). The negative component of the above is that there are no stable operating enterprises on the basis of 2016 – beginning of 2017.

Among the major national car manufacturers, which had the minimum production figures in the current political and economic conditions (2013–2017 years) we can distinguish the following (Table 2): a) JSC Zaporizhia Automobile Building Plant; b) Corporation Bogdan; c) LLC JSC Kremenchug car

assembly plant; g) PJSC AvtoKrAZ. It should be noted that the high level of equipment and infrastructure allowed CJSC “ZAZ” to collaborate with the global automotive concerns, such as TATA and Kia [8] LLC “KrASZ” (today the company completely eliminated) to produce cars of known Russian (Volga , Sobol), Chinese (Geely and Great Wall) and Korean (Ssang Yong) manufacturers [9]. Production capacity of enterprises included in the Bogdan Corporation allow to produce vehicles of Hyundai (cars, trucks, buses), Subaru, Skoda, Citroen, JAC and other world producers [10]. Automotive association “AvtoKrAZ” [11] has the capacity to produce vehicles for military and civil purposes.

Conclusions. Today, the domestic automotive industry is represented by three companies, the size and production capacity of which allow us to meet the needs of different types of vehicles: cars, trucks, military vehicles, public transport. There are companies that are structurally related to the industry and aim to meet the demand in the components for vehicles (spare parts and other accessories). Thus, the production potential of the domestic automotive industry is quite high.

Based on this it is thought that up to 50 % of the market of automobile and

Table 1

Indicators of the automotive industry in Ukraine and Europe [7]

Country	The number of cars produced per 1000 inhabitants, item.	The share of industrial production in the automotive industry, %	The share of automobile in the formation of the GDP, %	The number of staff, per. pes.
Slovakia	103	23,9	10,1	145
Czech Republic	105	21,2	8,9	225
Ukraine	9	0,8	менее 0,4	18,4

Table 2

Characteristics of the enterprises of the national automobile industry [8–12]

Object	Short characteristics of the object	Feature of the production process	Type of commercial products/ services	Last (January 2017) production rate, ite. [7]
JSC “ZAZ” (Zaporozhye Automobile Building Plant)	The first and currently the only company equipped with production units for stamping, welding, painting, body equipment, and vehicle assembly. Integrates manufacture, pre-and-sales, after-sales service	SKD and CKD	Cars and trucks, buses, components, car service	Cars – 0 CV – 59 Buses – 2
Corporation “Bogdan”	Different applied innovations, which are provided by the influx of investments. It produces a wide range of vehicles on the modern assembly lines. Suffice geographically extensive sales and service network in Ukraine	SKD and CKD	Cars and trucks, buses and trolley buses, maintenance services vehicles	Cars – 0 CV – 0 Buses – 0
PJSC “AutoKraz”	The company has casting, electroplating and thermal production, specializes in the production of military equipment. The share of exports is 70 %	CKD	Dump trucks, tractors, platform trucks, timber trucks and log trucks, automobile chassis of the installation for special equipment, trailers and semi-trailers, military vehicles, service, parts production	CV – n/a
PC “Kremen-chug car assembly plant”	Capacities of the enterprise allow assembling a wide range of vehicles mainly from China.	SKD	Cars and commercial vehicles, military equipment, pre-sale preparation, warranty and post-warranty support	Cars – 7 349 (2014 y.)

truck industry may and must belong to domestic producers; from 80 % to 100 % of market share of public transport (trolleybuses and buses) as well; satisfaction of the needs of military equipment must be carried out only at the expense of domestic producers. At the same time, we should objectively assess the future of the automotive industry in Ukraine, namely its competitiveness both domestically and abroad. Definitely it is clear that today, it is impossible to compete with the top five world leaders in automotive vehicles on both foreign and domestic markets, however, it is feasible to create and maintain competitive conditions in the struggle for the consumer in the middle class of vehicles in the. In the case of the necessary governance mechanisms in the industry, for domestic manufacturers of trucks and urban transport there would be no competitors in the country, and for its military equipment market should not exist. So, in the long term it will be the foundation for the development of new market spaces outside the country by domestic manufacturers of this type of vehicles. However, these conditions do not alleviate the problem, which is related to the reorientation of the automotive industry to produce more reliable, comfortable and affordable (more competitive) vehicle, in comparison with the existing vehicles of all types for domestic consumers.

In addition, there is an old question of innovation in the automotive industry. For the global automotive industry five years ago, these trends have taken shape, in which the stake was on the technology of the future like vehicles that operate on alternative energy sources. In this aspect, electric

and hydrogen vehicles the production of which is no longer an innovation. However, in the development of the domestic automotive industry vehicle production data seems promising and innovative.

Prospects for further research should be defined in the implementation of the proposals made above, the solution of which is the management issues that lies in the system of public automotive administration, also based on the development and implementation of appropriate governance mechanisms for industry.

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ON THE QUESTION OF HIGHER EDUCATION TRAINING APPLICANTS SPECIALTY “PUBLIC MANAGEMENT AND ADMINISTRATION”

Abstract. The article identified the key priorities for training seekers of higher education in the specialty “public management and administration”. The article considers the concepts and general principles of state policy of Ukraine in the field of higher education. Characterized the principles, which are enshrined in the Law of Ukraine “On Higher education”, such as: transparency, independence of higher education, priority of universal values, unity of the national educational environment, universal access to education, the principle of international integration of higher education, and democratic nature of education management and institutional autonomy.

Keywords: higher education, higher education applicants, the principles of higher education, public management and administration.

ДО ПИТАННЯ ПІДГОТОВКИ ЗДОБУВАЧІВ ВИЩОЇ ОСВІТИ ЗА СПЕЦІАЛЬНІСТЮ “ПУБЛІЧНЕ УПРАВЛІННЯ ТА АДМІНІСТРУВАННЯ”

Анотація. У статті визначено ключові пріоритети підготовки здобувачів вищої освіти за спеціальністю “Публічне управління та адміністрування”. Розглянуто поняття і загальні принципи державної політики України в галузі вищої освіти. Схарактеризовано принципи, закріплені в Законі України “Про вищу освіту”, такі як: відкритість, незалежність вищої освіти, пріоритет загальнолюдських цінностей, єдність національного освітнього простору, загальнодоступність освіти, принцип міжнародної інтеграції та інтеграції системи вищої освіти, а також демократичний характер управління освітою і автономність освітніх установ.

Ключові слова: вища освіта, здобувачі вищої освіти, принципи вищої освіти, публічне управління та адміністрування.

К ВОПРОСУ ПОДГОТОВКИ СОИСКАТЕЛЕЙ ВЫСШЕГО ОБРАЗОВАНИЯ ПО СПЕЦИАЛЬНОСТИ “ПУБЛИЧНОЕ УПРАВЛЕНИЕ И АДМИНИСТРИРОВАНИЕ”

Аннотация. В статье определены ключевые приоритеты подготовки соискателей высшего образования по специальности “Публичное управление и администрирование”. Рассмотрены понятия и общие принципы государственной политики Украины в области высшего образования. Охарактеризованы принципы, закрепленные в Законе Украины “О высшем образовании”, такие как: открытость, независимость высшего образования, приоритет общечеловеческих ценностей, единство национального образовательного пространства, общедоступность образования, принцип международной интеграции и интеграции системы высшего образования, а также демократический характер управления образованием и автономность образовательных учреждений.

Ключевые слова: высшее образование, соискатели высшего образования, принципы высшего образования, публичное управление и администрирование.

Target setting. Modern approaches to the formation of professional competencies of managerial staff in the context of the Association Agreement between Ukraine and the European Union lead to increasing the demands on the quality of higher education, in

particular the preparation of candidates on higher education in “Public Management and Administration”.

It should be noted, that today the country is lacking personnel who understand the need for change in Ukraine, have analytical skills and can

adapt the regulations of the European Union to the Ukrainian realities. Contradictions are tangible and resulting in requirements and conditions of the labor market, and in the difficulty of harmonizing legislation in compliance with the standards of higher education and national professional standards, in particular “The Classification of Professions”.

Analysis of recent studies and publications. The preparation of candidates on higher education in public administration is considered in the works of H. Atamanchuk, V. Bakumenko, N. Honcharuk, V. Luhovy, O. Obolensky, V. Oluyko, L. Pashko, L. Prudyus, S. Serohin, and others. Scientists of the National Academy of Public Administration under the President of Ukraine are involved in the studies of certain aspects of the given issue. The analysis of studies on the training of professionals in the field of public administration shows, that the number of works are devoted to the study of international experience of university education.

Despite the significant contribution of Ukrainian scientists in the development of theoretical and practical aspects of preparing candidates on higher education with a major in “Public Administration”, a number of problems in implementing a new major “Public Management and Administration” in the context of public administration reform in Ukraine remain unresolved.

The purpose of the article is to summarize the results of the analysis of positive experience of the formation of modern approaches to training candidates on higher education under the new major “Public Management and Administration” levels of training

“Bachelor”, “Master”, and “Doctor of Philosophy” (PhD), substantiating the possibility of using the European experience in university education.

The statement of basic materials. In accordance with the Law of Ukraine “On Higher Education” [3], the Cabinet of Ministers of Ukraine dated April 29, 2015, № 266 “On approval of the list of disciplines and majors, which are taught by candidates on higher education” [5] and the list of disciplines and majors, which are taught by candidates on higher education, approved by the MES of Ukraine dated 6 November 2015, № 1151, was introduced a new major “Public Management and Administration” in the area of expertise “Management and Administration”.

The adoption of these documents has intensified the work on development and creation of new standards, programs, and training conditions for candidates on higher education and the definition of standards of public management and administration. But in accordance with the decision of the Cabinet of Ministers of Ukraine dated 27 September 2016, № 674 “Some issues of reforming the system of professional training of civil servants and local government officials” [2] in the List of disciplines and majors, which are taught by candidates of higher education approved Cabinet of Ministers of Ukraine of 29 April 2015, № 266, some of the amendments have been modified, in particular:

1) in position “07 Management and Administration” numbers and words “074 Public Management and Administration” should be deleted;

2) complete the list with the following position: discipline — 28 — Public

Management and Administration, and major – 281 – Public Management and Administration”.

The primary task of universities is to develop and support managers-leaders who are willing to accept and implement changes in the system of public administration and local government on the basis of a new vision, and implementing innovative mechanisms of reformation transformation.

The feasibility of implementing in educational process of high school discipline “Public Management and Administration” is determined by the need of science-based training innovation and creative thinking competent professionals, who are able to carry out administrative tasks, associated with the intensive development of our country. It is aimed at curriculum MPA, focuses on the balance between the necessary theoretical knowledge and handling practical cases.

Therefore, today topical is updating the university curricula and directing the efforts of Ukrainian institutions of higher education to conduct classes and training on foreign language for public managers in order to master the communication skills by European standards for decent positioning the interests of Ukraine in the world. In Higher Education Development are observed the following trends: establishment of universities as centers of continuous professional education; increasing requirements for admission to higher education; change in terms of studying; increasing demands for quality teaching; availability processes of knowledge fundamentalization. These are in the first place: globalization, internationalization, regionalization,

commercialization, multiculturalism, social and professional mobility, integration of science, education and practice.

Reviewing the need for implementation a new major “Public Management and Administration” in higher education for bachelors and masters in order to obtain new skills, knowledge and ability on communication technologies, public forms of management, electronic communication, and anti-corruption provides training for a new generation of professionals, capable of ensuring improvement availability and quality of administrative services, ensure the participation of experts to improve the quality of management decisions, representatives of civil society that will ensure efficient, transparent, open and flexible structure of public service.

The recently adopted Law of Ukraine “On higher education” gave impetus for to the creation of standards, new applications and new conditions for preparation for candidates on higher education and the definition of standards of public management and administration, competency-based approach and the use of best practices in international best practice. The law defines the requirements for the educational program: the amount of ECTS credits, a list of graduate competences, the normative content of training formulated in terms of learning outcomes, forms of certification, quality assurance system.

Creating new educational university programs intended to ensure the conditions for the formation and development of bachelors and masters of program competencies that will enable

them to work successfully in the field of public administration and management at the international, national, regional and local levels.

According to the new paradigm of public administration, the main areas of university training of public managers are identified: public policy analysis; economy governance; public service in public administration; international public administration and development.

As a possible model, it is proposed a two-step system of qualification levels under the “bachelor-master”. The first stage in the academic plan must fully provide access to the second level of master training. Along with this, education at the master’s degree entitles supplementary education and gaining a doctorate (Ph.D.). Continuity in educational practice is also provided methodically and with psychologically reasonable constructed programs and books, ensuring consistency from simple to complex in gaining knowledge, and organization of independent work of students;

- the principle of continuity of the process of higher education. The higher education system in Ukraine is based on the continuity, which is provided by internal unity of the educational structure and coherence of the degrees and stages of the educational process;

- principle of state support for training of specialists with higher education for the priority sectors of economic activity, areas of basic and applied research, scientific, pedagogical and educational activities;

- state support for educational, scientific, technological and innovation university activities, academies, insti-

tutes, colleges, including through the provision of benefits from taxes, duties and other compulsory payments to educational institutions, which carry out such activity. State budget funding provides scientific and technical activities at the expense of the State Budget of Ukraine;

- facilitate the implementation of the principle of public-private partnerships in higher education;

- the principle of openness formation (development of academic freedom, organization of educational process, scientific research).

In the Article № 2 “World Declaration on Higher Education for the XXI century: approaches and practical measures” [1] is stated, that according to the Recommendations on the status of the teaching staff of higher education institutions, adopted by the General Conference of UNESCO in November 1997, higher education institutions, their staff and students should “enjoy full academic freedom and autonomy, which are understood as a set of rights and duties, while being fully responsible and accountable to the community”.

State policy in the sphere of higher education in terms of European integration to the European educational community is a combination of various measures, actions and decisions of public bodies aimed at implementation of large-scale reforms in this area, conducted by the Ukrainian government and in the interest not only for the officials involved in the system education management, university lecturers, but almost all Ukrainian citizens of different age groups (students, postgraduates and doctoral candidates, course

participants of various courses of further education, vocational retraining programs united by a common goal – the development of Ukrainian higher education.

The state is interested in the modernization of higher education, since this is directly related to not only the rights and freedoms of human and citizen, but also the successful development of the Ukrainian economy, social well-being of the nation, and national security.

The course on the priorities of higher education the state implements in the following areas:

- the creation of a developed legal framework, the formation of an independent branch of legislation in the field of education (normative component of public policy in education);
- formation of optimal organizational structure and management education (organizational and management components of public policy in education);
- preparation of highly qualified scientific personnel for education (human resources component of public policy in education);
- strengthening communication in education and science (academic component of public policy in education);
- development of international contacts and academic mobility (international component of public policy in education).

While organizing actions that are taken under the national education policy is used a programming method, the result of which is a system of programs for long-term development of higher education, developed at different levels (national, regional, municipi-

pal, and level of educational institutions). This key program is certainly a national target program for the development of higher education, which defined the strategy of reforming the system of Ukrainian higher education and outlined the most important activities for its implementation.

Principles that the state must guide in the formulation and implementation of its educational policy, including the formation of legislation in the field of higher education, enshrined in the Law of Ukraine “On Higher Education” [3].

- promote the sustainable development of society by preparing competitive human capital and create conditions for lifelong learning. This principle sets the framework within which is defined the content of education, are formed methods of education, and the most important educational policy settings;
- accessibility of higher education – this principle is one of the most important guarantee of the constitutional right on education. Everyone, regardless of gender, age, national origin, religion, place of residence, economic prosperity, has the access to higher education within the framework established by the law;
- independence of higher education from political parties, public and religious organizations (except for higher religious schools); this principle is the optimal distribution of functions in the management of education between public bodies and government institutions on the condition of university autonomy;
- the principle of international integration and the integration of higher education of Ukraine into the Euro-

pean Higher Education Area by maintaining and development achievements and progressive traditions of national higher school. According to the Bologna Agreement, we should talk about the use of transparent circuits and stages of training of specialists, which will be opened and comparable across countries [7]. Students are given the right to participate in forming the content of their own education path while adhering to the requirements of state educational standards of higher education.

Ukraine has chosen its path of autonomization of universities, defined by the Law "On higher education". Therefore, since 2014, the autonomy of educational institutions in Ukraine is one of the most important principles of the state policy in education. Under the autonomy of higher education institution in Law means autonomy, independence and accountability of higher education institution in making decisions regarding the development of academic freedom, organization of educational process, scientific research, internal governance, economic and other activities, independent selection and staffing [3].

Providing by higher education institutions basic academic freedoms is recognized as a generally recognized principle of education law and enshrined in several international instruments of higher education institutions. Giving universities autonomy, the law gave them a number of powers which they still have not owned. Management of the autonomous university and its organization, expanding autonomy creates new risks for them, which inevitably require improving the quality of management for institutes, univer-

sities and academies. Since there is a direct link between the legal status of universities and management system, then providing them broad autonomy drastically restructured their internal control system [4].

In the UNESCO Recommendation "On the status of scientific research workers" [6] is stipulated, that academic freedom should be understood as the free flow of information on the results, hypotheses and critical statements which are an integral part of the scientific process. Within the current legislation of Ukraine higher education institution develops and adopts of the statute, which fixed the basic provisions that regulate its activity. Universities have considerable powers in the field of organizational and personnel policy. However, realizing this competences, universities should be guided by established standards and quotas, determinable by the license.

Conclusions. Today the key priorities of university training for candidates on higher education in the field of public administration are the following: harmonization of standards of training specialists of the new major "Public Management and Administration" levels of training "Bachelor", "Master", "Doctor of Philosophy" (PhD) in terms of implementation the Law Ukraine "On higher education"; need to review complete range of existing programs and adapt them to the requirements of the content of the Association Agreement between Ukraine and the EU; identifying key priorities in the formation of professional competence of management personnel at the present stage of modernization of public administration in Ukraine.

In addition, the effective area of practical vocational training of candidates on higher education in the field of public administration perceived setting up the practice of cooperation and partnership of government, local education authorities, business and rectors of higher educational institutions to employ graduates.

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PUBLIC ADMINISTRATION BY THE MODERN INFORMATION TECHNOLOGIES IN CONSTRUCTION OF UKRAINE

Abstract. Key aspects of the reformation and development of the construction industry in Ukraine, based on world trends are considered. Development prospects and ways out of the crisis of the construction industry are formed.

In order to save the domestic construction industry, there was an urgent need for the establishment and application of modern regulatory, methodical, information, program and legislative provisions, modern methods of determining the cost of construction, management of investment projects in all phases of design, construction and operation. Their development towards further alignment with Euro standards – the key of improving of the investment climate in Ukraine.

Keywords: construction industry, information technologies, BIM-technologies, 3-D design.

ДЕРЖАВНЕ УПРАВЛІННЯ СУЧАСНИМИ ІНФОРМАЦІЙНИМИ ТЕХНОЛОГІЯМИ В БУДІВНИЦТВІ УКРАЇНИ

Анотація. Розглянуто ключові аспекти реформування та розвитку будівельної галузі України на основі світових тенденцій. Сформовано перспективи розвитку та шляхи виходу з кризи будівельної галузі. Для збереження вітчизняної будівельної галузі необхідно створити і застосовувати сучасне нормативне, методичне, інформаційне, програмне та законодавче забезпечення, сучасні методи визначення вартості будівництва, управління інвестиційними проектами на всіх етапах їх проектування, будівництва та експлуатації. Їх розвиток у напрямі подальшого узгодження з євростандартами – запорука поліпшення інвестиційного клімату в Україні.

Ключові слова: будівельна галузь, інформаційні технології, BIM-технології, 3-D проектування.

ГОСУДАРСТВЕННОЕ УПРАВЛЕНИЕ СОВРЕМЕННЫМИ ИНФОРМАЦИОННЫМИ ТЕХНОЛОГИЯМИ В СТРОИТЕЛЬСТВЕ УКРАИНЫ

Аннотация. Рассмотрены ключевые аспекты реформирования и развития строительной отрасли Украины на основе мировых тенденций. Сформулированы перспективы развития и пути выхода из кризиса строительной отрасли. Чтобы сохранить отечественную строительную отрасль необходимо создать и применить современное нормативное, методическое, информационное, программное и законодательное обеспечение, современные методы определения стоимости строительства, управление инвестиционными проектами на всех этапах их проектирования, строительства и эксплуатации. Их развитие в направлении дальнейшего согласования с евростандартами – залог улучшения инвестиционного климата в Украине.

Ключевые слова: строительная отрасль, информационные технологии, BIM-технологии, 3-D проектирования.

Target setting. Today, unfortunately, the state of the construction industry in Ukraine is unsatisfactory. Construction of industrial facilities, virtually absent, because such construction requires large investments, the state is not able,

today, to invest in the construction of large industrial facilities, and foreign investors in the current economic situation in Ukraine does not risk to invest heavily. Construction of social infrastructure (schools, kindergartens, etc.) entirely depends on financial revenues to local budgets on the willingness of local authorities and economic environment, which would allow to deploy the appropriate program development. Construction, transport and municipal infrastructure (roads, bridges, multi-junction, heat and water, drainage networks, etc.) depend on local budgets and from the state in strategic directions (metro, high-speed railways, tunnels, reservoirs, treatment plants, etc.). Residential construction – now the direction by which survives the construction industry in Ukraine, with it, 99,7 % financed by private investors [1].

Overall, the volume of construction, repair and restoration works in Ukraine ridiculously small and have great diversity and regionality.

In Ukraine, the need for building unlimited. Per capita of Ukraine in 2015 built 0,22 m² and should – 0,5–0,7 m² (Fig. 1, 2, 3).

So based on the above data on the state of the construction industry, we can outline the following issues:

- lack of sources of construction financing;
- high level of depreciation of fixed assets, their neglect through lack of investment demand;
- practical elimination of large construction units capable of performing multi-million dollar projects;
- imperfect pricing;
- bureaucratic obstacles to investment projects;

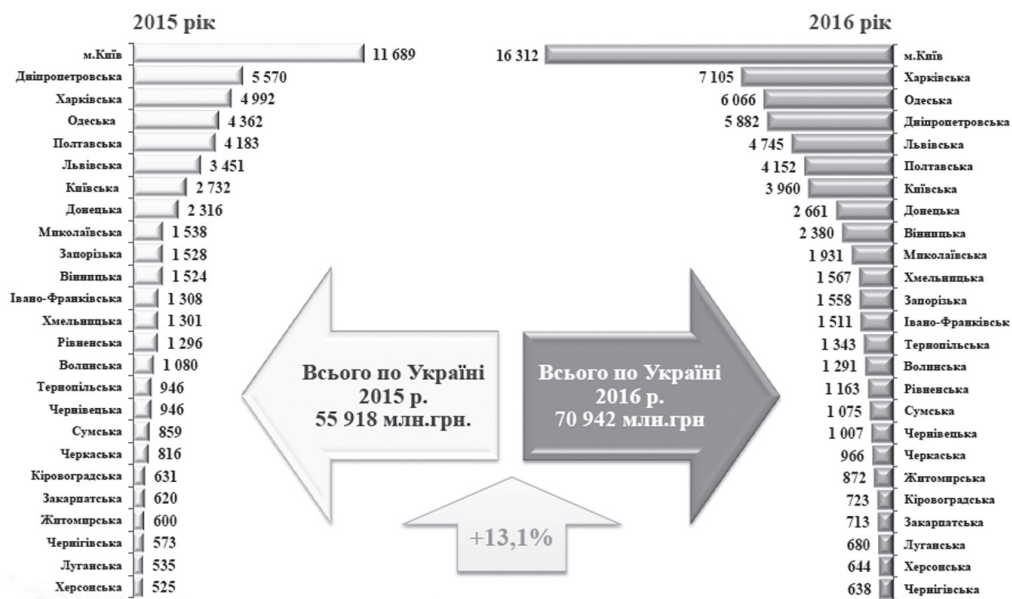


Fig. 1. The volume of construction works by region for 2015 and 2016, mln UAH
 Source: research of results of the Ukrainian Union of manufacturers of building materials

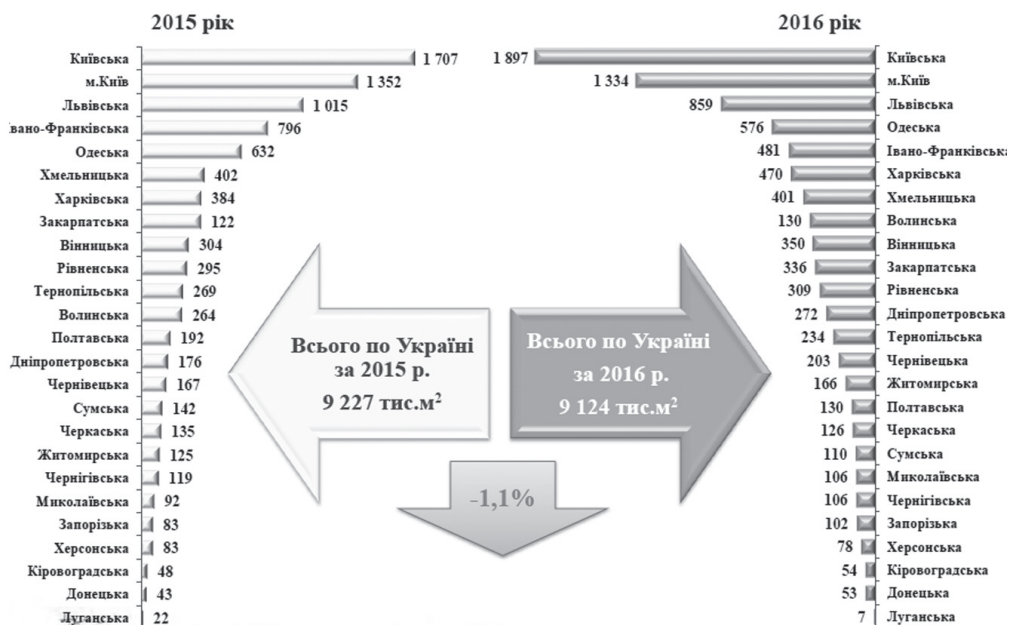


Fig. 2. Commissioning of housing for 2015 and 2016, ths. m², excluding housing, introduced in accordance with the temporary order
 Source: research of results of the Ukrainian Union of manufacturers of building materials

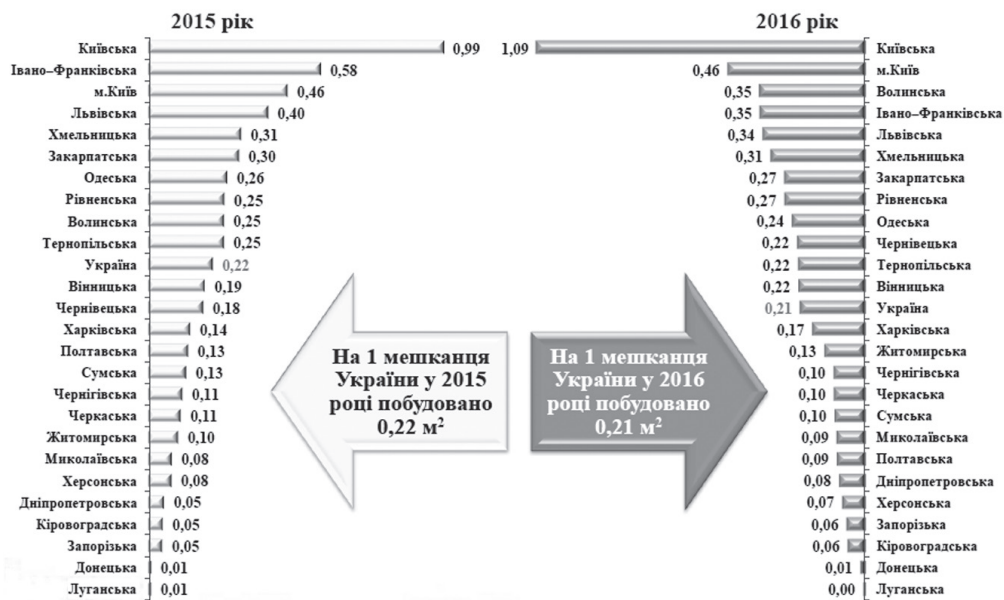


Fig. 3. Commissioning of housing for the 2015 and 2016 m² per 1 inhabitant, excluding housing, introduced in accordance with the interim order without the Crimea and Sevastopol City

Source: research of results of the Ukrainian Union of manufacturers of building materials

- lack of equal legal conditions for all participants of the investment process;
- imperfect system mechanisms of legal regulation of economic, social and legal relations in the housing sector and others.

But the primary problem faced by the construction industry is the creation of a favorable investment climate in Ukraine, and this, in turn, is possible only through the formation of a new digital culture of design and construction. The essential element here is the building Information modeling (Building Information Modeling – BIM). BIM-technology have great advantages and therefore should be widely used in Ukraine as in the EU [2].

Analysis of recent research and publications. Problems of investiga-

tion of information support in building reflected in the works of scholars such as I. Saliy, S. B. Sichniy, V. S. Sudac, M. Petrushenko, L. A. Rarok, A. Chub, L. M. Sahnovskyy, F. S. Seydaliyev, Y. I. Ternavskiy, O. S. Teletov and others. Despite the considerable number of works on the problems of digital design building, there are unresolved issue of the comprehensive diagnosis of the government concerning the use BIM-technologies in Ukraine and prospects of development for the enterprises of the construction industry.

The purpose of the article is the analysis of government on information support of construction, based on digital simulation, without which virtually impossible the further progressive development of the construction sector in Ukraine.

The statement of basic materials.

It has become quite clear that without the introduction of BIM-technologies, based on global trends, lagging of the construction industry in Ukraine only deepen.

Otherwise, under the current level of development of our construction industry, any foreign investor will not entrust their investments to our domestic firms. He comes to us with their project organization, with its contractor, or a management company with its own technology in the design and construction management, its highly qualified personnel. To our building specialties workers and engineering staff trust to perform only auxiliary and ancillary works.

BIM reflects virtually the entire life cycle of construction works, from conceptual design through to continue working drawings, construction and operation of its demolition. With this innovation, all participants have access to the virtual process control plans, models building project. Architects, developers, designers, engineers, workers of statics, engineers and operators work together [3].

Benefits of implementing BIM:

1. Improving of the reliability of cost. Since the additional work as a result of changed customer requirements is one of the major causes of increased costs in social construction.

2. Reduction of existing uncertainties and assistance that citizens feel more informed, which increases the acceptability of the project and eliminates the risk of protests of citizens.

3. The benefits in efficiency and productivity. You can largely avoid the

mistakes or gaps in the design because of the close relationship planners, through audits conflicts supported by information technology.

4. Obviously easier use of building settlements. If the project has to change, for example, due to changes in customer desires, the consequences in costs for the entire project can be obtained by using precise, based on the model of calculation of cost and faster than the traditional design. Errors resulting complex changes can be avoided by controlling collisions.

5. Reduce the risk of certain docking operations. This improves also planning the course of construction. It can be implemented on d ground, according to the optimized calculations. All the important data is available to all participants in real time, and so on.

Different countries have different experiences in implementing BIM-technologies in their countries, depending on the conditions of prevailing. This could be an initiative from below, by the way of joining relevant professional associations and public organizations or initiative from above, through appropriate legislation and enforcement.

Unlike many Western countries, Ukraine must still create the conditions of such implementation.

These preconditions must include the following actions:

- Conduct wide work about the alternative regarding the transition of the construction industry in Ukraine ov the BIM-technologies.

- Modern BIM – a process that is completely focused on computer processing of the all information for the

making of the effective decisions. The basis for the implementation of this process should be clear classification of all information environment of the construction industry in line with international standards.

Therefore, in terms of “information famine” that currently exists in the construction industry, a priority issue for his solution is the creation and use of modern building national classifier, which systematically classified and coded all the information related to the modernization of the existing regulatory framework design, construction and operation, and that will be harmonized with the already existing international standards.

Ukrainian building qualifier – is a tool for creation of a common information space of the construction industry, with which its necessary systematically fill this space with relevant information [4].

Addressing of this issue could make Ukrainian Institute of building materials, on which will create a modern legislative – information support construction, based on a digital simulation, which is essential for further development of the construction industry in Ukraine. Ukrainian Institute of building materials able: to organize collecting and providing this information to construction companies systematically generate a database (materials, structures, their producers and suppliers) and its support, in terms of partnership and mutually beneficial cooperation with all participants of the investment process.

It is clear that in Ukraine, the state governing bodies do not care about this issue.

Therefore, to keep up with the entire civilized world should create a professional team of associates, unite relevant professional associations and NGOs.

So, February 24, 2017 Ukrainian Institute of Building Materials organized the program “Innovation in Construction – Joint Projects” (hereinafter – the Program), that held in company producing of mortars Siltec. From the Institute participated in the Program Director – Ivan Saliy and Deputy Director – Irina Chaplay.

Program participants were leading construction companies: PBG “Kovalsyka”, LLC “Beton Complex”, JSC “Terminal M”, Royal House, Agromat Decor “Soka” TM “TEPLOVER” and others.

During the event, were held acquainted with engineering and technological solutions of the PBG “Blacksmith”, presentation of business proposals, B2B.

Program participants noted that, to date, there is a need for a comprehensive system design and construction management, based on a single system of classification and coding of all information received to all participants of the investment process and were active in promoting this process.

Systematized information from manufacturers and suppliers of building materials, construction, engineering and facilities will ensure during the design, forming of a “library of structural elements”, with the detailing of all the geometric parameters and technical characteristics of the structural element for making the architect and designer of the relevant decision on the

inclusion of this element in project information model 3D.

On the next step of the design and the construction phase to the projected structural elements attached data due to the binding of these elements (materials, structures) to estimate the regulatory framework (price, manufacturer, region) and also technological conditions of use of these structural elements which provide the introduction of advanced technological processes in construction – determining of the value of work that is consist of: with the cost of materials, use of technology, tools and complexity of work, affecting the timing and the final cost of construction in general, that when forming 4D and 5D models under construction phase.

In the future, on the next phase 6D – operation of the built objects, to the each structural element specifications for its operation, repair are attached etc.

A prerequisite for the implementation of BIM-technology is also the solution of the following issues:

- automated exchange of information and databases in an open format, in accordance with accepted international standards;
- ensuring of the implementation in schools curriculum for training and retraining of qualified specialists for training and practical use BIM-technologies in the design, construction, production, operation and logistics, using international experience;
- interoperability of all public organizations and associations, business partners, including media facilities, including internet resources on organizational, informational, software and minor (at this stage) financial security

when implementing BIM-technologies in Ukraine.

Only after the implementation of these prerequisites, can we talk about the beginning of the practical implementation of BIM-technologies in Ukraine.

Implementation of these preconditions has no chance of implementation without proper attention to professional associations and NGOs, investors, heads of design, contractors, manufacturers and suppliers of inputs for construction [5].

Conclusions. Summarizing, we can say: BIM contributes to more accurate design, description of work, estimated cost and the best course of construction planning. Many risks, such as design, engineering, project approval risks, risks interfaces, etc. can be reduced by using BIM and increase transparency and acceptability, such as the participation of citizens.

Thus, one could argue – Ukraine has all the prerequisites for the rapid and successful implementation of BIM-technology. We need only to start moving in that direction. The authorities should, thus, be ahead as the main developer, accelerating culture change design and construction. That's when we succeed in global digital-century to preserve the central role of Ukrainian competence in design and construction, and further strengthen the foundation of our prosperity – through innovation and competence.

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DECENTRALIZATION EFFECT IN NORTHLAND COUNTRIES: EXPERIENCE FOR UKRAINE

Abstract. In the article is explained the state of institutional environment of public-private partnership in Ukraine in light of government efficiency using performance indices of Governance Research Indicator Country Snapshot (GRICS). The main factors that drastically reduce the quality of today's institutional environment are political instability and high level of corruption.

It today's situation, the state priority measures should stabilize the political situation, strengthen the position and role of the public sector, position the state as a reliable business partner in the world economic system and as a responsible member of public-private partnership inside the country.

Keywords: socio-economic development, public-private partnership, infrastructure projects, institutional environment of public-private partnership, ownership structure, public economy, GRICS indices, political and corruption risks in public-private partnership, anti-raider laws.

ЕФЕКТ ДЕЦЕНТРАЛІЗАЦІЇ У КРАЇНАХ СКАНДИНАВІЇ: ДОСВІД ДЛЯ УКРАЇНИ

Анотація. У статті проаналізовано історію проведення децентралізації у зарубіжних країнах та її основні моделі. З метою виявлення проблемних аспектів при проведенні децентралізаційних реформ визначено специфіку їх здійснення у таких країнах, як Норвегія, Швеція та Фінляндія. На основі скандинавського досвіду узагальнено позитивні та негативні сторони здійснення децентралізації, а також визначено шляхи впровадження реформ з децентралізації влади в Україні.

Ключові слова: децентралізація влади, централізація, гілки влади, розподіл влади, місцеве самоврядування, територіальна громада.

ЭФФЕКТ ДЕЦЕНТРАЛИЗАЦИИ В СТРАНАХ СКАНДИНАВИИ: ОПЫТ ДЛЯ УКРАИНЫ

Аннотация. В статье проанализирована история проведения децентрализации в зарубежных странах и ее основные модели. С целью выявления проблемных аспектов при проведении децентрализационных реформ определена специфика их осуществления в таких странах, как Норвегия, Швеция и Финляндия. На основе скандинавского опыта обобщенно положительные и отрицательные стороны осуществления децентрализации, а также определены пути реформ децентрализации власти в Украине.

Ключевые слова: децентрализация власти, централизация, ветви власти, распределение власти, местное самоуправление, территориальная община.

Target setting. Strong local government is the key to effective economic, social and humanitarian policy, one of the fundamental drivers of democracy that can effectively meet the challenges of the modern world. Therefore, maximum decentralization of power is one of the main principles of the developed world and European countries. These rules are reflected in the European Charter of Local Government, but so

far these principles in Ukraine, as one of the signatories of this document, function only on paper. The analysis of the historical experience of the Scandinavian countries concerning the process of becoming decentralized aims to change national trends of local community of power and make the most efficient influence on separation of powers and strengthen responsibility between the central and local authorities.

Analysis of the recent research and publications. The most important fact is that it is impossible to build a fundamentally new system of public administration without improving the local organization of authorities. In almost all European countries the process of decentralization of power was accompanied by a territorial reform which led to the consolidation of local units.

The analysis of recent research and publications that covered the problem showed that scientists such as V. Averyanov, V. Alexeev, I. Koliushko, P. Kondyk, N. Nyzhnyk, L. Pashko, V. Tymoshchuk and others dedicated much attention to different aspects of administrative and territorial reform.

Despite the significant contribution of these scientists in the development of theoretical and practical aspects of decentralization, a number of problems remain unresolved, particularly in terms of features the introduction of the European experience of the implementation of the reform of public authorities.

The main purpose of the article is to develop modern approaches for implementing an optimal model of decentralization of power in Ukraine on the experience of the Scandinavian countries, identifying their strengths and weaknesses, justified achievements of application in developed countries in the field of decentralization.

The statement of basic materials. All the Scandinavian countries at different times had their major reform of public administration, but the improvement management is an ongoing process, that is why it is difficult to say whether the reforms have been completed or not. Because after the comple-

tion of one phase of the reform, it passes smoothly into the new reform. For the success of the reform is important not only legal content of regulations, but its institutional and communication component. That is why the main objective of the visit is to strengthen knowledge on communication on the reform process. Unlike the Scandinavian countries, in such a big and quite heterogeneous country like Ukraine, this communication is essential for such reform like decentralization, [1, p. 5].

There have been large-scale reforms in the public administration in many countries over the past few decades. New approaches had emerged in organization of public authorities, public service began to focus on high level and efficiency in meeting the needs of society, processes of self-organization of citizens were prioritized, etc. It is not a coincidence that important part here is decentralization of power, which is often specific to a particular political and administrative system. Before turning to the features of decentralization in the Scandinavian countries, try to outline the main approaches to interpretation of the term.

In the political science literature and literature of public administration is used mostly administrative and managerial approach to the interpretation of decentralization which is based on delegation of authority and accountability "from top to bottom". Evidence of this is in the definition that is taken from the Encyclopaedia of Public Administration: "decentralization is a process of transfer of part of the functions and competences of higher levels of management to lower ones" [2, p. 166] (meaning transferring of power from central

government to the local authorities and local governments). The authors also mention about the centralization as a reverse process. These processes are described together as the characteristics of the relationship between subject and object of management, showing real balance in the distribution of authority and responsibility in decision making.

The level of decentralization depends on the general political situation, credibility of the political forces, human and financial resources held by the local authority. Decentralization of power and management can not exist outside the state.

It is held on the initiative and under the control of the central authority. It is also impossible for decentralization to exist if local authority is weak, limited in its actions and only conducts policy of the central authority. Democratic reform of public administration is only possible in case of incorporating real power on the ground in all spheres of politics. Currently, each district has its specific causes and forms of decentralization. The course and evolution of a relation between the central and local authority are always unique. The Scandinavian countries were not an exception.

Among the common features that are inherent in this group of countries are: strong central authority, somewhat weaker power at the regional level and relatively high level of local autonomy. The model of local government of Scandinavian countries is characterized by functionality aspects and participation, that is in the political process not only the state is involved, but also lower levels of administration. A system of horizontal control is implemented in which

each local level has its own power and responsibilities that do not overlap with higher levels [3, p. 71].

In Finland local authorities are responsible for services that provide daily well-being of citizens. Studies show that Finns appreciate municipal services which are well used.

The functions and responsibilities of local authorities in Finland:

- running elementary and secondary schools, vocational and polytechnic education;

- adult education, art classes, culture and recreation, maintaining library;

- child day care, social services for the elderly and disabled, and a wide range of other social services;

- preventive and primary health care, including treatment in specialists and dentists;

- environment protection;

- control of construction and land use in the territory;

- water, electricity, sanitation, waste management, maintenance of roads and streets;

- support for trade and businesses, provide employment on the territory.

In general, there are more than 400 communities in Finland. Most of them speak Finnish. Every tenth community is classified as a bilingual community that is the relevant number of people in the area who speak Finnish and Swedish, which are the two official languages in the country. Twenty communities speak only Swedish.

Finnish local authorities constantly improve their services seeking to ensure their quality and effectiveness. In order to provide certain types of services or perform special functions, local author-

ities often unite or start new organizations. There are 230 united authorities that provide services to the education, social security and health care in Finland.

Finnish local governments have a high degree of autonomy guaranteed by the Constitution. Every four years residents of local councils are elected through free and democratic elections.

Transparency and openness are the basic principles of the Finnish local government. Local government act (legislation) emphasizes not only on representative democracy, but also on the ability of residents and service users to participate and influence decisions at the local level. Local authorities provide information to members of the local community on current issues of the activity, plans, results, taken decisions and their impact.

Special services advise citizens on the making of the applications, deal with questions and give opportunities to express their vision of problems and their solutions. Community members have the right to propose initiatives on municipal issues. Local referendums can be carried out for this purpose.

Local authorities finance their activities with funds generated by taxes, transfers from the central government, various charges and profits from the sale. Local income tax paid by residents, property tax and corporation tax make up almost half of the revenues of local budgets. Each local authority takes an independent decision on the rate of income tax. The central government gives local authorities adequate financial assistance to ensure a wide range of public services. The transfer system from the state budget aimed at financial

equalization between the local authorities and ensures citizens equal access to services across the country.

The annual cost of local budgets account for 31 billion euros. The state budget is 38 billion [4].

Sweden, like other countries in the region, did not avoid the need for reform of local administration which took place in several stages of development. Each of them held the next reform of administrative and territorial structure, which resulted that local authorities became closer to the people and this provided a decent standard of life for all citizens. Earlier, there were more than 2 thousand communities with a small population. They felt the lack of financial resources and could not effectively respond to the challenges of that time. That is why legislative changes were adopted, which resulted in decreased number of communes. In addition to changes in the territorial structure, other reforms were carried out. In particular, since the 1970s, according to J. Chandler, there had been a shift from government with attributes of direct democracy to modern functional representative system. First of all, reforms were guided by the experience of the UK, which is characterized by agency relationship with a broad autonomy between the levels of administration, the introduction of market relations in the sphere of public services, etc. Subsequently, Sweden was able to find the optimal development model that allows local power to conduct common to the whole country government policy and provide national and local interests without limiting local initiative and implementing effective local governance in settlements. The form

of Sweden state model is unitary state, the form of government is constitutional monarchy. The state apparatus in Sweden is quite small: about 17 % civil servants work in central government, 23 % – at the regional level, while the majority of social services in Sweden are provided by municipalities, where employed nearly 60 % of civil servants. Executive power in the state belongs to the Cabinet of Ministers, which is formed by the Parliament (Riksdag). Subdivisions in the country include 21 county councils (regional level), each of which is divided into communes, in other words, municipalities (local level), in total there are 290 of them. At the state level, the Parliament, the Government and specialized state agencies provide assistance to local government. At the same time, while the competence of the state is protection of public order, defense, national road construction and so on, the bulk of local issues is within the competence of local governments, based on the principle of subsidiarity.

Thus, the Swedish communes are divided into two types of competence: the common competence within the law on local government and those which provided by special legislation. The first type includes competence relating to living condition of population and is not included in the nationwide list above (public transport, cultural development, leisure activities of citizens, landscaping, land use, etc.).

The second type has competences that are referred from regional level to local. They relate to social security, emergency services, environmental protection, etc. The study of the system of government in Sweden allows defining ways of development and improvement

of local government in Ukraine, due to the initiated reform of decentralization of power [3, p.71].

In general, at all levels of exercising of power in Sweden political parties are the main rallying implementation of policy. The vast majority of nationwide political parties have their own representation at the regional and local levels, their political programs must include sections on local government development strategy, given the specificity of individual regions and communes.

The issue of government representation in local authorities, especially today in Ukraine, is quite controversial in the reform of public administration and decentralization. Sweden solved this issue by establishing national agencies (offices, departments, associations, etc.), municipalities that operate on the rights of public associations. On the one hand, they cooperate with the government in developing collective recommendations on the issues that are considered at the local level. On the other hand, they do not directly affect the decisions. However, as a rule, these recommendations are developed by experts and government officials; they are constructive and are largely supported at the local level. In our opinion, this is a vivid example of cooperation between local governments and the state, and the essential point here is about a real representation of the state, but not about its intervene or direct impact [3, p. 72].

Quite important in the formation of decentralized processes in Ukraine is the Norwegian experience.

The origins of modern local government in Norway can be found in the law of 1837, which required that each

county, rural or urban, must form a municipality with elected representatives. Even when the Norway was part of the union with Sweden, local authorities achieved a high degree of autonomy, what allowed them to build infrastructure and expand social welfare services. Compulsory income tax was introduced in 1882 and quickly replaced the property tax as the main source of local revenues, while municipalities enjoyed freedom in setting tax rates.

The territorial reform of 1960 reduced the number of municipalities from 700 to about 450, and the gradual consolidation continued on a voluntary basis.

However, 28 of the existing 428 municipalities still have a population of one thousand people and less, so in 2014 the government launched a new reform, which should lead to further consolidation of municipalities, and possibly, counties, in 2017. The Parliament is still trying to avoid forced consolidation, but the government encourages municipalities to do so by using financial incentives and providing new features to bigger and more capable units.

19 district councils have been elected through direct elections since 1975. Their role is smaller compared to municipalities, especially since 2002, when responsibility for the hospitals was transferred to the central government. Governors represent the state at the district level and they are responsible for the supervision of municipalities. In terms of finance, local governments today have less autonomy, than it was in the 19th century, as now they are more dependent on grants from the central government and in practice can not impose the income tax rate. Local govern-

ment also has no formal constitutional or legal protection, as provided in most other Scandinavian and Baltic countries. Despite this fact, local authority is powerful, plays a key role in education, health care and other social welfare services and has 20 percent of the total employment. Norwegian Association of Local and Regional Authorities (KS) was established in 1972 by combining the Norwegian Cities Alliance and the Norwegian Association of Rural Municipalities. Norwegian Association of Local Authorities represents all municipalities and districts, as well as 500 public companies, and defends the interests of its members and the association of employers.

Expenditures of local governments in Norway make up 15,4 % of GDP or 33,8 % of total public expenditures, that is lower than in other Scandinavian countries (although Norway GDP is significantly higher partly because of oil revenues). The central government is responsible for universities and hospitals, but education and health care represent a significant proportion of local budgets. Social services are the largest section (including care for the elderly, disabled and child protection). According to the Ministry of Finance, municipal revenues in 2015 consisted of tax revenues (40 %), total government subsidies (35 %), target transfers (5 %), compensation of paid VAT (5 %) and charges or user fees (14 %). The main source of revenue is personal income tax. In 2015, the national rate was 27 %, which was distributed as follows: 11,35 % for municipalities, 2,6 % for districts and 13,05 % for the central government. These maximum rates are set annually by Parliament.

Local authorities can choose a lower rate, but the government discourages this by corresponding reduction of subsidies, and no local authorities have taken advantage of this opportunity since 1979. Municipalities also receive a share of the luxury tax (at a fixed rate of 0,7 %) and can levy local taxes on real estate and natural resource use. By 2007, the property tax was essentially limited for urban areas, so it was not available for all municipalities. Since then, the scope expanded and in 2014, 341 municipalities chose collection of property tax, which is a bit over 5 % of the total local tax revenues.

Like other Scandinavian countries, in recent years a trend of using targeted grants has been increasing. However, untargeted subsidies remain the largest source of transfers and it is the most important part for the purposes of redistribution. Thus, municipalities in Norway have many challenges and opportunities, similar to that, which face their counterparts from the EU. Municipalities are active in such areas as cross-border cooperation, renewable energy, Cultural Capital of Europe and youth exchanges, which, as everywhere, is easier for those with larger organizational resources. Municipalities are also required to implement or adhere to the EU rules in areas that are difficult for local authorities in any country, including state aid, public procurement, labor legislation and standards relating to the environment [5, p. 33]. Assessing the experience of the EU financial model of local development, division of powers between the state and sub-national units, should be taken into account “supercentralized” distribution of funds intended for development. For so-

called “transitive” countries, which occur with significant budget constraints, this tool is essential and allows territorial systems to use additional resources for co-financing development projects, while maintaining the possibility to cover current expenditures from its own resources. The major targets of the EU regional policy are regions, not municipalities or communes. Therefore, decentralized models of the EU member states often have more powers associated with the development at the regional level, while on the ground current economic and social problems are resolved [6, p. 9].

Conclusion. Thus, examining the experience of Scandinavian countries can be taken the basis for determining criteria for consolidation of basic administrative and territorial units, namely:

- the territory and population;
- functions (tasks, competence), performed by the authorities of different territorial levels;
- the degree of political and financial autonomy of local authorities;
- the mechanism of public services (through state or municipal services or involving the private sector).

The purpose of administrative and territorial reform should be improving the efficiency of public services and bring the government closer to the people. Reforms should be integrated based on scientific reasonable and credible programs, taking into account international experience, own mistakes of past years and the characteristics and potential of districts.

The more effective administrative and territorial reforms are those that were initiated directly by communities, not imposed “from above”. And

even if there is a national initiative, the transformation should be preceded by a broad public discussion.

Solving the problems of the domestic economy, in particular by external influences in environmentally unacceptable production without solving the problem of creating a constitutional resource owner, which is the local community and respect its rights, is impossible.

Territorial community is the guarantor of the consolidation of ownership and its formal reallocation if necessary. Experience shows that establishing a community-owner “from the outside” is impossible.

Without own activity, without any actual communities even the most favorable legislative initiatives will not give any long-term results, that could be reflected in the welfare of members of the community.

Applying the experience of decentralization of power in the Scandinavian countries, taking into account the particularities of administrative and territorial reform in Ukraine will help to provide both national and local interests of united communities. Implementation of this experience and the search for an optimal model of decentralization in other areas of management are promising areas for further research.

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PECULIARITIES OF INTENSIVE METHODS' APPLICATION IN TEACHING FOREIGN LANGUAGES AT UKRAINIAN HIGHER EDUCATIONAL INSTITUTIONS

Abstract. The article is dedicated to the linguistic and methodological peculiarities of the intensive teaching of foreign languages. There are compared traditional and up-to-date methods of teaching. Detailed approach is given to the communicative-role approach to teaching foreign languages. Psychological and methodological points of on intensive teaching of foreign languages are analyzed. Special attention is paid to the interactive teaching methods. Multi media means of teaching are emphasized. There are given principles of composing training exercises in teaching various aspects of a foreign language.

Keywords: foreign languages, intensive method, interactive methods, role plays, communicative approach.

ОСОБЛИВОСТІ ВИКОРИСТАННЯ ІНТЕНСИВНИХ МЕТОДІВ НАВЧАННЯ ІНОЗЕМНИМ МОВАМ У ВИЩИХ НАВЧАЛЬНИХ ЗАКЛАДАХ УКРАЇНИ

Анотація. У статті розглядаються різні лінгвістичні та методичні особливості метода інтенсивного навчання іноземним мовам. Порівнюються традиційні та новітні методики викладання. Особливо досліджується комунікативно-рольовий підхід у навчанні іноземним мовам. Аналізуються психологічні та методичні питання навчання іноземним мовам. Особлива увага приділяється інтерактивним методам навчання. Виокремлюються мультимедійні засоби. Наведено принципи тренувальних вправ при вивченні аспектів іноземної мови.

Ключові слова: іноземні мови, інтенсивний метод, інтерактивні методи, рольові ігри, комунікативний підхід.

ОСОБЕННОСТИ ПРИМЕНЕНИЯ ИНТЕНСИВНЫХ МЕТОДОВ ОБУЧЕНИЯ ИНОСТРАННЫМ ЯЗЫКАМ В ВЫСШИХ УЧЕБНЫХ ЗАВЕДЕНИЯХ УКРАИНЫ

Аннотация. В статье рассматриваются лингвистические и методические особенности метода интенсивного обучения иностранным языкам. Сравняются традиционные и новейшие методы преподавания. Исследуется коммуникативно-ролевой подход в обучении иностранным языкам. Анализируются психологические и методические вопросы обучения иностранным языкам. Особое внимание уделяется интерактивным методам обучения. Выделяются мультимедийные средства. Приводятся принципы составления тренировочных упражнений при изучении аспектов иностранного языка.

Ключевые слова: иностранные языки, интенсивный метод, интерактивные методы, ролевые игры, коммуникативный подход.

Target setting. In order to communicate in a foreign language adequately and successfully, a modern specialist, besides actual knowledge of the language, needs general cultural and historic background learning, ability to actively apply necessary lexical and grammatical structures, i.e. to achieve such a level of mastering a foreign language which allows flexible reacting to spontaneous changes in the course of conversation, quickly determine an adequate direction of language behav-

ior, unerringly choose concrete language means [1, p. 15]. The pedagogical aim of teaching any discipline directly derives from the social aim and social content of learning. New demands of the society to education, namely to the level of knowledge and individual development, new life conditions, boost the needs in changing the methods of teaching.

Methods of teaching and learning a foreign language have passed a long period of development since the reforms of

the early XXs century to the present-day times. Actuality of foreign languages intensive teaching has already been proved, but this problem still remains topical. The notion of “intensive learning” for students in general means that a student pays many hours a day to studying during a short period of time. Nevertheless, this understanding of intensive teaching/learning contains much indefinite, e.g. which branches of a foreign language should be given attention to and which ones may be ignored; how much time it is better to spare to definite aspects; which way these aspects are to be toughed and studied, etc.

Analysis of the recent researches and publications. The most popular method of intensive foreign languages teaching by means of “immersion” was elaborated at the end of 1970s – beginning of 1980s on the basis of ideas and concepts of G. K. Lozanov and G. A. Kitaygorodskaya [2, 3]. This method foresaw activation of individual and collective introduction of theoretical material and practical language training in various communicational situations with the help of hidden psychological resources. Nevertheless, this method also raised unsolved and debated aspects because it did not plan individual home work, a system of individual training exercises for the formation of speech automatic mastering.

Partially, G. K. Lozanov’s and Kitaygorodskaya’s ideas were used in working out other methods of foreign languages teaching. Generally, such a method means that the traditional course program is shortened, and it preserves only the most important (from the author’s point of view) basic or most frequent topics. For instance, analyzing English

language programs, the author can consider the course intensive, if it includes grammar in a shortened variant. Another course may be considered intensive if its aim is training a student to communicate on some specific topic, e.g. business-presentation and the ensuing discussion. Great contribution into the development of intensive foreign languages teaching was made by I. A. Zimnaya, O. O. Leontiev, R. Yu. Martynova, I. P. Podlasyi, I. V. Rakhmanov [4–9].

Psychological and linguistic grounds for the formation of intensive communicative methodology were built up by A. A. Bodalev, V. M. Lyaudis, L. A. Petrovskaya, A. A. Verbitskiy, V. T. Kudriavtsev, A. M. Matiushkin, K. Koffka, N. Chomsky, L. Bloomfield, E. Thorn-dike [10–19].

The **subject** of research is intensive methodology of teaching foreign languages. The **object** of research is distance learning courses of English, German and French in several higher educational institutions of Odessa city, Ukraine, and British manuals of English (Cambridge, Oxford editions).

The purpose of the article is to analyze the peculiarities of the intensive methods of teaching foreign languages from the point of view of psychology, methods and linguistic aspects taught.

The statement of basic materials. Crucial changes in the approach to teaching foreign languages are connected with the appearance of social demands to practical, often narrow, mastering these languages. The prior task for specialists in various fields of knowledge, connected with this aim, turned out the formation of practical speech communicative skills but not deep studying of the language system.

The appearance of new methods of teaching, directed at a quick achievement of practical results, was determined by new psychological and linguistic theories (L. Bloomfield, N. Chomsky, K. Koffka, E. L. Thorndike) [16–19]. Never the less, together with the advance of new methods, the grammatical-translation method, which is often called the “traditional” one, has been still dominating in our higher educational institutions. Its traits can be found today in the programs of teaching foreign languages and in the text-books, which are being published, though it has evidently been proved that even prolonged studies with the help of this method does not form students’ communicative competences.

The task of teaching students to rapidly master skills in gaining adequate communicative competence rose before representatives of the audio lingual and audio visual intensive methods of teaching. Of course, psychologists, linguists and foreign language teachers understood the disadvantages of these methods. They are the following: for the audio lingual direction, over estimation of strictly mechanical training exercises is characteristic; lack of conversational exercises; under estimation of the mother tongue and individual peculiarities students; disadvantageous gap in teaching oral and written mastery of foreign languages. For the supporters of the audio visual method there is inherent exclusion of the mother tongue, semantization of conversational material only thanks to visual perception, separation of oral teaching from writing and reading teaching. Notwithstanding that fact, such principal issue of the two methods, namely, the priority of oral speech and

selection of basic patterns and conversational patterns, and also the principles of situation and global learninglexics and grammar rules by learning with the audio visual method, undoubtedly positively influenced further development of the methodology of teaching foreign languages.

Decisive in the intensive method is not heart, but realization of language needs of the students, effecting their own communicative intensions. Guided by this approach, a special importance gains the problems of teaching motivation. Motivation is the essence core which is nowadays selected by methodologists and linguists throughout the world as the necessary priority and condition of successful language mastering.

Some branches of modern psychological and pedagogical theories define the process of teaching and studying as mutually processed activities of the teacher and the student. The problem of dialogue in teaching and studying, or the problem of pedagogical communication, has become a social problem of modern pedagogical psychology (V. T. Kudryavtsev, A. A. Bodalev, L. A. Petrovskaya, V. M. Lyaudis, A. A. Verbitskiy, et al.) [10–14]. There is growing an interest to group and collective forms of cognitive activity. There has determined itself the tendency of transition from informational to the so-called active forms and methods of teaching with the inclusion of elements of raising problems, research. This is done opposite to rigid means of control of the training-upbringing process, to the benefit of developing, activating, intensive, game means (A. A. Verbitskiy, A. N. Leontiev, V. T. Kudryavtsev, A. M. Matyushkin, et al.) [13; 5; 14; 15].

Having an aim of intensive studying a foreign language, students should master specific groups of communicative strategies. These strategies are subdivided into subgroups and answer definite rules. The first rule is based on maintain general requirements on the organizational-communicative level, and foresees knowledge of the structure of process of communication and definite topics. The second rule foresees knowledge of the strategies, which allow to use various language means (among them communicative formulas) and answer the necessary communicative aims. Each of the communicative strategies has the corresponding linguistic formulation, which the teacher of foreign languages is to practically insure at the lessons.

The quality of training is determined by the state and effectiveness of the teaching process, its correspondence to the demands and expectations of the society. It inevitably includes a social component, which presumes intellectual development of students and their motivation to permanent individual perfection. A very important role in raising education all evelin higher education al institutions is played by computer technologies' application [6, p. 8]. Intensive us age of the interactive methods of training has already demonstrated its positive impact on directing aimsand contents of higher education in the sphere of foreign languages teaching. The us age of multimedia technologies enables the teacher avoid traditional routine methodical activities, all owtocreatively renderthe training material and train skills. Methodologically correct application of informational-communicative technologies makes it

possible to change the whole teaching process, shift the emphasis from simple learning by heart to cognition and understanding in the process of realization of individual knowledge and skills [6, p. 9].

Itispossible to create a virtual multimedia teaching/learning environment for intensive foreign languages communication with the help of the following means:

- virtual media-library of multimedia training courses;
- virtual phono-library of authentic audio materials in a foreign language;
- virtual video library in a foreign language;
- virtual reference system, which may include multilingual dictionaries, lexical and grammatical guides, multimedia encyclopedia;
- virtual library of electronic textbooks, teaching materials, etc.;
- network of satellite and local TV.

An important role in the intensification of teaching English is played by presentation. The concept of "presentation" has become an object of scientific research in the field of education recently. In the social sciences this concept has long been known and used in providing information, which do not only presents new knowledge, but also aims to inspire confidence to the material presented, to put the information in people's own belief and affect the subsequent behavior of the individual. It is known that the presentation is intended to induce certain information [20, p. 20–21].

Information must necessarily carry a definite meaning. As it is known, the sense is issued in the human mind in the form of words, images and feelings. A human being is able to create a

new sense using semantics, that is why R. Yu. Martynova proposes to name notional information as semantic. As the scientist points out, during the transfer of semantic information, there must exist the so-called "reconciliation" between the source of information and the receiver of notional signals in the form of words, phrases, grammar and idioms which are commonly understood, sufficiently for all the communicating parties in quality and volume [6, p. 12–13]. This means that delivery and reception of information is possible only under conditions of linguistic accessibility. Information in different circumstances (professional, household, various forms of communication) is available in various ways. According to the research of scientists, at the grounds of the process of learning is repetition of a certain amount of new information. That repetition, with proper organization, leads to deeper informational perception. The more the work of repetition more active and conscientious, the stronger is the digested material. Thus, numerous repetition of the learning material converts surface knowledge into the firm one. But the acquisition of strong knowledge is not enough to form practical knowledge and skills. "Real knowledge digestion also means acquisition and capability to operate the learned material in accordance with various tasks, which may arise in the course of usage of the gained knowledge with theoretical and practical purposes" [20, p. 507].

Mastering of a foreign language in the form of the presentational material is based on the system-communicative method and takes place in three stages. In the first phase separate lexical or grammatical material is repeated in

different modes in the oral and written form until the students get the relevant knowledge. Experts suggest the average required number of repetitions. An indicator of mastering individual units of the language is the student's ability to reproduce the material in the form in which it was presented, in a mother tongue with its perception in a foreign language (receptive knowledge) and in a foreign language with its perception in a mother tongue (reproductive knowledge). If the next phase of activating material does not start in a few hours it will start to be forgotten [6, p. 40]. In two days the original material remains only a quarter [20, p. 283].

In the second, stage the same material is presented in the form of word combinations, phrases and sentences for its frequent repetition in different modes in different language environment and in various forms. An indication of formation of skills is the ability of each student to utter lexemes or grammatical structures in combination with those studied previously on the level of phrases and sentences at an ordinary speech tempo, and without mistakes in a foreign and native language (receptive and reproductive skills). However, a fast and correct reproduction of phrases and sentences within the material studied in a foreign language only provides a sound basis for the development of speech [7, p. 53]. The third phase is the one of developing the ability to use a foreign language material studied, comprehensively in all kinds of speech activities. Thus, at this stage, a foreign language material is used in the not texts studied before, but in a free way of speech [20, p. 507].

Most of the leading English-language schools in the world, including Oxford,

Cambridge and London Schools, use the communicative approach. This approach aims at integrated development of all types of speech activities (reading, writing, listening, speaking) to achieve communication objectives, in other words, mastering the means of communication aimed at the practical application of the process of communication. From my own experience I can say that methods of such schools, even though they operate worldwide and provide general common textbooks also there are some disadvantages. They often replace communicative means by providing information, i.e. factual material. For example: Which of scientific achievements would you take to the ancient times?; Tell about a famous actor/singer/artist/writer/athlete; Which famous places of interest in Great Britain would you advise to visit? (a story for 3–5 minutes); Which are the requirements for future employees of your company?; specify the motto of the future the company (in several minutes). This focus, first, is on the memory, and, secondly, on the ability to rhetorically well apply the material learned, but it is not the communication. This is a memorized monologue, often drawn up by the teacher, but which does not apply to the opinions or beliefs of the student, and is the result of rehearsing specific topics. Very often, these topics even cause my own irritation, such as: What will you do on the last day of the world?, etc.

The main methods of intensive foreign language teaching is the role/business games, situational tasks as a means of communication (phonetic, lexical, grammatical). Particular attention of methodologists is paid to the role-play-

ing games. “The role play is an imaginative depiction of real practical activity by its participants, creating conditions for real communication” [7, p. 52]. The role/business game motivates alertness, teaches to articulate the purpose and the final result, which is useful for professional activity at a whole. In it, the principle of interactivity is very important, as in the situation of group interaction a common linguistic fund within the scope of this communication is created. That helps increase not only motivation but also the success of the mastery of information and consolidation of language skills

The use of the mother tongue during the teaching of the foreign language has long been limited, which is considered useful. But many teachers say that to learn a foreign language or teach it to others without using the mother tongue is not possible, because not all lexical units can be represented on pictures. When explaining the meaning of words in a foreign language there may turn out new unfamiliar words, and in teaching a foreign language at a non-linguistic higher school, the students are required accurate knowledge of the terms both in a foreign and native language (the majority of which the freshmen do not know yet). Also useful is the use of the native language while learning grammar, as only studying pattern sentences, e. g. in various foreign grammar tenses, does not guarantee understanding of grammatical tenses of a foreign language compared to the native one (grammatical tenses of the Ukrainian and Russian languages are very different from the tenses of the Germanic and Romance languages), to say nothing of the modal verbs, non-finite forms

of the verb, complexes with them, adjectives, articles, etc.

Speaking about intensive communicative orientation training, we should not forget simple grammar and vocabulary training exercises, translation of certain phrases or sentences, because such tasks help automate using specific patterns, constructions. We should also train some sentences, colloquial situations, extracts of information (learning sample dialogues and monologue speech), and so on. As has long been known, it is very handy to work out and repeat the material already studied, after its learning, with the help of various exercises and mini tests.

Conclusions. Rapid development of science and technology, information redundancy and various overload, acceleration of the rhythm of life in the society, an acute shortage of time – such is the specificity of latest decades. Thus, the need for learning foreign languages, especially English is incredibly growing. Now it is practically unthinkable to master a foreign language without intensive methods. Intensive training is considered by many experts as the optimal means of embodying trends of scientific and technological progress. Reflecting the basic social requirements, it offers a realistic and consistent way to master foreign language communication. Training results are communicative competence of students, their ability to actively and creatively participate in communication in a foreign language [6].

The method of distance learning has already gained special importance and expansion in the world. This method can be also considered as an intensive one. This innovative trend is caused

by high levels of modern information technologies. At the same time, speaking about intensive communicative orientation of training, we should not forget simple grammar and vocabulary training exercises, translation of certain phrases or sentences, because such tasks help automate using specific language patterns.

Scientific substantiation of innovative teaching goes far beyond the limits of methodology, widely employing psychology research, in particular its various branches. A special place belongs to solving social and psychological problems, such as: mastering foreign language communication skills, research of group processes impact on the success of training, personality development in the educational collective interaction. All these problems and the role of the teacher as a person, understanding the need for knowledge of foreign languages by the students themselves, require further study and implementation of new teaching methods from both educationists and teachers of the practitioners, and psychologists.

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CIVIL SOCIETY INSTITUTIONS IN THE INTERNAL MECHANISM OF STATE REGULATION OF FORCED MIGRATION

Abstract. The democratic transformation in Ukraine directly or indirectly linked to the involvement of civil society in the system of state regulation mechanisms in various spheres of society. One of the topical issues of state regulation that requires the involvement of civil society is forced internal migration. In particular, the task becomes particularly important study forms of cooperation of civil society with government agencies in the field of internal forced migration.

Keywords: forced internal migration, the migration process, the subject of state regulation powers, cooperation, civil society.

ІНСТИТУТИ ГРОМАДЯНСЬКОГО СУСПІЛЬСТВА В СИСТЕМІ МЕХАНІЗМІВ ДЕРЖАВНОГО РЕГУЛЮВАННЯ ВНУТРІШНЬОЇ ВИМУШЕНОЇ МІГРАЦІЇ

Анотація. Демократична трансформація в Україні прямо чи опосередковано пов'язана з залученням інститутів громадянського суспільства до

системи механізмів державного регулювання в різних сферах життєдіяльності суспільства. Однією з актуальних проблем державного регулювання, яка потребує залучення інститутів громадянського суспільства, є вимушена внутрішня міграція. Зокрема, особливої ваги набуває завдання дослідження форм взаємодії інститутів громадянського суспільства з державними органами у сфері внутрішньої вимушеної міграції.

Ключові слова: внутрішня вимушена міграція, міграційний процес, суб'єкт державного регулювання, повноваження, взаємодія, інститут громадянського суспільства.

ИНСТИТУТЫ ГРАЖДАНСКОГО ОБЩЕСТВА В СИСТЕМЕ МЕХАНИЗМОВ ГОСУДАРСТВЕННОГО РЕГУЛИРОВАНИЯ ВНУТРЕННЕЙ ВЫНУЖДЕННОЙ МИГРАЦИИ

Аннотация. Демократическая трансформация в Украине прямо или косвенно связана с привлечением институтов гражданского общества к системе механизмов государственного регулирования в различных сферах жизнедеятельности общества. Одной из актуальных проблем государственного регулирования, которая требует привлечения институтов гражданского общества, это вынужденная внутренняя миграция. В частности, особое значение приобретает задача исследования форм взаимодействия институтов гражданского общества с государственными органами в сфере внутренней вынужденной миграции.

Ключевые слова: внутренняя вынужденная миграция, миграционный процесс, субъект государственного регулирования, полномочия, взаимодействие, институт гражданского общества.

Target setting. One of the important results of the twentieth century in the Western countries — a heritage — that was received by considerable human effort and manpower, is a relative, but confident advantage of the democratic model of social and political institutions as well as the relationship between executives and those who are governed. This advantage, which identifies priorities in the long term, is primarily in the flexibility and elasticity of social interactions, which ensured through effective feedback. But this two-way interaction of public

authorities and local governments with civil society institutions, unfortunately, is not yet a reality in the regulation of the problems of forced migration. The main reason for this state of affairs is the lack of appropriate mechanisms for state regulation in this area. Under these conditions, it seems necessary to provide theoretical justification for the participation of civil society in the development of the necessary mechanisms of state regulation of the forced internal migration.

Analysis of recent studies and publications. A basis for informed decision

on participation of civil society institutions in the functioning mechanisms of state control in the internal of forced migration builds on scientific findings on the principles of public involvement in governance, proposed in the works of I. S. Abram'yuk, E. A. Hetman, A. F. Caras, V. O. Kornienko, N. A. Latyhinoy and others. Meaning-creating importance of the conclusions of the UN is ensuring the basic human rights. However, there will not be a mistake to conclude, that the overall use of a new approach to the involvement of civil society institutions in government regulation regarding forced migration is still ignored by theoretical studies.

The purpose of the article is to make an attempt to highlight theoretical foundations of civil society participation in the system of internal mechanisms of government regulation of forced migration.

The statement of basic materials. First of all, we note, that the universal model of democracy, which ought to be implemented in the political and legal relations of modern states, still does not exist. And yet, according to Latyhina N. A., Doctor of Political Sciences, who investigated the nature and trends of modern democracy, the main contradiction of democracy is the relationship between the idea of democracy, as the sovereignty of the people, and the possibility of its practical implementation [7, p. 26]. In terms of state governance, it is a manifestation of differences in the mechanisms, implemented by the government for building a democratic system. Thus, in accordance with Article 1 of the Basic Law, Ukraine is a democratic state [5]. This rule is the principle while at the same time is pe-

netrating the purpose of state regulation of social relations. Since the transition from repressive type of government to democratic should be aimed at the consistent transformation of the society that will properly integrate and establish the values of human rights and the rule of law. [3] This change cannot be instantaneous, it's a long process aimed at the formation of Ukraine as a democratic state. The key to of the successful process of democratization is its support by reforms which optimize the participation of civil society in management of public affairs, which in turn is implemented through the mechanisms of government regulation in all areas of public relations, including forced migration.

As stated in the National Strategy for Civil Society Development in Ukraine for 2016–2020, its adoption "... due to the need for the state to create favorable conditions for the development of civil society, various forms of participatory democracy, establishing effective public interaction with public authorities and local governments" [10]. That is, the democratic transformation in Ukraine directly or indirectly linked to the involvement of civil society in the regulation.

The state regulation of forced internal migration requires implementation of urgent social changes, which are actually expressed in the introduction of a new type of management of public affairs in this area.

It is essential to draw attention to the fact that the status and functioning of civil society in general is a subject to research by various social sciences, depending on which, their attitude to it will vary.

Thus, Karas A. F. in his work "Philosophy of civil society in the classical theories and non-classical interpretations" emphasizes, that the development of civil society is going on simultaneously in the social sphere as the transformation from man-subject to man-citizen who has the constitutional freedoms and rights, and in the public and legal field by the rule of law, guaranteed constitutional freedoms and the separation of powers [4, p. 483].

Solyar S. has attempted to group approaches to the definition of civil society as follows:

1) broad approach, proponents of which under civil society understand certain stage of development of any society that has reached a certain level of self-organization, degree of development of democracy, realization of the rights and freedoms of man and citizen, performance of citizens their political duties (supporters of this specified approach are R. Aron, V. Havel, E. Helner, D. Cola, K. Popper and others.);

2) approach, within which under the civil society is understood the set of all the parastatal social relations that are realized in the activities of civil society and political parties, public organizations, initiatives, social movements, non-governmental media which carry a decisive influence on the activities of public government and oppose it in case of increasing authoritarian tendencies (supporters of this approach are R. Dal, H. H. Dilihensky, D. T. Zhovtun, A. A. Zinoviev and others.);

3) approach, according to which the aspects of life are the following: public (sphere of realization of general public interest in the functioning of public authorities), economic (which is the

implementation of purely economic interests and development of which is possible both in terms of the presence of civil society, as well as in its absence or weakness), family area, public – the scope of free communication of society members to implement a specific common interest and freedom (supporters of this approach are A. A. Arato, A. F. Kolody and others.);

4) approach, in which civil society is not only the scope of relations that exists within the national state, but also a global civil society (supporters of this approach are T. V. Belska, Y. M. Reznick, I. V. Tsyro and others.) [11, p. 275].

We agree with the interpretation by V. O. Kornienko regarding the nature of civil society as complex social relations, the system of public interests (economic, social, political, religious, spiritual, family, cultural and others), which express diverse values and needs of members of society [6, p. 213]. This approach to the analysis of civil society makes it possible to conclude, that it should reflect the civil relations, relating to all areas of human life, including internal forced migration. The institutions of civil society have to pay attention of the state authorities to problems and gaps that are found in the functioning mechanisms of state regulation of forced internal migration.

In this context, we pay attention to the conclusions made by Hetman E. A. and Mernik A. M. concerning modern theoretical and legal concepts of civil society. Thus, scientists noted that the law-based state does not oppose civil society, and creates the most favorable conditions for its normal functioning and development [2, p. 9]. There are a

number of scientific questions towards this definition, in particular, Is it possible to get the normal functioning of the mechanisms of state regulation without creating favorable conditions for public participation in state governance?

Involving the institutions of civil society to the state regulation of internal forced migration meets the general trends of the development of state governance.

Thus, according to the National Strategy for Civil Society Development in Ukraine for 2016–2020, systemic government support of civil society should be carried out in the following areas:

- creating favorable conditions for the building and the institutional development of civil society organizations (improvement of the legal status, order of creation, organizing the activities and termination of self-organizing communities of society, expanding their powers to participate in solving local problems; legislative level issues requiring mandate planning in State Budget of Ukraine and local budget expenditures to make the provision on the competitive basis the financial support for the implementation of the programs (project implementation, activities) developed by civil society organizations, etc.);

- ensuring effective procedures for public participation in the formulation and implementation of state, regional policy, resolving issues of local importance (fixing legislation in order: carrying out by the authorities of executive bodies, local government consultations with the public on the draft of legal acts during their development with

the establishment of an exhaustive list of cases, where such consultations are not held, and a mechanism to prevent violations of mandatory for such consultations; the definition of the procedure for public examination of activity of provisions of administrative services and activities of budget institutions that provide social services; guarantees the right of peaceful assembly with fixing an exhaustive list of grounds for restriction of assembly, etc.);

- stimulate the participation of civil society organizations in social and economic development of Ukraine (establishing, on a competitive basis, rules of identifying performers of national, regional and local targeted programs among civil society organizations and ensuring equal opportunities for participation in such competitions; providing civil society organizations, which provide social services through budgetary funds, the right to use state and municipal property on favorable terms; etc.);

- enabling environment for intersectoral cooperation (including to the curricula of secondary, vocational and higher education institutions courses and topics under civil society development; the introduction of training in higher and postgraduate education of specialists in management of NGOs, etc.) [10].

As for the involvement of civil society institutions to the state regulation of the internal forced migration, it seems necessary to implement and improve:

- mechanism for participation of public (expert) councils in the work of executive power bodies, competence of which applies to solving problems of internally displaced persons;

- procedures for a public expertise of activities of public authorities, anti-corruption public expertise of executive power bodies, competence of which applies to the problems of internally displaced persons;

- electronic participation of citizens in government regulation, including citizens with disabilities using assistive technologies;

- establishing cooperation between bodies whose competence extends on solving the problems of internally displaced persons with the media and so on.

About who is responsible for the cooperation with civil society institutions to optimize the state regulation of internal forced migration, which at the present time depends on solving the problem with the presence of an extensive system of state bodies whose competence includes solving various problems of internally forced displaced persons.

In a general sense, the term subject refers to a person, a group of persons or organization, who own an active role in the process or act; a person or organization as the bearer of certain rights and obligations [1, p. 1211].

Under the broad approach, the subjects of government regulation should be bodies of legislative, executive and judicial powers, as these bodies should ensure setting up the situation with the internal forced migration.

In a narrow sense, the subjects of state regulation act as executive power bodies (Cabinet of Ministers of Ukraine, ministries and other central bodies, local authorities), local governments (on the delegation of state authority), the administration of state

enterprises, institutions and organizations and their officials whose competence include: planning, procurement, implementation, monitoring the rights of internally displaced persons.

These bodies should exercise their powers in the area of state regulation of the internal forced migration, taking into account the provisions to ensure the participation of civil society institutions in the functioning mechanisms of state regulation, for example:

- 1) through consultation with the public on the formulation and implementation of public policy. The executive body, which is the main author of a legal act or prepares proposals for the implementation of the state policy in the field of forced internal migration, should:

- organize consultations with the public;

- disclose the information related to the organization and conduct consultations with the public in a specially created section "Public consultation" on the official website of the executive power;

- draw up an indicative plan for public consultations;

- submit to public council the drafts of relevant laws and regulations, as well as informational and analytical materials, and so on.

These are the steps that ensure public participation in public affairs;

- 2) formation of public councils at the central and local executive bodies and ensure their functioning. Thus, for the formation of the public council authority, the organ should, not later than 60 calendar days prior to the date, hold the constituent assembly to form an initiative group and provide their

training with the participation of the civil society institutions; no later than 45 calendar days before the constituent assembly mandatory disclose on the official website or other appropriate way prepared by a group and agreed with the notification of the date, time, place, process of conducting the constituent assembly, the procedure for submitting applications for participation in the constituent assembly, information about the initiative group and last name, first name, email address and phone number of the responsible person, etc. [8];

3) support of civil society institutions in the conduct of public expertise concerning state regulation of the forced internal migration, and if requested, by their written request corresponding to the set form. Promoting for the executive body is expressed in the habeas corpus (orders) in providing expertise and taking actions, related to the preparation of materials with the last name, first name, middle name and position of the person(s) responsible for linking with the civil society institution, public council, the contents of which informs the civil society institutions, public council that initiates public expertise within three days of its publication; other actions envisaged by the Cabinet of Ministers of Ukraine “On approval of the promotion of civic expertise of the executive power” [9].

It seems appropriate, to make a detailed theoretical study of the bodies of executive authority on cooperation with the civil society institutions and outline procedures of such cooperation in the relevant laws. In this context, one should refer to the effective practice in Poland in the area of building

partnership between the state and civil society. Accordingly, the public authorities of Poland have implemented the following activities to ensure the participation of civil society in government regulation:

- establishing The Civic Initiatives Fund – the government program that aims to support community initiatives;
- concluding an instrument by state authorities on supporting the activities of the institutions of civil society;
- adoption of laws “On public benefit and volunteerism”, “On lobbyist activity”, and “On Funds”;
- budgetary support for non-governmental organizations;
- establishing the Department of State patronage of the Ministry of Culture and National Heritage under the tradition of virtue;
- ensuring the participation of human rights non-governmental organizations in monitoring the activities of public authorities;
- establishing the Polish Council for socially useful activities according to the law “On public benefit and volunteer work”, is authorized to monitor its implementation;
- allocated parliamentary committee that drafts legislation for the activity for civil society organizations.

In general, as noted by V. Sukhenko, the state and civil society in Poland are linked closely, but not subordinated: civil society is a product of power, it forms spontaneously, in turn, the state regulates the activity of civil society institutions, supporting their development [12, p. 88].

Conclusions and recommendations for further research. Democratic transformation of Ukraine directly or

indirectly linked to the involvement of the civil society in the government regulation. One of the priority areas of the state regulation that requires the involvement of civil society is the forced internal migration. The proposed establishment of a permanent advisory body under the Cabinet of Ministers of Ukraine, which will ensure public participation in government regulation in all areas, including the forced migration.

It seems reasonable to make further studies in the participation of civil society in the functioning mechanisms of state regulation of the forced internal migration, in particular through separation of form and functions of such participation.

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STATE OF THE INSTITUTIONAL ENVIRONMENT OF THE PUBLIC-PRIVATE PARTNERSHIP IN UKRAINE IN THE LIGHT OF PARAMETERS OF THE EFFICIENCY OF PUBLIC ADMINISTRATION

Abstract. In the article is explained the state of institutional environment of public-private partnership in Ukraine in light of government efficiency using performance indices of Governance Research Indicator Country Snapshot (GRICS). The main factors that drastically reduce the quality of today's institutional environment are political instability and high level of corruption.

It today's situation, the state priority measures should stabilize the political situation, strengthen the position and role of the public sector, position the state as a reliable business partner in the world economic system and as a responsible member of public-private partnership inside the country.

Keywords: socio-economic development, public-private partnership, infrastructure projects, institutional environment of public-private partnership, own-

ership structure, public economy, GRICS indices, political and corruption risks in public-private partnership, anti-raider laws.

СТАН ІНСТИТУЦІОНАЛЬНОГО СЕРЕДОВИЩА ПУБЛІЧНО-ПРИВАТНОГО ПАРТНЕРСТВА В УКРАЇНІ У СВІТЛІ ПАРАМЕТРІВ ЕФЕКТИВНОСТІ ДЕРЖАВНОГО УПРАВЛІННЯ

Анотація. У статті розкрито стан інституціонального середовища публічно-приватного партнерства в Україні у світлі параметрів ефективності державного управління з використанням характеристик індексів Governance Research Indicator Country Snapshot (GRICS). До основних чинників, які різко знижують якість нинішнього інституціонального середовища віднесені політична нестабільність та високий рівень корупції. В сучасних умовах пріоритетними заходами держави мають бути стабілізація політичної ситуації, зміцнення позицій та ролі державного сектору економіки, позиціонування держави як надійного бізнес-партнера в системі світових господарських зв'язків та відповідального учасника публічно-приватного партнерства всередині країни.

Ключові слова: соціально-економічний розвиток, публічно-приватне партнерство, інфраструктурні проекти, інституціональне середовище публічно-приватного партнерства, структура власності, державний сектор економіки, індекси GRICS, політичні та корупційні ризики публічно-приватного партнерства, антирейдерські закони.

СОСТОЯНИЕ ИНСТИТУЦИОНАЛЬНОЙ СРЕДЫ ПУБЛИЧНО-ЧАСТНОГО ПАРТНЕРСТВА В УКРАИНЕ В СВЕТЕ ПАРАМЕТРОВ ЭФФЕКТИВНОСТИ ГОСУДАРСТВЕННОГО УПРАВЛЕНИЯ

Аннотация. В статье раскрыто состояние институциональной среды государственно-частного партнерства в Украине в свете параметров эффективности государственного управления с использованием характеристик индексов Governance Research Indicator Country Snapshot (GRICS). К основным факторам, которые резко снижают качество сегодняшней институциональной среды отнесены политическая нестабильность и высокий уровень коррупции. В современных условиях приоритетными мерами государства должны быть стабилизация политической ситуации, укрепление позиций и роли государственного сектора экономики, позиционирование государства как надежного бизнес-партнера в системе мировых хозяйственных связей и ответственного участника публично-частного партнерства внутри страны.

Ключевые слова: социально-экономическое развитие, государственно-частное партнерство, инфраструктурные проекты, институциональная среда публично-частного партнерства, структура собственности, государственный сектор экономики, индексы GRICS, политические и коррупционные риски государственно-частного партнерства, антирейдерские законы.

Target setting. In today's Ukrainian society, due to the depreciation of infrastructure, exacerbated the problem of poor quality of utility, transportation, education, health care and so on. In particular, the main reasons for this state are the following: quasi-market economic processes; inefficient management of public services; deficit in public investment for infrastructure investments; low mechanism of public-private partnership¹ (hereinafter – PPP).

The latter reason (mechanism of PPP) is the subject of this article.

Still unsolved issues. Despite the wide range of literature on PPP, this issue will remain relevant because of changing of the political and economic circumstances in implementing PPP. In particular, there is a need to reflect the fact that Ukraine is ranked the 135th among 159 countries and territories on the world in economic freedom [17]. These economic development indicators correlate with economic freedom, economic development of the state, growing welfare of its people and indicators with prognostic capabilities (conditions) in implementing PPP. In addition, important parameters are the ones that represent the connection between PPP and efficiency/inefficiency of public governance and enable, by

understanding this connection, to outline the main ways of improving the institutional environment of PPP.

Analysis of the recent research and publications. Wide application of PPP as a mechanism for implementation of the Program of Investment and Innovation Activity in Ukraine as well as National Projects was envisaged by the Program of Economic Reforms for 2010–2014. “Prosperous Society, Competitive Economy, and Effective State” [15]. The undoubted achievement was the fact of adoption the Law of Ukraine “On Public-Private Partnership” (2010) [12]. On the development of the provisions of this law was adopted the Concept of public-private partnership in Ukraine for 2013–2018 [14]. The adoption of these documents has intensified the study of various aspects of PPP, scientific definition of PPP and distinct separation of the various aspects of this phenomenon allowing the development of the state and influence on the globalized environment. There is no need for us to repeat steps on the contents of the study in meaning that characterizes the partnership of the state and business, as it has been done already by other researchers, in particular by I. Braylovsky [1], V. Varnavsky [2], P. Shylepnytsky [16] and others. The research results concerning PPP already allow writing books and practical guides. [7] We made use of, first of all, the legal framework and those sources, where PPP is considered as a factor of social and economic development of the state, and also databases of the World Bank which give grounds for defining features of institutional environment for certain parameters in various countries, including Ukraine.

¹ In foreign literature public-private partnership is expressed by a term PPP, meaning that the parties of such cooperation, on one hand, are the public entities – executive bodies, local government and NGOs, and on the other hand – the private entities (business structures) that are ready to provide their goods, services, financial and other resources in order to obtain beneficial results. In this article, we follow the same approach, using the term public-private partnership (PPP).

The main purpose of the article is to clarify the actual state (quality) of institutional environment of PPP, linking this condition with the indices of Governance Research Indicator Country Snapshot (GRICS), which assess the effectiveness of governance in 209 countries. These options provide a general understanding of public governance as a set of traditions and institutions by which authority is governing the country [6].

The statement of basic materials.

Today, the basic condition for the successful economic and social development in economic processes is regarded by the development and installation of the mechanism of PPP. The implementation of such public management tasks will be updated to keep pace, given the economic crisis in conflict situation in separate regions of Donetsk and Lugansk Oblasts (hereinafter – SRDLO). By combining the assets of the state with investment and management capacity of private companies an opportunity to provide a solution of socially important problems of society.

The law on PPP aims to increase the competitiveness of public (state and municipal) sector of the national economy, attracting investment into the economy to build extensive infrastructure [11]. The law provides a legal basis for cooperation between the state, local governments and businesses in the implementation of important projects of socio-economic development, ensures an adequate level of social activity, improving the quality of life of citizens. However, since the adoption of the legislation, situation regarding the use of PPP mechanism has not been changed for the better. Over the past six years,

the problems of public governance in such areas as property rights of investors, settlement of economic disputes, licensing and authorizations, land use planning, attracting domestic and foreign investments in infrastructure development of the national economy and public services on the basis of PPP only exacerbated.

These problems relate not only to the index of economic freedom, but also to the overall situation of low efficiency of public governance, measured by the international practice parameters index GRICS.

The resulting measure of the quality of institutional environment is the efficiency of public governance. Its variable component is the indicator of government effectiveness index GRICS.

The countries with high indicators of effectiveness considered to be the countries with high quality institutional environment. The index options of GRICS include the following indicators:

Index 1 “Voice and Accountability” reflects the perception of the political environment, in which citizens of the country are able to participate in selecting their government, as well as freedom of expression, freedom of association and free media.

Index 2 “Political Stability and Absence of Violence / Terrorism” forms the idea (perception) of the likelihood of political instability and violence, including terrorism.

Index 3 “Government Effectiveness” reflects the perception of quality of the public administrative services, level of independence of public service from political pressure, quality of policy formulation and implementation, and the

credibility of the government to such policy actions.

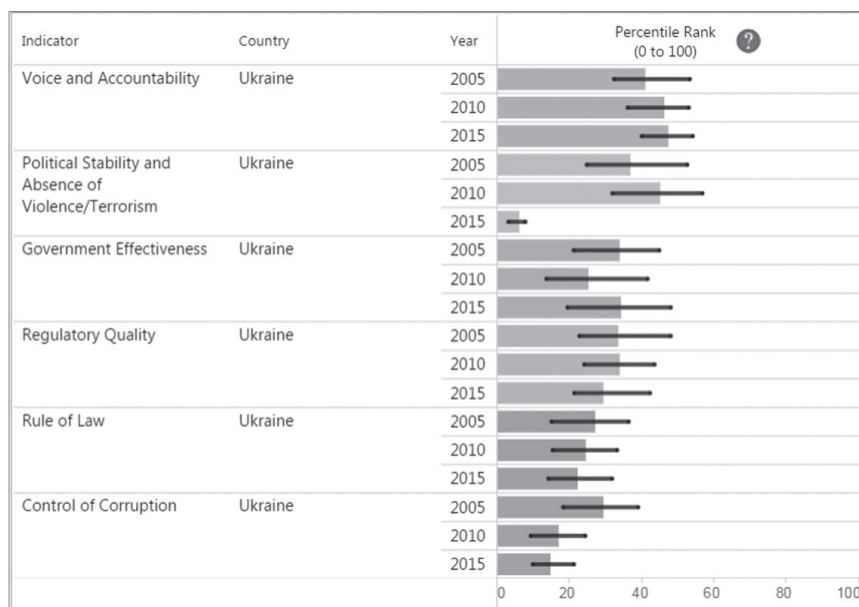
Index 4 “Regulatory Quality” is the index value to evaluate the measures that contradict market conditions of economic activity, such as control of prices, inadequate control of banks, excessive regulation of international trade and business development.

Index 5 “Rule of Law” reflects the level of protection of property rights, the possibility of using the court as an instrument of civilized influence on decision making. It is a characteristic of public level of confidence in the laws of society and commitment to the implementation of these laws includes the public perception of crime, the effectiveness and predictability of the legal system, commitment to the contract system.

Index 6 “Control of Corruption”, which determines the possibility of using informal mechanisms to influence the quality of administrative and public services, including through bribes, gifts and so on. The variable component may be the value of the Corruption Perceptions Index (CPI), or the values of the control of corruption index GRICS.

Turning to the database of the World Bank, which describes the situation in Ukraine at the reference dates 2005, 2010 and 2015, we obtained results that reflect the dynamic changes in the PPP. Unfortunately, they demonstrate a serious stagnation in the case of forming institutional environment of PPP (see Table). The table shows, that the last 10 years were a period of lost opportunities for Ukraine in achieving

The GRICS Indices on Ukraine for the period from 2005 to 2015



Source: compiled by the author based on World Bank’s Worldwide Governance Indicators [4]. Date of the request – 19/02/2017.

higher performance of public government in improving the quality of the institutional environment of PPP.

There is no need to give a detailed description of each of these indices, as illustrations clearly outline the current problems existing in Ukraine. For us, it is important to separate the main factors that currently define the general state of institutional environment of PPP and its quality. As we can see, most of its indices in Ukraine have not changed significantly over the period from 2005 to 2015. In the first index “Voice and Accountability”, for example, is observed even a slight increase from 41,5 to 47,78 points. Although, it is still too far from 100 %.

Severe decline in the quality of the institutional environment observed in the indices 2 and 6 (“Political Stability and Control of Corruption”), which should be considered today as the main factors affecting its status. In terms of political stability Ukraine demonstrates a serious decline in the period from 2005 to 2015 from 37,2 to 6,19 points; in terms of control of corruption from 29,76 to 14,90 points. Preferably, this situation is related to the antiterrorist operation in SRDLO. Suffice it to say that the portfolio of concession projects of fuel and energy complex consists of 82 objects, 71 of which are in conflict zone [5, p. 99]. This situation is the basis in order to determine the main factors that reduce the quality of today’s institutional environment of PPP: political (Index 2) and corruption (Index 6) risks. Research on them will help more accurately predict the threat to the national economy as a whole and create a more favorable institutional environment for PPP.

Policy of activation PPP based on attracting foreign and domestic private investment today must be closely connected with the normalization of the political situation in relations with SRDLO, strengthening Ukraine’s position in the international arena as a sovereign state. Ukraine needs to position itself to foreign politicians and businessmen as a promising and reliable business partner in the world economic system. Ukraine must demonstrate that the political factor does not hold any potential threat to development of the national economy.

In our view, the analysis of the main factors reducing the quality of the institutional environment of PPP should be closely linked with the increased role of the public sector in social and economic development. Reducing the size of the public sector during 2000–2016 had a negative impact on the preservation of economic stability. This policy also continues against the backdrop of the events surrounding SRDLO with high political risks that significantly affect the economic activity and PPP. In particular, for the privatization in 2016–2017 are planned 296 state enterprises, among which, are large energy companies [8].

At the same time, international practice shows, that when experiencing political instability, it is more appropriate to strengthen the role of government in the economy as a regulator and an active participant in PPP, free from corruption.

Lacking of opacity in functioning of administrative system, corruption in public authorities, dependence of the judicial system on the political and administrative system critically af-

fect key characteristics of the national investment climate [3, p. 5]. Today, therefore, there is actualization of the problem of finding the optimal ownership structure and scientific evidence of regulatory impact of the state on the functioning and development of the public sector of economy by means of modern risk management.

Improving the situation in the public sector of economy will boost private sector participation in infrastructure projects. To reduce the risk as a prerequisite for the widespread introduction mechanism of PPP, the government, as a business partner, must form strong institutions. Their weakness highlighted in the information from the Ministry of Justice, that in 2015 in Ukraine were about 3 thousand “raider” takeovers that took place in different cities of Ukraine. Narrowing risk zone requires practical action to combat crime in public sector and improvement of national legislation in the sphere of financial monitoring in different directions.

Some laws have been adopted by the Verkhovna Rada of Ukraine [9–10]. Others, aimed at combating terrorism and related phenomena, are still in draft status [13]. In the Plan of Priority Actions of the Government in 2016, approved by the Cabinet of Ministers of Ukraine from 27 May 2016 № 418-p., recorded the need to create more favorable conditions for business development. This, in turn, provides a series of reforms that will make it possible to ensure sustainable economic growth.

Conclusions. The analysis of the institutional environment of PPP, using the indices of GRICS in dynamics for the period from 2005 to 2015, indicates

the following: firstly, the past 10 years in Ukraine were a period of lost opportunities to achieve higher performance of public governance in terms of improving the quality of the institutional environment of PPP; and secondly, as of the biennium 2015–2016, there has been a sharp decrease in its quality due to the impact of political risk indices 2 and 6 (“Political stability and Control of Corruption”).

To activate PPP at all levels of public power, the state must implement measures to fully affect the development of not only a purely economic, but also political processes. In view of the above, the priority activities to improve the quality of the institutional environment of PPP should be considered the following measures: stabilization the political situation around SRDLO; strengthening Ukraine’s position in the international arena as a sovereign state; strengthening the position and role of the public sector of economy, positioning the state as a reliable business partner in the world economic relations and as a responsible member of PPP in the country.

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INSTITUTIONALIZATION OF INNOVATIVE POLITICAL LEADERS AS MODERN ELITE

Abstract. In this article is considered the conceptual basis of innovative institutionalization of political leadership and the leaders themselves submitted as modern elite. It emphasizes the innovative leader by nature, on the one hand, is part of the social system, on the other hand, is actually above it. The leader of this type, changes the social landscape and the world around him to achieve the public interest.

Studies of the innovative role of political leaders in social development are closely related to comparing them with the new political elite formation. In this context, theoretical approaches are analyzed and synthesized to understand the essential characteristics and social significance of the elite.

The mechanism of identification of innovative political leader is being disclosed. Regarding the diversity of approaches of domestic political leaders to form their own image, in the study, there are three main areas: traditional, hyper modernistic, and the method of optimal cooperation. For innovative leader as a representative of the political elite, the public attitude to his image is one of the

main targets, because it is sufficiently important having no gray areas and “white spots” in shaping his politic image, which can subsequently be a subject to manipulation by political opponents.

Keywords: leader, innovative leadership, elite, image, public administration.

ІНСТИТУЦІОНАЛІЗАЦІЯ ІННОВАЦІЙНИХ ПОЛІТИЧНИХ ЛІДЕРІВ ЯК СУЧАСНОЇ ЕЛІТИ

Анотація. У статті розглядаються концептуальні основи інституціоналізації інноваційного політичного лідерства, а самі лідери представлені як сучасна еліта. Акцентується на тому, що інноваційний лідер за своєю природою, з одного боку, є складовою суспільної системи, а з іншого, знаходиться фактично над нею. Лідер такого типу змінює соціальний ландшафт і світ навколо себе для досягнення інтересів усього суспільства.

Дослідження ролі інноваційних політичних лідерів у суспільному поступі тісно пов'язане зі співставленням їх з політичною елітою нової формації. У цьому контексті аналізуються та синтезуються теоретичні підходи до розуміння сутнісних характеристик та суспільного значення еліти.

Розкривається механізм ідентифікації інноваційного політичного лідера. Відносно розмаїття підходів вітчизняних політичних лідерів до формування власного іміджу, у рамках дослідження виділяються три основні напрями: традиційний, гіпермодерністський та метод оптимальної співпраці. Для інноваційного лідера як представника політичної еліти ставлення громадськості до його образу є одним із визначальних орієнтирів, тому достатньо важливою є відсутність сірих зон і “білих плям” при формуванні іміджу політика, які можуть у подальшому стати предметом для маніпуляцій з боку політичних опонентів.

Ключові слова: лідер, інноваційне лідерство, еліта, імідж, державне управління.

ИНСТИТУЦИОНАЛИЗАЦИЯ ИННОВАЦИОННЫХ ПОЛИТИЧЕСКИХ ЛИДЕРОВ В КАЧЕСТВЕ СОВРЕМЕННОЙ ЭЛИТЫ

Аннотация. В статье рассматриваются концептуальные основы институционализации инновационного политического лидерства, а сами лидеры представлены в качестве современной элиты. Акцентируется на том, что инновационный лидер по своей природе, с одной стороны, есть составляющей частью общественной системы, а с другой — находится фактически над ней. Лидер такого типа меняет социальный ландшафт и мир вокруг себя для достижения интересов всего общества.

Исследование роли инновационных политических лидеров общественного развития тесно связано с сопоставлением их с политической элитой новой формации. В данном контексте, анализируются и синтезируются теоретические подходы к пониманию сущностных характеристик и общественного значения элиты.

Раскрывается механизм идентификации инновационного политического лидера. Относительно разнообразия подходов отечественных политических лидеров к формированию собственного имиджа, в рамках исследования выделяются три основных направления: традиционное, гипермодернистское и метод оптимального сотрудничества. Для инновационного лидера как представителя политической элиты отношение общественности к его образу есть одним из основных ориентиров, поэтому достаточно важно отсутствие серых зон и “белых пятен” при формировании имиджа политика, которые могут в дальнейшем стать предметом для манипуляций со стороны политических оппонентов.

Ключевые слова: лидер, инновационное лидерство, элита, имидж, государственное управление.

Target setting. Global unfavorable trends of the period of the beginning of XXI century, the inability of the modern system of international law to respond quickly to challenges of our time, an urgent need to protect the population of all without exception countries against new threats, starkly put before the international community the problem of need for collective action to maintain peace and demand political leaders be responsible for the implementation and realization of national interests of their countries. In our study, we plan to introduce innovative political leaders as the true elite that meets the social needs of present and is able to implement will, the real needs and interests of the civil society.

Analysis of the recent research and publications. In the study, when considering the role and importance of the political elite in the period of social transformations were used system, structural and functional conception of the power, back to the works of Plato [9], which represented the power as a

property of the social system, associated with maintaining its integrity and ensuring the functional interdependence of all social institutions.

In a historical context, understanding the political leadership evolved from antiquity, where phenomenon of leadership was discovered and outlined – starting condition for the constitution of which was that in a community appeared strong personality, capable of managing the masses – up to the theoretical interpretation in the works of M. Weber [1; 2], T. Carlyle [3], N. Machiavelli [7] and other researchers, who began to interpret leadership as a socio-historically conditioned human need in organization of his activities.

An important role in the study of the nature of leadership as an integrated personality characteristics were theoretical ideas of S. Freud [10] and K. Horney [11], and in the presentation of image of the innovation political leader as a representative of the social elite – domestic scientist V. M. Kozakov [4].

The purpose of the article is a theoretical comprehension of institutionalization of the innovative leaders as modern elite. To achieve this goal, the following problems are consistently solving: investigation of the major historical phases of theoretical concepts appeal to elite; revealing the key features of the innovative political leader as a representative of the civil society in the political elite; the image of the political leader is grounded in a comprehensive integrity and presented his main characteristics.

The statement of basic materials. The difficult socio-political situation, which is in Ukrainian society since the late XX century, requires professional, responsible and effective innovation leaders to enter the political arena. Must be eliminated the barriers that prevent the rationalization of relations between the government and society and the optimal functioning of state institutions, constructing a functioning public administration system, open and controlled by the civil society. In this regard, there are urgent problems of efficiency and democratization of the public administration department, separation in government bodies the strategic and monitoring functions from executive, the development of effective public service management technologies, challenges that — above all — should be facilitated by the innovative political leaders.

The innovation leader by nature, on the one hand, is part of the social system, on the other hand, is actually above it, allowing quite adequately assess the social problems and solve them effectively. The leader of this type is changing the social landscape and the

world around him to achieve the public interests.

Of course, not always the social crisis, breaking historically established stereotypes and standards, can cause the emergence of the innovative political leader. However, it should also be taken into account, that not always the leaders who came to power on a wave of fighting for reforms are modernizers in practice. In this case we are talking about fake innovative leadership and its visibility, — imitation, — by which hidden objectives are achieved, and the power is transformed from an instrument (tool) as an end in itself (objective).

Research on the innovative role of political leaders in the social development is closely related to comparing them with the political elite of the new formation at the current stage of state-building. Modern scholars give to the concept of “elite” a variety of interpretation and explanation. In scientific papers is noteworthy a variety of terms that are used as synonyms: ruling class, political elite, nomenclature, etc.

Any society is stratified on various grounds — by castes, classes, fortunes, etc. It follows the uneven participation of citizens in public life and thus raises the question of objectively different degrees of exposure of individuals and social groups to certain areas of the society.

Not being the supporters of using the term “elite” only in negative tone, we emphasize that its very appearance is connected with social differentiation. Significant social gap between the aristocracy and the masses found its expression in the language area: knowledge of Latin language was a required

(however, not sufficient) condition for entry to higher levels of social hierarchy. Millennial practices of power relations engendered the emergence of a variety of terms: priests, patricians, slave owners, aristocracy, nobility, bourgeoisie, and so on, but they were actually synonyms to refer to one concept: elite.

Even in times of the decomposition of tribal system appeared views on the public division into the higher and lower members, noble and black, aristocracy and common people. The leadership in trying to construct a theoretical model of the ideal ruler belongs to the ancient Chinese thinkers. According to Lao Tzu, integrity and prosperity of empires and vice versa — their decline and decay — depends primarily on quality of the rulers: “A leader is best when people barely know he exists. The next best is a leader who is loved and praised. Next comes the one who is feared. The worst one is the leader that is despised” [5, p. 17].

Plato was one of the first who suggested to consider three types of leaders: philosopher (statesman), warlord and businessman. During his life, there was a flourishing of the “heroic” direction in research of leadership, that conferred leaders by specific qualities. He tried to develop a theory of society, in which — thanks to his education and inherent wisdom — “philosophers-leaders” would have established for the public the right value system [9, p. 341]. Being an ideologue of the Athenian aristocracy, Plato considered upbringing and education of the leaders a class honor and even prerogative. Thus, even in antiquity education and proper upbringing became criteria of elitism.

Machiavelli’s research made a significant contribution to better understanding of the nature of leadership and a Machiavelli’s phenomenon gave rise to further scientific research in this field. The features that were typical for him: ignoring the interests of others, tendency to hypocrisy, etc., shown a close relationship with the then political leaders, linking together theory and practice.

The question of the definition and typology of elite groups was one of the key in the creative heritage of N. Machiavelli, who concentrated attention on the political person who plays an active, creative role in the historical process. The researcher classified not only the psychological, but also social and political characteristics. Machiavelli’s attention attracted human nature at all levels of the social ladder: as an active and passive participant in the political process, as a subject and object of the influence.

The scientist stressed that any person at all times is vested by the same passions, desires, needs, and he paid much attention to the personal qualities of leaders. In the first place he put a kind of personal energy that is manifested as strength, courage, enterprise, initiative (mostly it is a natural property, the original data, the potential of strength and intelligence, leading to a particular result) [7, p. 233]. No less highly Machiavelli valued honor, — presence of which for him seemed possible only in humans, only in society, — which occurs mainly in public affairs.

For the English historian T. Carlyle one of the main worldview prerequisites was a philosophical statement about the primary, — natural — in-

equality of people. According to the researcher, “if there’s anything the nature can teach us, that is, in same way one person is better than another, one designed to be a leader, and another — to be controlled, that in all the positive eras in history the heroic personalities has always occupied a leading position and again will take it in future heroic era” [3, p. 114]. The researcher aimed to create an ideal image of the leader, based on the fact that the world history — is “essentially the history of great people that worked here, on earth. They, these great men, were the leaders of humanity, samples and, in a broad sense, the creators of all that the whole mass of people in general wanted to make what she wanted to achieve; all created in this world is, in fact, outer material result, practical implementation and realization of thoughts that belonged to great people” [ibid, p. 61].

Nietzsche did not recognize the rights of every person to be a person. On the contrary, the vast majority of humanity in his interpretation was a “herd” and in the masses he saw a main threat to the development of creative personality. A key feature of volitional and creative nature the researcher considered the ability to shift values, stressing that the moral position of the elite is a position “beyond good and evil”, that is, in its narrow circle morality is not needed.

The most important quality of a leader the researcher considered honesty, not truth or the desire for it. F. Nietzsche attributed to significantly important leadership qualities also justice, which he calls “the only goddess we recognize on ourselves. Since people are inherently unequal, and then

there can be no universal justice, what is true for the one, may not be true for the others” [8, p. 329]. The very same justice — according to F. Nietzsche, — is the exchange, providing the approximate equality of forces.

In modern terms, the classic situation “when the “lower class” do not want live in an old way and the “upper class” can not live in a new way” [6, p. 86] requires from the innovative political leaders to take decisive actions that will allow living in the new way, not declarative, but for real. So in the coming years will be practiced a variety of political strategies, however, is still difficult to predict in which direction the process will be developing. The main reason for this lies in the fact that the political consciousness of the civil society is characterized by contradictions, and in such circumstances there is coexistence of divergent attitudes, because of which the political orientations of specific leaders and the entire elite generally does not exclude the probability of movement in different — sometimes, even opposite — directions.

Obviously, those outstanding, brilliant, and charismatic personalities, — that is: the leaders — always influenced the development of society, but so far science has not revealed all aspects of the impact. Including: not completely elucidated the mechanism of identification of the innovative political leader. The term “identification” was introduced into scientific circulation by the founder of psychoanalysis S. Freud. The researcher stresses that “identification known to psychoanalysis as the earliest manifestation of emotional connection with another person” [10, p. 801]. Within the above theory

it is assumed, that the more complexes a man has in the childhood, the more in the future he will seek to overcome them through the mechanism of sublimation.

According to the American scientist K. Horney, the primary motivation for activation-related activity of any person is a desire for self-realization. In this case, the researcher points out that every person can develop the necessary and desirable for him skills. K. Horney sees the possibility of complete self-realization only in the process of “idealization” [11, p. 42]. The idealization serves as a desire to be like a certain conceivable perfect subject, while the identification is the process of finding by the individual his own places in the environment and the world. We believe that a person, who did not go through the process of individual development all the necessary stages of identification, has a real chance in the future to fail in forming the complete own identity. Thus, the innovative leader has a chance to become the only person who harmoniously and fully embodied himself as a person, so — he has developed his own position on all the social processes to which he is related.

The image of any leader is created including the means of political technologies and image-making. Often the image plays a crucial role in the perception of others of a particular person. In the most general form, the innovative political leader’s image is a combination of qualities and traits associated with that particular figure.

The main characteristics, which form a complete image of the political leader of innovation, as a rule, include the following components: reputation,

credibility, competence, professionalism, management skills and so on. Leadership may occur as a basic principle of recruitment to the ruling elite and the way of organizing public governance only in the civil society with a developed political consciousness of all or the majority of social groups. Of course, such general social principles of interaction are possible only in the true humanistic orientation policy of the state. That’s why a source of concern is the fact that “the erosion of human values in our time sometimes reaches dangerous volumes. Enough to pay attention on how often the rules and concepts of humanity become a kind of “game cards” in creating a positive image of a particular politician” [4, p. 102] — on which stresses a domestic scientist V. M. Kozakov.

Regarding the diversity of approaches of domestic political leaders to form their own image can be separated three main directions. The first one is “traditional”, a politician resort to image-makers after the resistance (A. Sadovy). Second — hypermodernistic: a politician has a staff of image-makers and he himself is a successful spin doctor, rather than the politician (O. Lyashko, A. Yatsenyuk). The third direction is the optimal cooperation: politician is consciously involved in the imagemaking process (P. Poroshenko, Y. Tymoshenko) and in this case, the positive effect is achieved through joint activities of the leader and his team of advisers.

Image is a comprehensive description of consciousness, including the social knowledge and social memory. In the case of incomplete, — fragmentary, — information about the leader, the structure of personal constructs

against him is formed by the addition to objectively existing data the missing pieces of the image. Given that each innovative political leader, as a representative of the modern elite, the public opinion about his image is one of the key targets, it is important not to leave any gray areas and “white spots” in the structure of their own image, which can subsequently be subject to manipulation by competitors and political opponents.

The key characteristics of the innovative political leaders as the representatives of the elite are: firstly, their open pluralistic nature; secondly, the high intellectual and professional potential; thirdly, rising type of social mobility, because in the process of updating public administration executives are used new sources of recruiting the leaders, as a result the domestic political elite can be replenished not only traditionally, — people from the party nomenclature and bureaucratic elite, — but “from below”: by the representatives of the civil society.

Conclusions. The political elite is firmly integrated into the socio-political system of Ukrainian society, which is characterized by instability, uncertainty and requires volitional control, based on high professional and moral qualities of the leaders. However, in order to make the innovative leadership not declarative, but a real strategy, it is necessary to modify the national political system, bringing it into line with the needs of the times, which issued the necessary changes in the society. Innovative political leaders are the subjects of power and control, so when changing the model of power relations and their role, above all, is to

implement the distribution of powers between the administrative staff and civil society.

The conducted study allows drawing an important conclusion that the innovative political leaders, as well as other members of the elite, are in the relative minority of the social whole, but have a significant impact on the society, shape public opinion according to their own vision, and are able to offer effective options for solving social contradictions. Ability of the innovative leaders to play a decisive role in the public policy is related to the fact that they express, and give effect to the will and interests of almost or the whole society, but not of the individual social groups, forming political agenda. Prospects for further studies of this problem lies in discovering features of the institutionalization of innovative leadership, place of leaders of this type in domestic political elite and their role in the modernization of public administration in Ukraine.

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WAYS OF IMPROVING THE EFFICIENCY OF THE MANAGEMENT BY THE SPHERE OF RECREATION AND TOURISM IN THE ODESSA REGION

Abstract. The article considers the problems and peculiarities of the functioning of the tourist destinations, studies show possibilities to influence management to improve its functioning and organizational approach to the management of tourism industry of Odessa region in modern conditions.

Based on research of the tourism industry were defined the main directions and instruments of state regulation, among which is highlighted the state's influence on increasing the competitiveness of regional tourist complex due to the

adjustment of administrative decisions on the basis of sociological monitoring of the state tourism industry in the planning and development of both local and national programs.

Odessa Oblast has unique natural and human resources, and as a difficult socio-economic system, simulates economic processes inherent only to this region to create conditions for a sufficiently high standard of living. That is why the development of tourism is currently one of the main directions of economic development of Odessa Oblast. This will create conditions for effective development of areas with poor infrastructure, attract investment and return the oblast to the workforce.

Today, more than ever before, there is a need to resolve issues related to the organization management of recreational and tourist area. A lack of objective statistical and sociological data leads to inefficient use of funding and lack of foreign investment, and ceases not to be just a regional problem, but which is becoming nationwide.

Expert survey of public power made it possible to reveal problems of the development of the tourism industry in Odessa Oblast. The hindering factors of the development of the tourist and recreational complex are: lack of understanding of the authorities of their role in the functioning of the tourism industry, the lack of tourism infrastructure; lack of infrastructure; lack of budget funding of the tourism and recreational business; limited investment in the tourism industry; the need for upgrade the expertise of managerial personnel in tourism.

The conclusions and suggestions were formulated on how to improve the functioning of tourism business.

For the rational use of tourism potential in the Odessa Oblast is necessary: make an inventory and beautification the land of historical and cultural, recreational and conservation purposes; create competitive clusters in the tourism and recreational industries; develop a strategic plan for the development of coastal areas; ensure the protection and restoration of natural landscapes, unique flora and fauna.

To ensure quality and rapid development of tourist and recreational infrastructure it is necessary to: increase the competitiveness of the tourism product through the construction, modernization and reconstruction of tourism infrastructure; expand the range of tourism services to European standards — that all is the development and support of business, cultural, river, sailing, wellness, sports, entertainment, marine and ecological tourism; improve the state of facilities on the Black Sea; promote infrastructure resorts, properly maintain and implement beautification of beaches and parks; restore monuments of cultural and historical heritage; develop an extensive network of agencies and organizations to provide excursions, entertaining, health services.

It is necessary to create conditions for: the revival of the tourism potential of historical monuments, archeology and architecture, with scientific and cultural importance; development of ethno-cultural communities and national minorities; investment by international programs of restoration of the historical and cultural heritage.

For the purpose of intensive development of information infrastructure of tourist and recreational services is offered: to create centers of tourist information to serve the tourists and campers; to provide popularizing tourism product through the festival, fair and exhibition activities; to provide quality service to foreign and domestic tourists to establish training and retraining of recreation and tourism personnel.

Keywords: tourist market, economic potential, tourism resources, natural resources, tourism potential, tourism industry, development problems of tourism industry, the attractiveness of a territory.

ШЛЯХИ ПІДВИЩЕННЯ ЕФЕКТИВНОСТІ УПРАВЛІННЯ СФЕРОЮ РЕКРЕАЦІЇ ТА ТУРИЗМУ В ОДЕСЬКІЙ ОБЛАСТІ

Анотація. У статті визначено проблеми та особливості функціонування туристичної дестинації, вивчено можливості впливу управління на підвищення ефективності її функціонування, розглянуто організаційний підхід до управління туристичною галуззю Одеської області в сучасних умовах.

На основі результатів дослідження стану туристичної галузі були визначені головні напрями та інструменти державного регулювання, серед яких особливо виділений вплив держави на підвищення конкурентоспроможності регіонального туристичного комплексу за рахунок коригування управлінських рішень з урахуванням соціологічного моніторингу стану туристичної сфери при плануванні та розробленні як місцевих, так і державних програм.

Одеська область має унікальні природні та людські ресурси і як складна соціально-економічна система моделює економічні процеси, притаманні винятково цьому регіону, що створює передумови для достатньо високого рівня життя. Саме тому розвиток туризму на сьогодні є одним з головних напрямів економічного розвитку Одещини. Це створює умови для ефективного розвитку територій з нерозвиненою інфраструктурою, залучення інвестицій, відтворення трудового потенціалу області.

Сьогодні як ніколи потребують вирішення питання, пов'язані з організацією управління рекреаційно-туристичною сферою. А відсутність об'єктивних статистичних та соціологічних даних призводить до неефективного використання джерел фінансування та недостатнього залучення іноземних інвестицій, і вже перестає бути тільки регіональною проблемою, а стає загальнонаціональною.

Експертне опитування представників публічної влади дало змогу виявити проблеми розвитку туристичної галузі Одеської області. Визначено фактори, що стримують розвиток туристично-рекреаційного комплексу: недостатнє розуміння представниками органів влади своєї ролі у функціонуванні туристичної сфери; відсутність туристичної інфраструктури; повільний розвиток ринку транспортних послуг; недостатність бюджетного фінансування розвитку туристично-рекреаційного бізнесу; обмежений обсяг інвестицій у туристичну галузь; необхідність підвищення компетентності управлінських кадрів в галузі туризму.

Сформульовано висновки і пропозиції щодо шляхів підвищення ефективності функціонування організацій туристичного бізнесу.

Для раціонального використання туристичного потенціалу Одеської області необхідно: провести інвентаризацію та впорядкування земель історико-культурного, рекреаційного і природоохоронного призначення; сформувати конкурентоспроможні кластери у туристичній та рекреаційній сферах; розробити стратегічний план розвитку прибережних територій; забезпечити захист та відтворення природних ландшафтів, унікальної флори та фауни.

Для забезпечення якісного та швидкого розвитку туристично-рекреаційної інфраструктури необхідно: підвищити конкурентоспроможність туристичного продукту за рахунок будівництва, модернізації та реконструкції об'єктів туристичної інфраструктури; розширити до європейських стандартів номенклатуру туристичних послуг — це розвиток та підтримка ділового, культурного, річкового, вітрильного, оздоровчого, спортивного, розважального, морського та екологічного видів туризму; покращити стан об'єктів відпочинку на узбережжі Чорного моря; сприяти розвитку інфраструктури курортів, належно утримувати та здійснювати благоустрій пляжів, парків; реставрувати пам'ятки культурної та історичної спадщини; розвивати розгалужену мережу установ та організацій для надання екскурсійних, культурно-розважальних, оздоровчих послуг.

Необхідно створити умови для: відродження туристичного потенціалу пам'яток історії, археології та архітектури, що мають наукове і культурне значення; розвитку діяльності національно-культурних товариств та національних меншин; інвестування через міжнародні програми реставрації пам'яток історичної та культурної спадщини.

З метою інтенсивного розвитку інформаційної інфраструктури туристичних та рекреаційних послуг пропонується: для обслуговування туристів та відпочивальників створити центри з надання туристичної інформації; забезпечити популяризацію туристичного продукту через фестивальну, ярмаркову та виставкову діяльність; з метою забезпечення якісного обслуговування іноземних та вітчизняних туристів налагодити перепідготовку та навчання персоналу рекреаційно-туристичної сфери.

Ключові слова: туристичний ринок, економічний потенціал, туристичні ресурси, природні ресурси, туристичний потенціал, туристична галузь, проблеми розвитку туристичної галузі, привабливість території.

ПУТИ ПОВЫШЕНИЯ ЭФФЕКТИВНОСТИ УПРАВЛЕНИЯ СФЕРОЙ РЕКРЕАЦИИ И ТУРИЗМА В ОДЕССКОЙ ОБЛАСТИ

Аннотация. В статье определены проблемы и особенности функционирования туристической дестинации, изучены возможности влияния управления на повышение эффективности ее функционирования, рассмотрен организационный подход к управлению туристической отраслью Одесской области в современных условиях.

На основе результатов исследования состояния туристической отрасли были определены основные направления и инструменты государственного регулирования, среди которых особенно выделено влияние государства на повышение конкурентоспособности регионального туристического комплекса за счет корректировки управленческих решений с учетом социологического мониторинга состояния туристической сферы при планировании и разработке как местных, так и государственных программ.

Одесская область имеет уникальные природные и человеческие ресурсы — и как сложная социально-экономическая система моделирует экономические процессы, присущие исключительно этому региону, что создает предпосылки для достаточно высокого уровня жизни. Именно поэтому развитие туризма на сегодня является одним из главных направлений экономического развития Одесской области. Это создает условия для эффективного развития территорий с неразвитой инфраструктурой, привлечение инвестиций, воспроизводства трудового потенциала области.

Сегодня как никогда требуют решения вопросы, связанные с организацией управления рекреационно-туристической сферой. Отсутствие объективных статистических и социологических данных приводит к неэффективному использованию источников финансирования и недостаточного привлечения иностранных инвестиций, и уже перестает быть только региональной проблемой, а становится общенациональной.

Экспертный опрос представителей публичной власти дало возможность выявить проблемы развития туристической отрасли Одесской области. Определены факторы, сдерживающие развитие туристско-рекреационного комплекса: недостаточное понимание представителями органов власти своей роли в функционировании туристической сферы, отсутствие туристической инфраструктуры; медленное развитие рынка транспортных услуг; недостаточность бюджетного финансирования развития туристско-рекреационного бизнеса; ограниченный объем инвестиций в туристическую отрасль; необходимость повышения компетентности управленческих кадров в сфере туризма.

Сформулированы выводы и предложения относительно путей повышения эффективности функционирования организаций туристического бизнеса.

Для рационального использования туристического потенциала в Одесской области необходимо: провести инвентаризацию и благоустройство земель историко-культурного, рекреационного и природоохранного назначения; сформировать конкурентоспособные кластеры в туристической и рекреационной сферах; разработать стратегический план развития прибрежных территорий; обеспечить защиту и воспроизводство природных ландшафтов, уникальной флоры и фауны.

Для обеспечения качественного и быстрого развития туристско-рекреационной инфраструктуры необходимо: повысить конкурентоспособность туристического продукта за счет строительства, модернизации и реконструкции объектов туристической инфраструктуры; расширить до евро-

пейских стандартов номенклатуру туристических услуг — это развитие и поддержка делового, культурного, речного, парусного, оздоровительного, спортивного, развлекательного, морского и экологического видов туризма; улучшить состояние объектов отдыха на побережье Черного моря; способствовать развитию инфраструктуры курортов, должным образом удерживать и осуществлять благоустройство пляжей, парков; реставрировать памятники культурного и исторического наследия; развивать разветвленную сеть учреждений и организаций для предоставления экскурсионных, культурно-развлекательных, оздоровительных услуг.

Необходимо создать условия для: возрождение туристического потенциала памятников истории, археологии и архитектуры, имеющих научное и культурное значение; развития деятельности национально-культурных обществ и национальных меньшинств; инвестирования через международные программы реставрации памятников исторического и культурного наследия.

С целью интенсивного развития информационной инфраструктуры туристических и рекреационных услуг предлагается: для обслуживания туристов и отдыхающих создать центры по предоставлению туристической информации; обеспечить популяризацию туристического продукта через фестивальную, ярмарочную и выставочную деятельность; с целью обеспечения качественного обслуживания иностранных и отечественных туристов наладить переподготовку и обучение персонала рекреационно-туристической сферы.

Ключевые слова: туристический рынок, экономический потенциал, туристические ресурсы, природные ресурсы, туристический потенциал, туристическая отрасль, проблемы развития туристической отрасли, привлекательность территории.

Target setting. In the current economic and geopolitical conditions tourist destination can be a leading policy in Odessa Oblast and should be considered as an important part of the innovation development of the region in the long term being environmentally safe and cost-effective.

Today Odessa Oblast, which is on the further development of the tourism industry, has a relatively minor position among similar regions of the Black Sea with the traditionally high tourist attendance.

In this regard, the management of Odessa Oblast faces the problem of finding such forms and methods of management that would strengthen the market position of organizations involved in servicing tourists, contributing to further development of the sphere of tourism business.

Clearly articulated strategy for tourism development can provide high-quality services which meet international standards to make tourism competitive, achieve significant growth of domestic and inbound tourism.

Moreover, the intensification of tourism development will promote employment, revitalization of transport, increase the production of general use goods, create new jobs and stimulate the agricultural development and will be one of the major factors of socio-economic development of the region. In this context, the issues related to the organization of tourism industry management need to be urgently addressed.

Making effective management decisions requires, among other things, providing statistical and sociological data that will ensure effective use of local and state funding along with foreign investments.

In these circumstances, specific practical significance acquires sociological research on how to improve the efficiency of public administration.

Analysis of recent research and publications. Problems of development and management of tourism and recreation industry at the regional level are investigated by such scientists as V. E. Vorotin, Y. A. Daynovsky, N. M. Dragomiretska, I. P. Zazharska, M. M. Yizha, V. A. Kvartalnov, E. V. Levitska, O. Y. Malinovska, M. M. Mykolaychuk, M. V. Minchenko, O. V. Muzichenko-Kozlovska, H. A. Papiryan, L. L. Prikhodchenko, N. V. Pirozhenko, M. Y. Rutynsky, O. V. Stetsyuk, F. I. Khmil, A. P. Jakubowski and others.

However, the analysis of the literature showed that current studies are still not paying attention to solving problems of improving the management of the tourism industry.

In this regard, the development of theoretical and practical recommendations, the use of integrated assessment and determine ways to improve the ef-

iciency of the tourism business in times of economic instability is a matter of great concern for public authorities.

This is driven by the objective need to develop new approaches to problem-solving process management to enhance the functioning of tourism that involves both the development and implementation of effective management measures aimed at increasing the volume and quality of tourism services and systematic improvement of the quality of services provided by tourism businesses. Lack of research of the problems of improving management efficiency tourism industry makes the study relevant.

The Concept of State Target Program of Tourism and Resorts for the period till 2022 focuses on need to create systemic conditions for the development of tourism and recreation industry to achieve its proper level and balance of intersectional linkages [1].

Tourism is an important attribute of human recreation and important, sometimes the main component of the economy of the region or state, which in turn is a powerful factor in the development of related industries. M. V. Grabar believes that the unbalanced mechanism of public tourism and recreation administration, lack of elaborated concepts of tourism destinations, management tools, limited budgets and the low level of capital investment to major tourist and recreational projects negatively affect the state of the industry [2]. So basic, in our view, is a problem that requires urgent solution to ensure the development of tourism and recreation. There is thus a need in focus on patterns of management mechanisms, which are

caused by using a systematic approach in the management of tourist destinations in the Odessa Oblast and requires an understanding of the current state and the needs of industry.

Each type of tourist business has its own set of factors, which has a wide range of factors accelerating the development of tourism. Depending on the purpose of the trip and objects that are used or visited, there are such kinds of tourism as cultural, educational, wellness, sports, religious, ecological, rural and others [3]. In addition, the development of regional tourism depends on many factors, each of which has a positive or negative impact on the tourism industry. According to M. P. Malskoi, tourism is developing under the influence of factors of the tourism market, the formation of supply and demand, production of tourist products, etc., as well as environmental factors which are policy and law, including state policy and state regulation in the field of tourism, economy and finance, culture, sociodemographic change, development of trade, transport, infrastructure and scientific progress [4, p. 34].

The purpose of the article is setting and ranking factors that influence the development of tourism, identifying the main problems in the recreation and tourism sector, providing recommendations on changing the structure of tourism management in order to improve national and regional governance.

The statement of basic materials. The study was conducted in March 2016. Respondents were heads of the public authorities of the Odessa Oblast. 42 experts were interviewed. A survey was conducted by questionnaire. A specifically designed questionnaire

was used for this survey. Respondents represented the opinion of the public authorities. Thus, this study is an expert survey that allows you to analyze the situation and trends in the tourism sector, which occur in the Odessa Oblast.

In order to obtain the most plausible data on complexity issues, was used an expert method as an effective way of obtaining quantitative and qualitative assessments which made good use in the study of tourism and recreation industry [5, p. 129–132; 6, p. 38–41].

Women are in the majority in the sample (52,6 %). In the age structure most respondents are persons in the most active age from 21 to 35 years (54,2 %), from 35 to 50 years – 28,4 % above 50 – 17,4 %. The study is the expert poll which allows to analyze the situation and trends in the tourism sector, which occur in the Odessa Oblast. The majority of questions concerning the assessment of Odessa region as the place of the tourism business.

Respondents rated the following level of tourism (Tab. 1).

Respondents were also asked to assess the state of the infrastructure (gas, water, sewage and electricity), state of roads, state of accomplishment, satisfaction of cultural needs, state of environment, public transport, health care, infrastructure for recreation and leisure, level of safety, including public safety.

Experts provided assessment of the individual components of the environment in which tourism industry in the Odessa Oblast is developing.

The most negative assessments were given to the following components of the environment for tourism development in the region, as infrastructure

Table 1

Evaluation of tourism development in the region (%)

Perfect	2,4
Fine	21,4
Satisfactorily	33,3
Bad	40,5
No opinion	2,4

Source: developed by the author

(gas, water, sewage and electricity) – 35,6 %, the level of security, including public safety – 38 %, satisfaction of cultural needs – 24,2 % state of roads – 88,2 % of respondents gave a “poor” rating to health care – 24,1 %, state of accomplishment – 32 %.

Answering the question: “What kind of tourism should be developed in the region?” respondents would prefer nature (21,1 %), green rural and agro-tourism (18,4 %), sports and festival – both 15,8 %, respondents gave the smallest preference for extreme and business areas – both 2,7 % (Tab. 2).

Respondents were asked about what they believe prevents the development of tourism in Odessa Oblast (Tab. 3). Most of them are inclined to think that the main obstacles to tourism development are: the state of roads and lack of transport (28,8 %); general economic

situation (15,3 %); lack of financing (10,2 %). It is important to note that the lack of public initiative and lack of skilled labor, in terms of respondents, are not circumstances that hinder tourism development.

Respondents named the most important sectors of the region: transportation services (24,1 %), resort vacation (18,1 %), and leisure, entertainment (15,5 %). Least important areas were mentioned catering (2,6 %) and trade (4,3 %) (Tab. 4).

Responding to the question; “What kind of support should be applied for tourism development by local and regional authorities?” respondents noted promotion and creation of investment products as the first place for investment (21,4 %). In second place was defined support of infrastructure development (gas, water, sewage and electric-

Table 2

Answers to the question: “What kind of tourism should be developed in the region?”

Extreme	5,3
Business	5,3
Ethnic and cultural / historical	7,9
Therapeutic rehabilitation and recreation	10,5
Festival	15,8
Sports	15,8
Green rural and agro-tourism	18,4
Nature	21,1

Source: developed by the author

Table 3

Answers to the question “What hinders tourism development in Odessa Oblast”

Lack of public initiative	0,8
Lack of skilled labor	0,8
Lack of tourist facilities	2,5
Deterioration of engineering networks	2,5
Spreading of crime, alcoholism, drug addiction	3,4
Lack of entrepreneurial residents	3,4
Lack of promotion of the region	4,2
Protection of the environment	5,9
Adverse environment for entrepreneurship	5,9
State of historical monuments	7,6
Lack of support from local authorities	8,5
Lack of financing	10,2
General economic situation	15,3
Condition of roads and lack of transport	28,8

Source: developed by the author

Table 4

Answers to the question “What industries (areas of activity) are important for tourism development in the region?”

Catering	2,6
Trade	4,3
Food production	5,2
Health care	6,0
Consumer services	10,3
Hospitality	13,8
Leisure and entertainment	15,5
The resort vacation	18,1
Transport service	24,1

Source: developed by the author

ity) (17,9 %), tax breaks and financial incentives are on third place (14,5 %).

The least support from local and regional authorities respondents consider in creating Centers for Business Services (0,9 %) (Tab. 5).

Conclusions. From the analysis and research was formulated a number of conclusions and proposals for areas to ensure the effectiveness of tourism and recreation industry in Odessa Oblast.

The survey identified the most problematic issues in the tourism industry in the region.

In the first step it is necessary to develop regional nature, green rural and agro-tourism, sports and festival tourism.

State of roads, lack of transport, general economic situation and lack of financing – these factors most of all hinder the development of tourism in Odessa Oblast.

Answers to the question “What kind of support should be applied for tourism development by local and regional authorities?”

Creation of Centers for Business Services	0,9
Marketing support and promotion	2,6
Transparency in the use of municipal property	3,4
Streamlining the use of local resources	4,3
Streamlining local rules of building and landscaping	5,1
Workforce development	6,8
Support for beginner entrepreneurs (development of business incubators)	10,3
Supporting the development of tourism infrastructure	12,8
Tax credits and financial incentives	14,5
Supporting infrastructure development (gas, water, sewage, electricity)	17,9
Promoting investment and the creation of investment products	21,4

Source: developed by the author

The major areas of activity for the area were called transport service, resort recreation and leisure activities.

The most urgent support in tourism development by local and regional authorities, in terms of respondents, need: investment promotion and creation of investment products, support infrastructure development (gas, water, sewage and electricity) as well as tax breaks and financial incentives.

The results of the survey indicate a high level of assessment of potential respondents for tourism development.

Important, in our view, the issue in public administration by tourist destination is the introduction and use of indicators of recreation and tourism. In the future, research should be carried out to determine the parameters for displaying the most important social, environmental and economic aspects.

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