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# PUBLIC MANAGEMENT ПУБЛІЧНЕ УРЯДУВАННЯ

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THE NETWORK OF INSTITUTES AND  
SCHOOLS OF PUBLIC ADMINISTRATION  
IN CENTRAL AND EASTERN EUROPE

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## DEAR COLLEAGUES!

I congratulate the editorial staff of the collection “Public management” with the release of the next issue.

During the years of its existence, the collection went along with its readers a difficult but honorable way. The publication plays an important role in the formation and development of education and science of Ukraine, is a source of useful information and a good adviser for employees of the public administration. The collection is filled with the invaluable experience of talented and creative people, teachers, and seeks to present all valuable practices in the work of state institutions, research institutions, comprehensively highlight all new and effective, created by state-management science and practice.

The collection is constantly evolving, reflecting all the new realities of modern state administration. This is undoubtedly the credit of the editor-in-chief of the publication “Public Governance” Romanenko Yevhen Oleksandrovyeh, who has high professionalism and creative potential.



I wish the collection of “Public management” for many years of fruitful life, live interest among scientists, relevance, new ideas, meaningful projects and prosperity, and its author’s team — successes in all endeavors, inexhaustible creative forces, inspiration and enthusiasm.

Regards,  
**First Deputy Director of the Kharkiv  
Regional Institute of Public Administration  
National Academy of Public Administration  
at Presidents of Ukraine  
Doctor of Science in Public Administration,  
professor**

**D. V. Karamyshev**

## DEAR READERS, AUTHORS!



I congratulate you with the publication of the next issue of the collection “Public management”! The collection publishes articles about the directions of development of public administration in the context of globalization processes taking place in world politics, economics, demography, culture. Much attention is paid to understanding the nature of public administration, its efficiency and effectiveness in the

context of the current transformation of social processes. For experts in the practical field, articles about state-of-the-art public administration reform for Ukraine will be useful. High interest is the data about new directions of state-management activities.

I hope that the materials of this issue will be interesting, useful in increasing the practical training of civil servants, solving current problems of contemporary politics. The publication of the scientific articles presented in the collection will facilitate the exchange of views among public administration employees as well as among those engaged in scientific research in the field of public administration theory and practice.

I express the editorial team’s deep and sincere gratitude for your fruitful creative work aimed at developing and improving the science of public administration in Ukraine. I wish the readers health, happiness, inspiration in work. I am confident that in the future we will not only preserve, but also multiply, the glorious traditions of the science of state administration in Ukraine by joint efforts.

**Regards,  
Chief editor of the publication, Vice-Rector  
of Interregional Academy of Personnel Management  
Doctor of science in public administration,  
professor  
Honored Lawyer of Ukraine**

A handwritten signature in dark ink, appearing to read 'Y. O. Romanenko', written over a faint, illegible background.

**Y. O. Romanenko**



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## **INSTITUTIONS OF STATE REGULATION OF CORRUPTION PREVENTION IN THE SYSTEM OF ENSURING ECONOMIC SECURITY IN UKRAINE**

**Abstract.** The definitions of “economic security” and “state regulation” are given. In our opinion, under the economic security of the state, one should understand the multifactorial system, the main purpose of which is to ensure sustainable economic development from negative external and internal influence. It is proved that state regulation of the economy is a deliberate and active influence of state and supranational authorities on the functioning and development of of an integral economic system.

The institutions of state regulation, through which influence on economic safety of the country is carried out, is defined. The main principles and methods of state regulation are characterized. It is established that the principles of state regulation of the economy are realized through certain methods, which constitute a set of specific regulatory means of influence on the object of interest for

solving concrete tasks. The methods have a certain status of compulsory use, they show us the patterns of state-regulatory relations. In addition, the classification of methods of state regulation, which includes direct, indirect, legal, administrative and economic methods, is given.

The legal basis for the implementation of state regulation in ensuring the economic security of the state is determined. It involves the adoption of laws and legislative acts of the Verkhovna Rada of Ukraine, the issuance of presidential decrees, as well as the elaboration of a mechanism for their implementation and control. Characterized regulatory and legal regulation of ensuring economic security of the state. It is established, in addition to the methods of state regulation of combating corruption in the sphere of economic security of Ukraine, there are entities that are guided by the relevant regulatory and legal acts. The role of state bodies in preventing corruption in Ukraine is investigated.

**Keywords:** economic security, state regulation, the principle of efficiency, the principle of justice, the system principle, the principle of adequacy.

## **ІНСТИТУЦІЇ ДЕРЖАВНОГО РЕГУЛЮВАННЯ ПРОТИДІЇ КОРУПЦІЇ У СИСТЕМІ ЗАБЕЗПЕЧЕННЯ ЕКОНОМІЧНОЇ БЕЗПЕКИ УКРАЇНИ**

**Анотація.** Надано дефініції поняттям “економічна безпека” та “державне регулювання”. На нашу думку під економічною безпекою держави варто розуміти багатофакторну систему, головною метою якої є забезпеченні сталого економічного розвитку від негативного зовнішнього та внутрішнього впливу. Доведено, що державне регулювання економіки являє собою цілеспрямований та активний вплив державних та наддержавних органів управління на функціонування та розвиток цілісної економічної системи.

Визначено інституції державного регулювання, через які здійснюється вплив на економічну безпеку країни. Схарактеризовані основні принципи та методи державного регулювання. Встановлено, що принципи державного регулювання економіки реалізуються через певні методи, які становлять сукупність конкретних регулюючих засобів впливу на заінтересований об’єкт для вирішення конкретно поставлених завдань. Методи мають певний статус обов’язковості для застосування і демонструють закономірності державно-регуляторних відносин. Крім того, наведено класифікацію методів державного регулювання, яка включає прямі, непрямі, правові, адміністративні та економічні методи.

Визначена правова основа здійснення державного регулювання в забезпеченні економічної безпеки держави. Вона передбачає прийняття законів і законодавчих актів Верховної Ради України, видання указів Президента, а також вироблення механізму їх реалізації та контролю. Схарактеризоване нормативно-правове регулювання забезпечення економічної безпеки держави. Встановлено, окрім методів державного регулювання протидії корупції у сфері економічної безпеки України присутні суб’єкти, які керуються відповідними нормативно-правовими актами. Досліджено роль державних органів у запобіганні корупції в Україні.

**Ключові слова:** економічна безпека, державне регулювання, принципи ефективності, принцип справедливості, принцип системності, принцип адекватності.

## **ИНСТИТУЦИИ ГОСУДАРСТВЕННОГО РЕГУЛИРОВАНИЯ ПРОТИВОДЕЙСТВИЯ КОРРУПЦИИ В СИСТЕМЕ ОБЕСПЕЧЕНИЯ ЭКОНОМИЧЕСКОЙ БЕЗОПАСНОСТИ УКРАИНЫ**

**Аннотация.** Представлены дефиниции понятиям “экономическая безопасность” и “государственное регулирование”. По нашему мнению под экономической безопасностью государства следует понимать многофакторную систему, главной целью которой является обеспечение устойчивого экономического развития от негативного внешнего и внутреннего воздействия.

Доказано, что государственное регулирование экономики представляет собой целенаправленное и активное воздействие государственных и надгосударственных органов управления на функционирование и развитие целостной экономической системы.

Определены институты государственного регулирования, через которые осуществляется влияние на экономическую безопасность страны. Охарактеризованы основные принципы и методы государственного регулирования. Установлено, что принципы государственного регулирования экономики реализуются через определенные методы, представляющие собой совокупность конкретных регулирующих средств воздействия на заинтересованный объект для решения конкретно поставленных задач. Методы имеют определенный статус обязательности для применения и они демонстрируют закономерности государственно-регуляторных отношений. Кроме того, приведена классификация методов государственного регулирования, которая включает прямые, косвенные, правовые, административные и экономические методы.

Определена правовая основа осуществления государственного регулирования в обеспечении экономической безопасности государства. Она предполагает принятие законов и законодательных актов Верховной Рады Украины, издание указов Президента, а также выработка механизма их реализации и контроля. Охарактеризовано нормативно-правовое регулирование обеспечения экономической безопасности государства. Установлено, кроме методов государственного регулирования противодействия коррупции в сфере экономической безопасности Украины присутствуют субъекты, руководствующиеся соответствующими нормативно-правовыми актами. Исследована роль государственных органов в предупреждении коррупции в Украине.

**Ключевые слова:** экономическая безопасность, государственное регулирование, принцип эффективности, принцип справедливости, принцип системности, принцип адекватности.

**Problem statement.** Under modern conditions of market transformations, an important aspect of the formation of a stable rule-of-law state with sustainable economic development is the existence of a mechanism for preventing and combating corruption. Achieving success in this process is an important prerequisite for the formation of public trust in authorities, the growth of the economic potential of the state, and the improvement of the welfare of Ukrainian citizens. Corruption in all its manifestations poses a real threat to the economic security of the state, meanwhile reducing its competitiveness. To regulate this process, the state directly affects both the destruction of corruption and the protection of the economic security of the state.

**Analysis of recent research and publications.** The works of such scientists as A. Baranovsky, P. Bernatsky, K. Blishchuk, E. Buchwald, A. Vasina, L. Gerasimenko, I. Gubareva, M. Dzyubenko, T. Zhelyuk, G. Kaletnik, A. Korystin, A. Kubay, S. Lazarenko, A. Mazur, A. Melnik, S. Morecnyi, S. Onishko, M. Pendyura, T. Popovich, T. Posnova, N. Slovak, G. Starostenko, V. Tambovtsev, A. Tretyak illustrate the anti-corruption state regulation mechanism in the system of economic security ensuring in Ukraine.

**The purpose of the article** to reveal the essence of such concepts as “economic security” and “state regulation of the economy”; identify the main components of the state regulation mechanism of the economy; characterize the principles of state regulation; determine state regulation methods; characterize the regulatory and legal regulation of ensuring the economic

security of the state; study the role of state bodies in the prevention of corruption in Ukraine.

**Presentation of the main material.** The economic security of the state is a multifunctional and multifaceted category that affects all spheres of public life. The experience of many world countries shows us that only a reliable and effective mechanism for ensuring economic security can serve as a guarantor of the country’s sovereignty and independence, its sustainable and stable social and economic development. Just because of the importance of this issue and for a better understanding, the notion of “economic security” has to be defined.

G. Starostenko, S. Onishko and T. Pospinova argue that *economic security* is a complex multifactorial dynamic system, expressed in its scale, structure and technical level, under which it is able to create material and financial resources that are sufficient, firstly, to protect national interests in the internal political, international, information, environmental spheres, in the sphere of human health, protection from terrorism, corruption, etc., and secondly, to ensure the level and quality of life of the population, that guarantees to support social peace and social stability; it creates the conditions for economic growth as well [1].

S. Tambovtsev notes that under *economic security* of any system, it is necessary to understand a set of properties of the state of its production subsystem, which provides the possibility to achieve the goals of the entire system [2].

However, Korystin A. believes that *economic security* should be interpreted

as ensuring the ability of the country to survive in case of natural and environmental disasters or in the face of national and global economic catastrophes [3].

M. Pendyura says that *economic security* of the state is not only one of the most important components of an integral system of national security as a complex of protection of national interests, but also a decisive condition for the observance and realization of national interests [4, p. 13].

Researchers E. Buchwald, N. Golovatska and S. Lazurenko suggest to consider the *economic security* of the state as the most important qualitative characteristic of the economic system, its determining ability to maintain normal living conditions of the population, and sustainable provision of resources for the development of the national economy [5, p. 27].

In our opinion, the *economic security* of the state should be understood as a multi-factor system, the main goal of which is to ensure sustainable economic development from negative external and internal impacts. Considering the importance and necessity of this issue, state regulation is an indispensable condition for normal and continuous functioning of the economic security of the country.

Thus, state regulation of the economy is a purposeful and active influence of state and supranational governmental authorities on the functioning and development of an integral economic system (and consequently, on its expanded reproduction) by using economic laws and solving economic contradictions by means of a certain set of forms and methods [6].

This influence is realized through a certain mechanism of state regulation, which includes the following main components: goals, tasks, principles, functions, subjects and objects, methods, forms of state regulation. To prevent unsystematic and destructive interference in the economic mechanism of management, state regulation is based on the following principles (see Fig. 1).

The figure below illustrates the principles of state regulation:

- efficiency – implies final economic effect, neutralization of monopolies and cyclicity, rational tax policy;
- justice – adjustment of the system of redistribution and material benefits to prevent society's sharp stratification by income;
- priority of the right over the economy – through the appropriate legislative regulation, the transformation of state property into private ownership is carried out, a class of entrepreneurs is formed and an appropriate basis for market relations is created;
- stability – provides equalization of the ups and downs of the business cycle, creation of additional jobs, support of economic growth for a long period;
  - systematic – assumes a comprehensive approach to solving economic, social, external economic and other problems;
  - adequacy means that the state regulation system of the economy and the ways of its application must correspond to the realities of a specific stage of the state's socioeconomic development, take into account its interests in the context of trends that show changes in regional and global markets;



**Fig. 1. Principles of state regulation<sup>1</sup>**

- optimal combination of administrative, legal and economic levers guarantees the formation of a rational production structure at the macroeconomic level;
- graduality and continuity require, when moving from an administratively command system of state regulation to a new one depending on the introduction of economic regulators as the objective prerequisites, first of all, for the completion of the processes of denationalization, privatization and macroeconomic stabilization;
- unity of strategic and current state regulation provides an opportunity to comply with the economic and social strategic course,

which is supposed by state, sectoral, scientific and technical, etc. programmes;

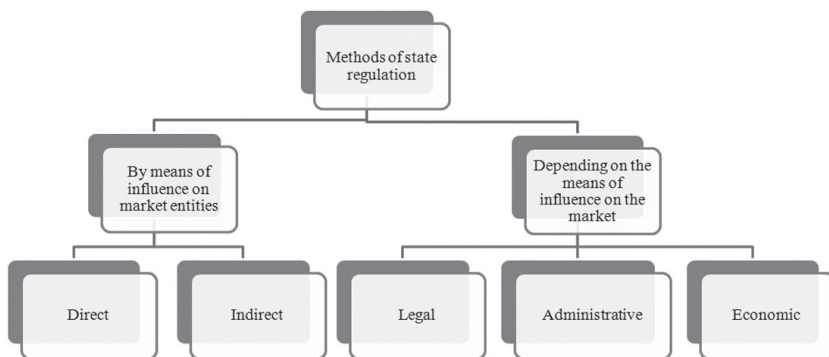
- compliance with the requirement of material and financial equilibrium ensures the reality of regulatory measures from the standpoint of the existing resource potential of the society [7].

The state regulation principles of the economy are realized through certain methods, which are a combination of specific regulatory means of influence on an interested entity to solve specific tasks. The methods are of a certain status of mandatory application; they show us the patterns of state-regulatory relations (Fig. 2).

With the figure below, the methods of state regulation are represented. According to the classification characteristics, they are divided into:

<sup>1</sup> Compiled by the author on the basis of the source [7].





*Fig. 2. Methods of state regulation*<sup>2</sup>

– by means of influence on market entities:

- direct – used for direct government intervention in the economic processes and economic activities of the entities [8];
- indirect – prices, customs regulations, benefits, taxation, currency restrictions;

– depending on the means of influence on the market:

- legal – provide for the adoption of laws and legislative acts of the Verkhovna Rada of Ukraine, for presidential decrees, as well as the development of a mechanism for their implementation and control [9, p. 311];
- administrative – methods of direct impact, which directly affect the functioning of market entities. These include the definition of strategic objectives of economic development and their reflection in indicative and other plans, targeted programmes; state orders and contracts for certain product types supply,

works, services; state support of programmes, orders and contracts; regulatory requirements for quality and certification of technology and products; legal and administrative restrictions and prohibitions on the production of certain product types; licensing of operations for goods export and import [10, p. 21];

- economic – a system of means and methods of direct influence on social and economic development. Economic methods of regulation include forecasting, planning, programming, material incentives and sanctions, financing and lending, etc. [9, p. 311].

We believe that it is appropriate to consider legal methods, since they constitute the legal basis for ensuring the economic security of the state. These include:

- the Constitution of Ukraine;
- Codes of Ukraine (Criminal, Criminal Procedural, “On Criminal Offenses”)
- Laws of Ukraine (“On Amendments to Certain Legislative Acts of Ukraine Regarding Responsibility for Corruption Offenses”, “On Purge of

<sup>2</sup> Compiled by the author on the basis of the source [7].

Authorities”, “On Preventing Corruption”, “On National Anti-Corruption Bureau of Ukraine”, “On Civil Service”);

– Decrees of the President of Ukraine (“On the National Council on Anti-Corruption Policy”, “Issues of the Public Control Council under the National Anti-Corruption Bureau of Ukraine”);

– Resolutions of the Cabinet of Ministers of Ukraine;

– orders of the ministries.

The Constitution of Ukraine regulates relations in the sphere of management, in particular; in accordance with Article 18, foreign policy activity of Ukraine is aimed at ensuring its national interests and security by maintaining peaceful and mutually beneficial cooperation with members of the international community on the basis of universally recognized principles and norms of international law [11; 27–29].

The Criminal Code of Ukraine (hereinafter referred to as the Criminal Code) has an objective to legally support the protection of human and civil rights and freedoms, property, public order and public security, the environment, the constitutional order of Ukraine against criminal encroachments, to ensure peace and security of mankind, and prevent crime. According to Article 354 of the Criminal Code, a proposal or promise to an employee of an enterprise, institution or organization, who is not an official or a person working for an enterprise, institution or organization, to give them or a third person an undue advantage; or the employee who does not perform any actions using the provision he holds, or a person working in favor of the enter-

prise, institution or organization, who promises to provide such a benefit in the interests of a third person, a fine of one hundred to two hundred and fifty non-taxable minimum incomes or public works for up to one hundred hours, or corrective labor for up to one year, or deprivation of liberty for up to two years, or imprisonment for the same period are imposed on them [12].

In accordance with Article 131 of the Code of Criminal Procedure of Ukraine (hereinafter – the Criminal Procedure Code), the measures to ensure criminal proceedings are summons from an investigator, a prosecutor, a court and a compulsory attendance; imposition of pecuniary punishment; temporary restriction in the use of special law; removal from office; temporary suspension of the judge from carrying out justice; temporary access to stuff and documents; temporary seizure of property; seizure of property; detaining a person; preventive measures [13].

Article 1 of the Code of Administrative Offenses of Ukraine (hereinafter referred to as the Code of Administrative Offenses) states that the task of this document is to protect the rights and freedoms of citizens, property, the constitutional order of Ukraine, the rights and legitimate interests of enterprises, institutions and organizations, the established law and order, to strengthen law, prevent offenses, educate citizens in the spirit of following the Constitution and laws of Ukraine, of respecting the rights, honor and dignity of other citizens, the rules of coexistence, fulfilling duties and responsibility before the society. It is indicated in Article 172 of this document, that the violation of statutory restrictions on the receipt of

gifts entails a fine amounting one hundred to two hundred non-taxable minimum incomes with the seizure of the gift [14].

Besides, Article 38 of the Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine Regarding Responsibility for Corruption Offenses” states that when a person violates the statutory restrictions whether on the use of official powers and related opportunities with an undue profit in the amount not exceeding one hundred non-taxable minimum incomes or in connection with the promises/offers of such benefits to themselves or others, it entails a fine of one hundred and fifty to five hundred non-taxable minimum incomes with the seizure of illegally obtained unlawful material benefit [15].

According to the Law of Ukraine “On Purge of Authorities”, Article 1 states that the purge of authorities (lustration) is the prohibition to individuals to hold certain positions (to be in office) (hereinafter — posts) (except for elected posts) in the state authorities and local self-government bodies, which is established by the Law or a court decision [16].

In accordance with the Law of Ukraine “On Prevention of Corruption”, Article 4 states that the National Agency for Prevention of Corruption (hereinafter referred to as the National Agency) is the central body of executive power with a special status that ensures the formation and implementation of state anti-corruption policies [17].

Article 16 of the Law of Ukraine “On National Anti-Corruption Bureau of Ukraine” states that the National Bureau perform operational search

measures to prevent, detect, suppress and solve criminal offenses attributed by the law to its investigative authority, as well as during operative-search cases demanded from others law enforcement bodies; carry out pre-trial investigation of criminal offenses attributed by the law to its investigative authority, and also carry out pre-trial investigation of other criminal offenses in cases defined by law; take measures for the search and seizure of funds and other property that may be subject to seizure or special seizure in criminal offenses attributed to the investigative authorities of the National Bureau, carry out activities for the storage of non-arrested funds and other property; interact with other national and local authorities and other entities to perform their duties; carry out information and analytical work to identify and eliminate the causes and conditions that contribute to the commission of criminal offenses attributed to investigative authority of the National Bureau; ensure personal safety of the National Bureau employees and other persons defined by law, protection from unlawful attacks on persons participating in criminal proceedings in criminal offenses under investigation; provide confidential and voluntary cooperation with individuals reporting on corruption offenses; report on their activities in the manner prescribed by this Law, and inform the public about the results of their work; carry out international cooperation within their competence in accordance with Ukrainian legislation and international treaties of Ukraine [18].

According to Article 8 clause 9 of the Law of Ukraine “On Civil Service”, a civil servant must comply with the

requirements of the legislation in the field of preventing and combating corruption [19].

In accordance with the Decree of the President of Ukraine “On the National Council on Anti-Corruption Policy,” it is stated that in accordance with its main tasks, the National Council carries out a comprehensive assessment of the situation and trends in the field of preventing and combating corruption in Ukraine, analyzes national anti-corruption legislation and measures on its implementation; monitors and analyzes the effectiveness of the implementation of the anti-corruption strategy, makes proposals to improve the interaction of authorities responsible for its implementation; participates in the preparation of bills in the field of prevention and combating corruption that are introduced by the President of Ukraine for consideration in the Verkhovna Rada of Ukraine; prepares proposals for bills, drafts of other regulatory and legal acts in the field of preventing and combating corruption; participates in the preparation of the messages of the President of Ukraine to the people, annual and extraordinary messages to the Verkhovna Rada of Ukraine on the internal and external situation of Ukraine regarding the implementation of the anti-corruption policy; organizes the study of public opinion on issues considered by the National Council, provides coverage of the results of its work in the mass media; contributes to scientific and methodological support on prevention and combating corruption, conducting analytical studies, developing methodological recommendations in this area; prepares proposals for increasing the effectiveness of the inter-

national cooperation of Ukraine in the field of preventing and combating corruption [20].

According to the Decree of the President of Ukraine “Issues of the Council of Public Control under the National Anti-Corruption Bureau of Ukraine”, it is stated that the main tasks of the Council of Public Control are: to exercise civil control over the activities of the National Anti-Corruption Bureau of Ukraine; facilitate interaction of the National Anti-Corruption Bureau of Ukraine with public associations, other institutions of civil society in the field of combating corruption [21].

In addition to the anti-corruption state regulation methods in the sphere of economic security in Ukraine, there are entities that are guided by the relevant regulatory and legal acts. The main entities are:

- the prosecutor’s office oversees the pre-trial investigation and maintenance of public prosecution in court [22];
- the Security Service of Ukraine identifies corruption crimes and refers them to investigative bodies [23];
- the General Inspectorate of Internal Investigations exercises powers for pre-trial investigation of criminal offenses committed by prosecutors, conducting official investigations of prosecutors and employees of prosecutor’s offices [24];
- the highest anti-corruption court of justice in accordance with certain law principles and procedures of legal proceedings is aimed at protecting the individual, society and the state from corruption and related crimes and judicial control of pre-trial investigation of these crimes, observance of rights, free-

doms and interests of persons in criminal proceedings [25];

- the police investigate small corruption crimes, corruption administrative offenses [26].

Thus, the conducted research indicates that there is no coherent mechanism on state regulation of counteracting corruption in the economic sphere today, which in turn leads to a decrease in anti-corruption activity in the country. Of course, it should be noted that the appropriate legal and regulatory support for this issue has been created; there are competent entities in this area, but at the same time, the methods and punishments for committing crimes in the field of economic security should be more stringent and fair.

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# PROBLEMS OF FORMATION OF ASYMETRIC JOINED TERRITORIAL COMMUNITIES: COMMUNICATIVE ASPECT

**Abstracts.** The authors suggest non-standard views on the process of decentralization in Ukraine. The processes of establishing communication in the newly formed communities have been analyzed. The authors note that the careful planning and implementation of communicative strategies is necessary for making administrative decisions and is carried out through informational and educational measures aimed at raising the level of public culture, increasing self-organization of the population and public activity.

Among the necessary measures the author suggests making changes to the positions of starosta; defining mechanisms of cooperation between local government body of the united territorial community, starostas and the body of self-organization of the population, forming and approving the Regulation, which regulates the procedure for formation and functioning of the body of self-organization of the population; in the Statute of the united territorial community establishing the procedure and determining the mechanisms for participation of citizens of peripheral settlements in decision-making process, ensuring a high-quality Internet for citizens including residents of peripheral settlements, organizing educational events to provide citizen with basic knowledge of work on personal computer and Internet; creating a separate communicative unit of local government body in order to promote the functioning and development of bodies of self-organization of the population and the peripheral settlements, ensure communication between them. The authors focus on the necessity to establish communicative policies of local government bodies on the one hand, and culture of public participation of residents of territorial unities, what should contribute to transparency and openness in the activity of local government bodies, reduce social tension and ensure further movement in the field of democratic transformations.

**Keywords:** united territorial communities, bodies of self-organization of the population, local government bodies, civil society, communication, communicative policy, culture of public participation.

## ПРОБЛЕМИ СТАНОВЛЕННЯ АСИМЕТРИЧНИХ ОБ'ЄДНАНИХ ТЕРИТОРІАЛЬНИХ ГРОМАД: КОМУНІКАТИВНИЙ АСПЕКТ

**Анотація.** Пропонуються нестандартні погляди на процес здійснення децентралізації в Україні. Аналізуються процеси налагодження комунікації в новостворених громадах. Доведено, що ретельне планування і впровадження комунікативних стратегій є необхідним для прийняття управлінських рішень. Воно здійснюється через проведення інформаційних та просвітницьких заходів з метою зростання рівня громадської культури, посилення самоорганізації населення, громадської активності.

Серед необхідних заходів пропонується: внести зміни в положення про старосту; визначити механізми взаємодії органу місцевого самоврядування об'єднаної територіальної громади та старост з органом самоорганізації населення, розробити та затвердити Положення, в якому регламентувати процедуру створення та функціонування органу самоорганізації населення; в Статуті об'єднаної територіальної громади закріпити процедуру та визначити механізм участі у процесі прийняття рішень жителів периферійних населених пунктів, сприяти забезпеченню громадян, у т. ч. мешканців периферійних населених пунктів, якісним інтернет-зв'язком, організувати проведення навчальних заходів з надання населенню базових знань по роботі з персональним комп'ютером та в Інтернеті; створити окремих комунікаційний підрозділ органу місцевого самоврядування для сприяння функціонування та розвитку органів самоорганізації населення периферійних населених пунктів, забезпечення комунікацій між ними. Автори акцентують увагу на необхідності формування комунікативної політики органів місцевого самоврядування з одного боку та культури громадської участі мешканців територіальних громад, що має забезпечити прозорість та відкритість діяльності органів місцевого самоврядування, знижувати соціальну напруженість та забезпечити подальший рух у сфері демократичних перетворень.

**Ключові слова:** об'єднані територіальні громади, органи самоорганізації населення, органи місцевого самоврядування, громадянське суспільство, комунікація, комунікативна політика, культура громадської участі.

### **ПРОБЛЕМЫ СТАНОВЛЕНИЯ АСИММЕТРИЧНЫХ ОБЪЕДИНЕННЫХ ТЕРРИТОРИАЛЬНЫХ ОБЩИН: КОММУНИКАТИВНЫЙ АСПЕКТ**

**Аннотация.** Предлагаются нестандартные взгляды на процесс осуществления децентрализации в Украине. Анализируются процессы налаживания коммуникации во вновь образованных общинах. Доказано, что тщательное планирование и внедрение коммуникативных стратегий необходимо для принятия управленческих решений. Оно осуществляется путем проведения информационных и просветительских мероприятий с целью роста уровня общественной культуры, усиление самоорганизации населения, общественной активности.

Среди необходимых мер предлагается: внести изменения в положение о старосте; определить механизмы взаимодействия органа местного самоуправления объединенной территориальной общины и старост с органом самоорганизации населения, разработать и утвердить Положение, в котором регламентировать процедуру создания и функционирования органа самоорганизации населения; в Уставе объединенной территориальной общины закрепить процедуру и определить механизм участия в процессе принятия решений жителей периферийных населенных пунктов, способствовать обеспечению граждан, в т. ч. жителей периферийных населенных пунктов, качественной интернет-связью, организовать проведение учебных мероприятий по



предоставлению населению базовых знаний по работе с персональным компьютером и в Интернете; создать отдельное коммуникационное подразделение органа местного самоуправления для содействия функционированию и развитию органов самоорганизации населения периферийных населенных пунктов, обеспечения коммуникации между ними. Авторы акцентируют внимание на необходимости формирования коммуникативной политики органов местного самоуправления с одной стороны и культуры общественного участия жителей территориальных общин, с другой, что должно обеспечить прозрачность и открытость деятельности органов местного самоуправления, снижать социальную напряженность и обеспечить дальнейшее движение в сфере демократических преобразований.

**Ключевые слова:** объединенные территориальные общины, органы самоорганизации населения, органы местного самоуправления, гражданское общество, коммуникация, коммуникативная политика, культура общественного участия.

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**Problem statement.** Implementation of the process of establishing united territorial communities (OTG) in Ukraine, regulated by the Law of Ukraine “On voluntary association of territorial communities” [1], is aimed at forming territorial communities able to govern their territories independently and providing these communities with new prospects for further development. However, this process does not take into account the interests of peripheral settlements, in particular asymmetric OTGs, where after the process of association (or joining) of the communities local government bodies are not placed.

It is possible to predict that monopolization of the centres of communities in decision-making can be the consequence of this. In its turn, it can lead to a set of negative factors, such as: conflict situations between peripheral settlements and the center; minimization of opportunity for residents of villages

and settlements which are not the community centres to define the interests of the settlement they represent; loss of authority of local government bodies, the problems concerning administration etc.

It is necessary to state that in the process of formation of the united territorial communities communicative processes, models and schemes change radically, a new tactics and strategy of communicative policy establishes, its new potential defines. Such radical changes can cause raise in subjective, unjustified by objective factors, situation assessment.

Well-established constructive adapted to the modern conditions communication between local government bodies of asymmetric OTGs and members of peripheral settlements can contribute to overcome of the above-defined problems, and decrease the level of conflicts and the risks of their appearance in the nearest future.



**Analysis of recent researches and publications.** Particular aspects of communicative potential of local government in Ukraine are revealed in works of such researches as Ye. Afonin, L. Goniukova, R. Voitovych, [2], Ye. Mermann [3], S. Shturkhetskyi [4], and political communication in works of K. Kros [5]. The impact of the newest internet communication nets on public sphere development has been considered by O. Tretiak [6].

In 2016 the Association for Community Self-organization Assistance hold an interregional study of peripheral settlements in OTG on the issue of conflicts with the OTG centre. Information of the study can be found in the publications by O. Kolesnikov, O. Kalashnikova “Peripheral territories in OTG – partners or stepdaughters of the centre” [7] and “Analytical materials for debates on the topic: “Peripheral territories of united territorial communities: mechanisms for protection of rights and interest realization” (the example of the South of Ukraine) [8].

**The purpose of the article** is to disclose the problem of conflict in the process of formation of territorial communities; to define the ways of establishing communication between local government bodies of newly formed asymmetric OTGs and residents of peripheral settlements.

**Presentation of the main material.** Scientists and practitioners single out two types of united territorial communities. The first one is so called symmetric communities, in which residents are more or less proportionally distributed among settlements. The second type is asymmetric OTGs, where the administrative

centre dominates. The majority citizens live in it, it collects the most part of taxes, and so the majority of deputies represent the centre. The result may be a disproportion between the number of local deputies elected to the united territorial community from the OTG centre and the number of local deputies elected from the peripheral settlements of the same OTG, as well as between the voters living in the centre and in the peripheral settlements of the same OTG. As for the cities of oblast subordination, to which village and settlement council join, such statement is totally non-alternative.

All these factors bear the risks of conflict situations between the OTG centres and their peripheral territories what is an obstacle to the comprehensive development of the community. Violation of interconnection between the community residents and local power further complicates this process. At the same time, usage of communicative methods has a positive impact on establishing constructive dialogue between different parts of the community what helps to overcome the problems of community development and reduce the risk of their occurrence.

Considering this fact, it is possible to note that ensuring the communication between local government bodies and members of united territorial community is an importance aspect of OTG development as a whole.

Due to the fact, that the word communication came to us from English originated from Latin *communicare* meaning “to be in relations, take part, unite”, the idea of union, association, relation with community is of great importance for communication.

In our opinion, for modern Ukraine among the functions of communication the most important is the function of social tension reduction, which is called to ensure further move in the sphere of democratic transitions.

An important function of communicative policy of local government bodies of united territorial communities is the function of legitimizing the authorities. "Any authority becomes a power only when its instructions, orders are perceived by the subordinates as truly obligatory and necessary from the very essence, and their failure to do so is a violation of the truth of life as a crime. Legitimacy of the power is its enalienable feature" [9, p. 45]. Recognition or confirmation of the legality of someone's rights and obligations is understood under legitimacy. This, in fact, is the consent of citizens with the right of some (power) to make a significant impact on others (society).

The central official, representing the interests of the village (settlement) in the center of the community is the starosta. Article 14 of the Law of Ukraine "On Local Self-Government in Ukraine" [10] stipulates that the starosta is a member of the executive committee of the local government body. Starostas are elected by the majority electoral system.

On May 1, 2018, the Verkhovna Rada adopted in general a bill number 6466 (amendments to the Law of Ukraine "On Voluntary Association of Territorial Communities" on voluntary association of territorial communities of villages, settlements to territorial communities of cities of oblast significance with regard to voluntary association of territorial communities of villages, set-

tlements to territorial communities of cities of oblast significance.

Amendments to the Law stipulate that adjacent village and settlement territorial communities may voluntarily unite with territorial communities of cities of republican significance in the Crimea or the oblast significance upon the decision of the village or settlement council. The powers of such councils shall be terminated when the decision to voluntarily join the united territorial community (OTG) enters into force. From that moment authorities transfer to the city council of a city of oblast or republican significance. In the event of such accession before regular local elections, the election of OTG heads, local deputies and the starostas shall not be held, and the head of the territorial community shall be the head of the city.

The integral indicator of the legitimacy of power is an indicator of the level of citizens' trust in power institutions, which in the modern democratic world is not possible without a culture of social participation. The culture of public participation is one of the levels of communicative policy, whose constituent elements are transparency and openness. In the event of non-compliance with such requirements, public control over the actions of the authorities is impossible. Only when the authorities are "transparent", that is, open, public in their intentions, can determine how its actions are in accordance with the law and are moral.

The necessary element of the transparency of power is its openness, which first of all characterizes the clarity of purposes and functions of power for citizens, and, accordingly, its functional capacity to satisfy the interests of citi-

zens and to perceive their influence on it. Openness here should be seen primarily as a form of access to information about the government's activities, the procedures for the adoption and use of public-administrative decisions, and also as an opportunity to influence the activities of public authorities – to use and modify what is already available.

One of the most effective forms of public participation and an important element of the system of local self-government is the bodies of self-organization of the population. The legal status of bodies of self-organization of the population is determined by the Constitution (Part 5 of Article 140) and the laws of Ukraine “On Local Self-Government in Ukraine” (Articles 4, 14, 16, 60) and “On the Bodies of Self-organization of the Population”.

In accordance with the Law “On the Bodies of Self-organization of the Population” [11], bodies of self-organization of the population have committees: house, street, quarter, microdistrict, rural, settlement. They are one of the forms of participation of members of territorial communities of villages, settlements, cities, districts in cities in solving local issues, elected bodies created by residents who legally reside in the villages, settlements, cities or parts of them.

With regard to the powers of the body of self-organization of the population, the most important of them are the following:

- keeping records of citizens by age, place of work or studying, living within the territory of the body, as well as reception of citizens, consideration of their appeals;

- representation with the deputies of the interests of residents of the house, street, microdistrict, village, settlement, city, district in the city in the relevant local council and its bodies, local executive authorities;

- introduction of proposals for local social, economic and cultural development drafts of relevant local administrative units and local budgets drafts;

- control over the quality provided to citizens living in residential buildings on the territory of the body of self-organization of the population, housing and communal services and on the quality of carrying out repair works in these buildings;

- voluntary involvement of the population in participation in the implementation of measures for the natural environment protection, works on improvement, landscaping and keeping farmsteads, yards, streets, parks, cemeteries, fraternal graves, equipment of children and sports grounds, children creations, clubs of interests in good condition, creation of temporary or permanent brigades for this purpose, etc.;

- organization of assistance to the elderly, invalids, families of dead soldiers, partisans and servicemen, low-income and large families, as well as lonely citizens, orphans and children deprived of parental care, making proposals on these issues to the relevant council and its executive bodies.

In addition to this, the exclusive powers of the bodies of self-organization of the population are assigned a number of powers to promote and provide assistance to educational establishments, institutions and organizations of culture, physical culture and

sport, law enforcement bodies, as well as deputies of the relevant local councils in organizing meetings with electoral, reception of citizens and conducting other work in constituencies [ibid, art. 14].

The Law of Ukraine “On Local Self-Government in Ukraine” [12] in accordance with Art. 8 gives the members of the territorial community direct participation in solving local issues by holding a general meeting of citizens at their place of residence. However, the procedure for holding a general meeting of citizens at the place of residence, in accordance with Part 3 of Art. 8 may be determined by the statute of a territorial community or by a separate law on general meeting.

On March 24, 2015, the Verkhovna Rada of Ukraine submitted a draft of the Law of Ukraine “On General Meeting (Conference) of the Members of the Territorial Community at the Place of Residence” from the group of deputies. The conclusion of the Main Scientific and Expert Department on 07.09.2015 (Reg. № 2467 dated March 24, 2015) says that the bill proposed by means of a separate law to determine the legal and organizational principles for convening and holding general meetings of members of a territorial community at the place of residence. It was proposed to determine the legal and organizational principles of convening and holding not only general meetings, but also conferences of members of a territorial community at their place of residence, as well as determine the powers of general meetings (conferences) and the procedure for their implementation [13]. At present, a separate law on general meetings (conferences) is not adopted.

In modern society, an important factor of the openness of power is a proper use of the Internet. According to the researcher S. V. Shturetskogo “communicative potential of local government” depends on the following main factors as: the distance between a communicator and a communicant (taking into account the degree of access to the definite communicative channels and means); ability of the participants of communicative process in local government to produce and receive a flow of messages; restrictive factors of public regulation: normative provision of the communicative process, on the one hand, and needs for such communication on the other [14, p. 44]. Thus, this degree of development of the communicative space of the territorial community and its significant communicative potential can be expanded with the help of social and media tools (that is, using the Internet) what will significantly increase the possibility of choosing the forms and ways of communicative activity in social media between municipality and community for solving different kinds of administrative tasks [15, p. 37]. Along with this, lots of rural settlements in Ukraine have problems with the full use of the Internet, caused by the high tariffs for rural areas, low speed, frequent trips, lack of specialists for repair and adjustment of computers etc.

In 2016, the Association for the Promotion of Self-Organization of the Population conducted an inter-regional study of peripheral settlements in OTG. Considering the conflict situations that arose in the newly formed united communities, analyzing their causes and consequences, developing

recommendations for overcoming crisis phenomena, the problems of various components of the functioning of the community (administrative, economic, legislative, communication, etc.) are violated. In this work we are interested in the very communication component.

The study noted the fears of the residents that the availability of services for peripheral territories could decrease and that they would remain on their own problems, which was one of the main arguments against the unification. The study showed that the inhabitants of small villages are worried about the prospect that only the OTG centers will benefit from the association, and the periphery can only lose.

In the issues of information support for OTG activities, the survey found poor information support for the activities of local OTG councils, which complicates the access of residents, including peripheral communities, to information on the activities of the councils. Information content and the process of updating of existing sites materials, according to the findings of the study, needs to be improved.

Considering the direct participation of residents of peripheral communities in decision-making processes, it is emphasized that the practice of consulting with OTG residents, including peripheral ones, by using forms of direct participation is unpredictable [16].

**Conclusions.** The well-established communicative policy of local government body is an important and necessary condition for the comprehensive community development. On this basis, it is possible to state, that the need for finding optimal and scientifically-based decisions aimed at solving the

community problems in the communicative sphere is one of the most important tasks for local government bodies, including thorough planning and introduction of the communicative strategies, necessary for information and educational measures, such as involving members of the territorial community to decision-making and others; increasing the level of public culture of citizens and self-organization of the population, public activity, efficient representation of the population interests in local government bodies and others.

In order to achieve normal development of a community and overcome problems associated with conflict situations in the communicative sphere that occur or can occur between local government bodies of asymmetric OTGs and peripheral settlements, given the theoretical findings and the results of practical research presented in the paper, in our opinion, it is necessary to enforce the communicative factor in administrative decisions of local government bodies. At the local level, this can be done through implementation of the following measures:

1. The Provision on starosta should include the norm for the approval of draft decisions as for the interests of the settlements which he/she represents.

2. To determine the mechanisms of interaction of the local self-government body of the united territorial community and the starosta with the body of self-organization of the population. To elaborate and approve the Provision regulating the procedure for the establishment and functioning of the body of self-organization of the population.

3. To introduce a systematic local general meeting of members of territo-

rial communities, which will include a report of representatives of the local self-government body, local authorities, opinions and suggestions of members of settlements of territorial communities, as well as continuous study of the ideas of the residents, including questionnaires. The local self-government body must record and analyze issues that are raised by citizens at a general meeting in order to provide a timely and competent response, as well as use suggestions and comments in making decisions.

4. To provide the starostas with a room and technical and material support to carry out the functions assigned to him/her effectively.

5. To establish communicative functions for the starostas in order to ensure the systematic interaction between the local self-government body of the united territorial community and residents of the peripheral settlements of the community.

6. In the Statute of the united territorial community, establish a clear procedure and mechanism that will enable the inhabitants of the peripheral settlements to have a real opportunity to take part in the decision-making process (including the ones mentioned above).

7. To promote the provision for citizens, including inhabitants of peripheral settlements, with high-quality Internet communication. Create special Internet connection points. Organize educational activities to provide the population with basic knowledge about working with a personal computer and on the Internet (including social networks).

8. To create a separate communication unit of the local self-government

body (for “large” communities, in case of its financial capacity).

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## **FEATURES OF INSTITUTIONAL SUPPORT OF MECHANISMS OF STATE REGULATION OF RECREATION SPHERE DEVELOPMENT**

**Abstract.** The theoretical foundations in the research of institutional support of mechanisms of state regulation of recreational sphere development are systematized and specified.

Attention is drawn to the fact that the institutional support of the recreation sector is shaped by state and non-governmental organizational structures created at different levels of the mechanism and implementing their decisions through the methods of public administration in the recreational sphere within their powers. There are close subordination, coordination and coordination relationships between these organizational structures. The analysis of the functional purpose of the main institutional actors in the recreational sphere is carried out.

The problematic issues of the current state of institutional provision of mechanisms of state regulation of the recreational sphere development in Ukraine are determined. It is noted that the complexity of its regulation lies in the fact that in Ukraine there is not a clear, unified system of state regulation of the recreational sphere, and therefore certain aspects of it in our state are now under the control of many state bodies (ministries, services, agencies).

It was emphasized that in the system of state management of recreational sphere there is no body that is responsible for carrying out exclusively functions of management of recreational territories; in fact, all state authorities have management functions in relation to reactionary territories and recreational resources, along with functions of management of other resources, objects, territories. The administrative activity of the authorities is aimed at solving the problems of organization, protection of recreational territories and the use of recreational resources to the same extent as for the fulfillment of other tasks in various spheres of society's activity.

The directions of optimization of the institutional mechanism of state regulation of the recreational sphere development are outlined. It is noted that the organizational and economic mechanism should be based on the formation of regional institutions that would allow to concentrate and coordinate the efforts of all subjects of recreational activity in order to achieve the optimal level of recreational potential at the regional level.

**Keywords:** recreation, recreational activity, institutional mechanism, organizational mechanism, state regulation, mechanisms of state regulation.

## **ОСОБЛИВОСТІ ІНСТИТУЦІЙНОГО ЗАБЕЗПЕЧЕННЯ МЕХАНІЗМІВ ДЕРЖАВНОГО РЕГУЛЮВАННЯ РОЗВИТКУ РЕКРЕАЦІЙНОЇ СФЕРИ**

**Анотація.** Систематизовано та уточнено теоретичні основи дослідження інституційного забезпечення механізмів державного регулювання розвитку рекреаційної сфери.

Слід звернути увагу на те, що інституційну підтримку сектора рекреації формують державні та неурядові організаційні структури, створені на різних рівнях механізму, та реалізують свої рішення за допомогою методів державного управління в рекреаційній сфері в межах своїх повноважень. Існують тісні підпорядковані, координаційні зв'язки між цими організаційними структурами. Здійснено аналіз функціонального призначення основних інституційних акторів у рекреаційній сфері.

Визначено проблемні питання сучасного стану інституційного забезпечення механізмів державного регулювання розвитку рекреаційної сфери в Україні. Визначено, що складність її регулювання полягає в тому, що в Україні відсутня чітка, уніфікована система державного регулювання рекреаційної сфери, тому певні її аспекти в нашій державі нині перебувають під контролем багатьох державних органів (міністерства, служби, агентства).

Підкреслено, що в системі державного управління рекреаційною сферою немає органу, що відповідає за проведення виключно функцій управління рекреаційними територіями; фактично всі органи державної влади мають функції управління відповідно до реакційних територій та рекреаційних ресурсів, поряд з функціями управління іншими ресурсами, об'єктами, територіями. Адміністративна діяльність органів влади спрямована на вирішення проблем організації, охорони рекреаційних територій та використан-

ня рекреаційних ресурсів тою мірою, що й для виконання інших завдань у різних сферах діяльності суспільства.

Викладено напрями оптимізації інституційного механізму державного регулювання розвитку рекреаційної сфери. Зазначено, що організаційно-економічний механізм повинен базуватися на формуванні регіональних інституцій, що дасть можливість концентрувати та координувати зусилля всіх суб'єктів рекреаційної діяльності з метою досягнення оптимального рівня рекреаційного потенціалу на регіональному рівні.

**Ключові слова:** рекреація, рекреаційна діяльність, інституційний механізм, організаційний механізм, державне регулювання, механізми державного регулювання.

### **ОСОБЕННОСТИ ИНСТИТУЦИОНАЛЬНОГО ОБЕСПЕЧЕНИЯ МЕХАНИЗМОВ ГОСУДАРСТВЕННОГО РЕГУЛИРОВАНИЯ РАЗВИТИЯ РЕКРЕАЦИОННОЙ СФЕРЫ**

**Аннотация.** Систематизированы и уточнены теоретические основы исследования институционального обеспечения механизмов государственного регулирования развития рекреационной сферы.

Следует обратить внимание на то, что институциональную поддержку сектора рекреации формируют государственные и неправительственные организационные структуры, созданные на разных уровнях механизма, и реализуют свои решения с помощью методов государственного управления в рекреационной сфере в пределах своих полномочий. Существуют тесные подчиненные, координационные связи между этими организационными структурами. Проведен анализ функционального назначения основных институциональных актеров в рекреационной сфере.

Определены проблемные вопросы современного состояния институционального обеспечения механизмов государственного регулирования развития рекреационной сферы в Украине. Отмечено, что сложность ее регулирования заключается в том, что в Украине отсутствует четкая, унифицированная система государственного регулирования рекреационной сферы, поэтому некоторые ее аспекты в нашем государстве сейчас находятся под контролем многих государственных органов (министерства, службы, агентства).

Было подчеркнуто, что в системе государственного управления рекреационной сферой нет органа, который отвечает за проведение исключительно функций управления рекреационными территориями; практически все органы государственной власти имеют функции управления по отношению к реакционным территориям и рекреационным ресурсам, наряду с функциями управления другими ресурсами, объектами, территориями. Административная деятельность органов власти направлена на решение проблем организации, охраны рекреационных территорий и использования рекреационных ресурсов в той же степени, что и для выполнения других задач в различных сферах деятельности общества.

Изложены направления оптимизации институционального механизма государственного регулирования развития рекреационной сферы. Отмечено, что организационно-экономический механизм должен базироваться на формировании региональных институтов, которые позволят концентрировать и координировать усилия всех субъектов рекреационной деятельности с целью достижения оптимального уровня рекреационного потенциала на региональном уровне.

**Ключевые слова:** рекреация, рекреационная деятельность, институциональный механизм, организационный механизм, государственное регулирование, механизмы государственного регулирования.

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**Problem statement.** A characteristic feature of the progressiveness of structural changes in the economy is the development of the service sector and the growth of its share in the gross domestic product, which is due to the general trend of improving the living standards of the population and its desire to constantly expand opportunities to meet their diverse needs. An important role in this process is played by the recreational sphere, the functioning of which is aimed primarily at preserving and restoring health, as well as providing a wide range of additional services related to the full and active recreation of citizens. Consequently, the recreational sphere has a complex structure of its manifestation in the public life of Ukraine, and therefore for its effective functioning and development state coordination and regulation is required. Providing conditions for the creation of an effective and coordinated system of state regulation of the recreational sphere of Ukraine, in our opinion, is an important factor in its sustainable socio-economic development. At the same time, it is the institutional support of the state regulation of the recreational sphere that is characterized

by complexity, inconsistency and incompleteness, which hinders its development.

**Analysis of recent researches and publications.** The study of problems of state regulation of the recreational sector is studied in the works of V. I. Byrkovych, N. G. Bila, M. M. Bilynska, V. N. Vasylenko, N. R. Nyzhnyk, D. V. Karamyshev, S. I. Kushch, V. P. Meged, Ya. F. Radysh, O. I. Chernysh, O. S. Shaptal, A. Donabedian, L. Forrest, C. Kaspar, J. Krippendorf, etc.

However, a significant part of the research on the regulation of the recreational sphere does not take into account the specifics and features of the institutional support of the mechanisms of state regulation of the development of the recreational sphere. In addition, this problem was not considered comprehensively and did not contain such components as scientific substantiation, financial, logistical and regulatory support.

**The purpose of the article** is to develop theoretical foundations and practical approaches to improving the institutional support of the mechanisms of state regulation of the development of the recreational sphere.



### **Presentation of the main material.**

Defining the system of public administration recreational sphere, it is necessary to take into account their managerial competence in this area. That is, the bodies of state administration of the recreational sphere include those bodies that are endowed with state-power functions in order to fulfill their tasks in the field of protection of recreational areas and the use of recreational resources, and the effectiveness of management depends on the completeness of the competence of the subjects of management in the legislation.

Among the bodies of state administration of the recreational sphere it is worth to highlight the Verkhovna Rada of Ukraine, which plays a special role in the regulation of relations for the protection of recreational areas, as in this area it is endowed with exclusive competence. Namely, to the jurisdiction of the Verkhovna Rada of Ukraine, first of all, is the legislative regulation of relations in the field of protection of recreational areas and the use of recreational resources and the definition of the main directions of state policy in this area [1]. The exclusive powers of the Verkhovna Rada of Ukraine in the field of recreation include: the definition of the main directions of state policy in the recreational sphere; the definition of the legal framework for the regulation of relations in the recreational sphere, their improvement and adaptation to the generally recognized norms of international law; the definition in the law on the state budget of Ukraine of financial support of the recreational industry [2].

Management functions in the field of protection of recreational areas and the use of recreational resources are

endowed to the Cabinet of Ministers of Ukraine. Thus, the government implements the environmental policy defined by the Verkhovna Rada of Ukraine, ensures the development of regional environmental programs. Also, the Cabinet of Ministers of Ukraine makes a decision on the organization of territories and objects of nature reserve fund of national importance, that is, the administrative competence of the government in the field of protection of recreational areas and the use of recreational resources extends to recreational areas that are part of the territories and objects of the natural reserve fund of national importance (for example, in the territories of national parks a zone of regulated recreation and the area of stationary recreation, biosphere reserves-zone of anthropogenic landscapes and the like are allocated).

In addition, the general management of health and medical institutions is carried out by the Cabinet of Ministers of Ukraine, by specially authorized Central Executive authority on the activities of resorts, as well as regional and Kyiv city state administration, other executive authorities and local self-government.

The main powers of the Cabinet of Ministers of Ukraine in the field of resorts include: establishment of rules and regulations for the use of natural medicinal resources; organization of state accounting of natural medicinal resources, therapeutic areas and resorts; approval of the regime of districts and zones of sanitary protection of resorts of national importance; approval of the order of monitoring of natural areas of resorts and the order of creation and maintenance of the state cadastre of

natural areas of resorts of Ukraine and the state cadastre of natural medicinal resources of Ukraine [3].

Consequently, the Cabinet of Ministers of Ukraine in accordance with the Constitution and laws of Ukraine: carries out public administration and ensures the implementation of state policy in the field of recreation; develops and approves programs for the development of the recreational sphere in Ukraine and finances their implementation in accordance with the budget legislation; adopts legal acts regulating relations in the field of recreational activities; ensures the rational use of recreational resources and taking measures for their preservation; promotes the development of the recreational industry and the creation of an effective recreational infrastructure; organizes and ensures the implementation of the state investment policy in the field of recreational activities; prepares and submits to the Verkhovna Rada of Ukraine as part of the draft law on the State budget of Ukraine for the relevant year proposals on the amount of budget funds for financial support of projects and programs for the development of recreation; informs the Verkhovna Rada of Ukraine on the implementation of the program of recreation in Ukraine; creates a state system of scientific support in the field of recreational activities, etc. [4].

Implementing powers in the recreational sector, particularly in relation to protection of recreational areas and use of recreational resources, the Cabinet of Ministers issues resolutions and orders that are binding and have normative, organizational and competence-constituent character. Government

acts are aimed at regulating relations in which the direct objects are both recreational areas that are part of other territories and objects to be protected, as well as recreational areas and recreational resources.

The Ministry of ecology and natural resources of Ukraine (Ministry of natural resources) is the main body in the system of central executive authorities, which ensures the formation and implementation of the state policy in relation to the recreational sphere, carries out its management functions in accordance with the Law of Ukraine "On environmental protection" and the Regulations on the Ministry of ecology and natural resources of Ukraine. The management competence of the Ministry of natural resources as to the natural resources is general, since the management in the field of protection of recreational areas and the use of recreational resources is carried out along with the management of the use and protection of other natural resources, natural objects and territories. And the main tasks of the Ministry of natural resources do not include the tasks regarding the protection of recreational areas and the use of recreational resources, they include only the general tasks – to ensure the rational use, reproduction and protection of natural resources, conservation, reproduction and sustainable use of biological and landscape diversity, the formation, conservation and use of the ecological network, organization, protection and use of the natural reserve fund. Most of the powers of the Ministry of natural resources in the field of protection of recreational areas and the use of recreational resources relate to recreational areas, which are part of the

individual territories and objects of the natural reserve fund.

Within the framework of the administrative structure of the Ministry of natural resources of Ukraine, there are central executive bodies that also regulate the recreational and tourism sector, namely the State Environmental Inspectorate, the State Service of Geology and subsoil of Ukraine, the State Agency for water resources of Ukraine, the State Agency for environmental investments of Ukraine, the State Agency for the management of the exclusion zone, the State Agency for environmental investments.

Special attention in the system of state bodies of management of recreational areas should be paid to the State Environmental Inspectorate (State Ecological Inspectorate of Ukraine), whose competence includes the functions of control in relation to the rational use, reproduction and protection of natural resources, in particular, natural recreational resources, compliance with the regime of territories and objects of the natural reserve fund, in particular, recreational areas included in their composition.

Through the Minister of agrarian policy and food, the Cabinet of Ministers of Ukraine directs and coordinates the activities of the State Forest Resources Agency of Ukraine (State Forestry Agency). State state Agency is the Central Executive authority that implements the state policy in the field of forestry and hunting. Regarding the powers in the field of recreation, it is the State Agency that decides on the classification of forests to the appropriate category. After all, forest areas that perform recreational, sanitary and

health-improving functions are used for tourism, sports, spa treatment and recreation of the population, belong to the category of recreational forests.

At the same time, it should be noted that not all issues related to the state regulation of recreational nature management are within the competence of the Ministry of ecology and natural resources, some of them are attributed to the powers of the central executive authorities, whose activities are coordinated and directed by the Ministry of agrarian policy and food of Ukraine.

However, it should be noted that the system of state recreational policy of Ukraine is not limited to the above-mentioned institutions. The complexity of its regulation lies in the fact that Ukraine has not created a clear, unified system of state regulation of the recreational sphere and therefore certain aspects of it in our country are managed by many state bodies (ministries, services, agencies, etc.).

Among them are the following ministries: the Ministry of Social Policy of Ukraine, the Ministry of Health, the Ministry of Youth and Sports of Ukraine. After all, it is within their powers to ensure the implementation of state policy in the field of health, sanitary and epidemic well-being of the population, social protection, compulsory state social insurance, pensions, social services, collective and contractual regulation of social and economic interests of employees and employers, the development of social dialogue; the implementation of the general legal, social, economic and organizational foundations of physical culture and sports in Ukraine and the participation of state bodies, officials, as well as enterprises,

institutions and organizations, regardless of ownership, in strengthening the health of citizens, achieving a high level of work capacity is carried out and longevity by means of physical culture and sports is ensured and monitored.

The Ministry of culture of Ukraine is an important state institution regarding the regulation of certain aspects of the recreational and tourism sector. In accordance with the established procedure, it makes proposals on the formation of state policy in the resort industry, ensures its implementation, carries out management in this area, as well as inter-sectoral coordination. The main objectives of the Ministry are to participate in the formation and implementation of the state policy in the resort industry; development and implementation of national programs for the development of resorts and tourism and recreation, tourism services market, protection and safety of tourists; definition of prospects and directions of development of the recreational sphere, the development of material and technical base of recreation; inter-sectoral coordination and functional regulation on recreation; organization and development of the system of scientific, information and advertising support of

The subjects of state administration of the recreational sphere are also represented by the central executive authorities represented by the Ministry of Infrastructure of Ukraine and the State Agency of tourism and resorts of Ukraine, as well as by specialized departments under the regional state administrations.

At the local level, local state administrations and local self-government bodies are vested with managerial

powers in the organization, protection of recreational areas and use of recreational resources.

Due to such differentiation of spheres of influence among the administrative vertical, it is necessary to add that these state structures are not able to control the whole range of relations arising in the process of recreational activities in Ukraine. Also, a certain share of powers in the management of the recreational sphere is performed by the following bodies: tax inspections in cities, managers and heads of subjects of recreational activities, intermediary firms, subjects of advertising and communication, and the like. That is, in a sense, subjects and persons of different forms of ownership are involved in the field of recreational services.

It should be noted that the activity of state regulation structures of the recreational sphere locally also has similar problems in the regions. This, above all, depends on the lack of understanding by the local authorities of the importance of the recreational sector for the development of the local economy and the need for regulation at the local level and to some extent due to the lack of highly qualified specialists on recreation in local authorities and among workers in the region.

In the context of consideration of this issue, it should be emphasized that in the system of public administration of the recreational sphere there is no body whose competence is the implementation of exclusively functions of management of recreational areas, in fact, all state bodies are endowed with management functions in relation to recreational areas and recreational resources, along with the functions of

management of other resources, objects, territories. Management activities of the bodies are aimed at solving the problems of organizing the protection of recreational areas and the use of recreational resources to the same extent as the implementation of other tasks in various spheres of society.

In addition, in Ukraine we observe constant reforms to change the central body of the general state level, which is responsible for the management of the recreational industry. We believe that this is extremely negative, because frequent reorganization and redistribution of powers between existing and newly created state structures neutralize the possibility of systematic functioning of the mechanism of state management of the recreational industry at all management levels.

Due to the fact that Ukraine proclaims recreation as one of the priority directions of economic and cultural development and creates conditions for recreational activities, there is an urgent need for structural changes in the system of public authorities engaged in state regulation of the recreational sphere at all levels. Moreover, the improvement of public authorities engaged in the regulation of the recreational sphere at the local, regional and central levels should be in line with the improvement of other branches of the Ukrainian government.

A clear distribution of rights and responsibilities of different levels of management is a prerequisite for the effectiveness of the management system of the recreational industry. Consequently, the link of the government's management of recreational activities should: develop the concept of the de-

velopment of the recreation sector, the mechanism for its implementation and support of process implementation; design and submission to the Parliament legislative initiatives; preparation and submission of proposals to the Cabinet of Ministers for the coordination of ministries and departments on the development of the recreational industry, its infrastructure, material and technical base, recreational enterprises, subordination of all forms of ownership; organization of new recreational areas; creation and provision of the national information and advertising system of the industry; organization of advertising activities with targeted investment projects in the country and abroad.

The functions of the regional administration (departments of recreation) should include: the functions of monitoring the quality of service of holidaymakers, licensing recreators, certification of accommodation facilities (hotels, campsites, recreation), encouraging the development of innovative tourist and recreational product, a new service, search for potential investors.

At the same time, studying the system of public administration in the recreational sphere, it is necessary to take into account the level of territorial distribution of their powers. For sustainable use of recreational resources and protection of recreational areas, first of all, it is necessary to ensure the optimal balance of national and local interests in the creation of a system of public administration in this area, because the local authorities are most aware of the problems of the area and the needs of the population, which makes it possible to take into account such specifics

in the implementation of management functions.

Effective institutional support should operate on the principles of transparency, efficiency, economy and provide for active cooperation with other structures, including non-state ones, which are interested in the development of the recreational industry. The main task of such provision should be the creation of favorable conditions for the development of the recreational sphere. That is, we can identify such basic requirements for the construction of an effective institutional support of the mechanism of state management of the recreational sphere: the elimination of duplication and differentiation of functions in the activity; specialization and unification of management functions by levels and organizational and economic units; reduction and reduction of costs for the maintenance of the administrative apparatus; efficiency, stability, flexibility and reliability of the institutional structure.

At the local level, the imperfection of the organizational and functional structure of the recreational sphere management is most clearly manifested. Small inspection units with low material and technical support can fully meet the needs and requirements of society for proper monitoring of the environment and improving its quality. Based on this, the organizational and economic mechanism should be based on the formation of regional institutions that would allow to concentrate and coordinate the efforts of all subjects of recreational activities to achieve the optimal level of use of the creative potential at the regional level. At the same time, it is important to coordinate the activi-

ties of services that operate in the field of recreation, to create a single rational system of information support, a system of control, analysis and expertise.

The solution of the problems connected with the institutional principles of state regulation of the recreational sphere will allow to make structural changes in the system of the state power of Ukraine for the purpose of creation in the state of integral system of state regulation of the recreational sphere.

**Conclusions.** Thus, the institutional support of the recreation industry is formed by state and non-state organizational structures that are created at different levels of the mechanism and implement their decisions through the methods of public administration in the recreational sphere within their powers. Among these organizational structures close subordinate, reordering and coordination relationships exist.

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## **PROSPECTS OF DECENTRALIZED CONTROL IMPLEMENTATION IN THE AREA OF STATE CUSTOMS AFFAIRS OF UKRAINE**

**Abstract.** One of the priorities of building an effective system of public administration in Ukraine is the reform in the area of state customs affairs. Approval of Ukrainian Customs Code renewed edition in 2012 was an important step forward in bringing national customs control system to the best international standards. Nevertheless practice shows that since then new threats and challenges in this area have appeared, due to some gaps in legislation and absence of effective mechanisms to manage customs sector.

Considering mentioned, in this article analysis of core elements of decentralized control in the area of state customs affairs is conducted. This approach requires separation of two main processes: process of decision making and process of customs formalities fulfillment. On the one hand this will help to involve as many experts as needed for better decision making during customs control, on the other hand such system is expected to contribute into integrity issues.

On practice such process may be put into place through establishing of front and back offices. Front offices will be in contact with economic operators in case if needed, and back offices will play leading role in the process of decision making. Core issue is that front and back offices should be geographically located in different regions and some decisions on one customs declaration based on risk analysis and assessment may be taken by experts located in different customs offices (e.g. customs value is checked in one office and non-tariff regulation in another one).

During prospects of decentralized control implementation in the area of state customs affairs of Ukraine identification it is stressed that some changes have to be done. Such changes have to be made ranging from customs organizational structure review to legislation improvement. The author argues, that integrated implementation of such approach will help to improve efficiency of state customs affairs management and to ensure fundamentally new level of state customs security.

**Keywords:** state customs affairs, decentralized customs control, customs clearance, customs formalities, risk management system, risks analysis and assessment, front and back offices.

## ПЕРСПЕКТИВИ ЗАПРОВАДЖЕННЯ ДЕЦЕНТРАЛІЗОВАНОГО КОНТРОЛЮ В ДЕРЖАВНІЙ МИТНІЙ СПРАВІ УКРАЇНИ

**Анотація.** Одним із пріоритетних напрямів розбудови ефективної системи публічного управління в Україні є реформування державної митної справи. Затвердження оновленої редакції Митного кодексу України в 2012 році стало важливим кроком уперед у приведенні національної системи митного контролю до найкращих міжнародних стандартів. Однак практика свідчить, що з того часу у цій сфері відносин з'явилися нові загрози та виклики, пов'язані, зокрема, із наявністю прогалів у законодавстві та відсутністю дієвих механізмів управління митним сектором.

У зв'язку із зазначеним у статті проаналізовано ключові аспекти організації децентралізованого контролю в сфері державної митної справи. Це передбачає розділення двох основних процесів: процесу прийняття управлінських рішень та процесу виконання митних формальностей. З одного боку, це допоможе залучити якомога більше експертів, що є необхідною умовою для більш зваженого прийняття управлінських рішень під час здійснення митного контролю, з іншого, — такий підхід, як очікується, сприятиме добросовісності.

На практиці цей підхід може бути реалізований шляхом створення фронт- та бек-офісів на базі існуючих митниць. Фронт-офіси контактуватимуть у разі потреби з економічними операторами, а бек-офіси відіграватимуть провідну роль у процесі прийняття управлінських рішень. Основна ідея полягає в тому, що фронт- та бек-офіси мають бути розташовані в різних регіонах, а окремі рішення щодо однієї митної декларації, що базуються на аналізі та оцінці ризиків, можуть прийматись фахівцями, які територіально знаходяться у різних митницях (наприклад, митна вартість перевіряється в одному офісі, а нетарифне регулювання — в іншому).

При визначенні перспектив запровадження децентралізованого контролю в державній митній справі України акцентується на необхідності здійснення ряду змін, починаючи від перегляду організаційної структури митниць і закінчуючи вдосконаленням нормативно-правової бази. Комплексне впровадження такого підходу дасть можливість підвищити ефективність управління державною митною справою та забезпечити принципово новий рівень митної безпеки країни.

**Ключові слова:** державна митна справа, децентралізований митний контроль, митне оформлення, митні формальності, система управління ризиками, аналіз та оцінка ризиків, фронт- та бек-офіси.

## **ПЕРСПЕКТИВЫ ВНЕДРЕНИЯ ДЕЦЕНТРАЛИЗОВАННОГО КОНТРОЛЯ В ГОСУДАРСТВЕННОМ ТАМОЖЕННОМ ДЕЛЕ УКРАИНЫ**

**Аннотация.** Одним из приоритетных направлений построения эффективной системы публичного управления в Украине является реформирование государственного таможенного дела. Принятие обновленной редакции Таможенного кодекса Украины в 2012 году стало важным шагом вперед в рамках внедрения в национальную систему таможенного контроля лучших международных стандартов. Тем не менее, практика свидетельствует о том, что с тех пор в этой сфере появились новые угрозы и вызовы, связанные, в частности, с наличием пробелов в законодательстве и отсутствием действенных механизмов управления таможенным сектором.

В связи с этим в статье проведен анализ ключевых аспектов организации децентрализованного контроля в сфере государственного таможенного дела. Это предусматривает разделение двух основных процессов: процесса принятия управленческих решений и процесса выполнения таможенных формальностей. С одной стороны, это поможет привлечь как можно больше экспертов для более взвешенного принятия управленческих решений, с другой — такой подход, как ожидается, будет способствовать добропорядочности.

На практике такой процесс может быть реализован путем создания фронт- и бэк-офисов. Фронт-офисы будут поддерживать контакты с экономическими операторами в случае необходимости, а бэк-офисы будут играть ведущую роль в процессе принятия управленческих решений. Основной идеей является то, что фронт- и бэк-офисы должны располагаться в разных регионах, а некоторые решения по одной таможенной декларации, основанные на анализе и оценке рисков, смогут приниматься экспертами, которые территориально находятся в разных таможенных органах (например, таможенная стоимость проверяется в одном офисе, а нетарифное регулирование — в другом).

При определении перспектив внедрения децентрализованного контроля в таможенном деле Украины акцентируется на необходимости осуществления ряда изменений, начиная с пересмотра организационной структуры таможен и заканчивая улучшением нормативно-правовой базы. По мнению автора, комплексное внедрение такого подхода позволит повысить эффективность

управления государственным таможенным делом и обеспечить принципиально новый уровень таможенной безопасности Украины.

**Ключевые слова:** государственное таможенное дело, децентрализованный таможенный контроль, таможенное оформление, таможенные формальности, система управления рисками, анализ и оценка рисков, фронт- и бэк-офисы.

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**Target setting.** Capabilities to ensure state customs security largely depends on using mechanisms of selective customs control. Application of modern risk-management technologies in this area helps to mitigate human factor when making relevant decisions and brings a vast improvement to quality of public administration in state customs affairs. Thus, according to international requirements and standards each country has to ensure the best possible balance between simplification of customs formalities and sufficient customs control.

Unfortunately, current approaches to organization of customs control of goods and vehicles in Ukraine can't solve issues of effective selective control to the full extent. Customs clearance, which is performed by one customs officer, and time limits for customs formalities fulfillment, which are established by the law, do not contribute into quality and efficiency of customs control improvement. This also prevents from ensuring adequate level of state customs interests security according to the competence of customs authorities. Ukraine has made a great mistake when launched selective customs control, based on application of risk management system, and haven't ensured effective application of other

elements, which compensate possibility of skipping customs formalities upon crossing the border by goods and vehicles (authorized economic operators, post-clearance control, customs audit etc.).

Remediation of current situation is not only about implementation of mentioned mechanisms, but also about significant improvement of basic model of selective customs control organization. This makes actual tasks of identification and implementation of tools to optimize customs control.

**Analysis of basic research and publication.** Implementation of risk based selective customs control is subject to researches of many Ukrainian and foreign scientists. The most comprehensive description of Ukrainian risk management system is given in joint monograph "Risk management in customs: foreign experience and domestic practice" under general editorship of Berezhnuk I. [1] Authors of this paper focus their attention on customs risks analysis and assessment during customs control, legal aspects of customs risk management system application, finding some steps to improve existing system. At the same time, possible scenarios of risk based customs procedures review have been studied partly and specific tools of decentralized customs

control implementation haven't been studied at all.

**The object of this article** is analysis of core issues of decentralized customs control organization, prospects identification and working out the most appropriate approach to its implementation in the area of state customs affairs considering threats and weaknesses in both internal and external customs environment of Ukraine.

**The statement of basic materials.** Article 320 of Ukrainian Customs Code, states that customs control should be selective and based on risk management system application. At the same time, part one of the Article 318 of Ukrainian Customs Code stipulates that all goods and commercial purpose vehicles, which cross the border of Ukraine are subjects to customs control. [2] This means that regardless fulfillment of additional customs formalities regarding goods and vehicles, which are based on results of risk management system application, supervisory control of other foreign economic transactions has to be applied. Currently, regardless results of risks analysis and assessment customs officer should check each customs declaration submitted to clear goods. Thus, according to the Instruction on customs formalities fulfillment during customs clearance of goods with a use of customs declaration in the form of single administrative document, approved by the order of the Ministry of Finance of Ukraine № 631 dated 30.05.2012, process of customs formalities fulfillment by each declaration consists of the following steps:

1. registration (checking format, recording date and time by assignment registration number to customs decla-

ration and other documents (if needed), and transferring all information to the database);

2. initial check (checking submission of invoice or document, which contains information on value, automatic check of filling customs declaration correctness according to the requirements of customs legislation, matching electronic and hard copy of customs declaration (if there is hard one));

3. acceptance of declaration for customs clearance by stamping it (putting stamps on hard copies or electronically depending on type of submitted declaration);

4. denying to clear goods by the customs declaration (occurs on this stage when customs declaration is missing some data or is submitted without documents on customs value, which are required by the law; electronic customs declaration is missing some requisites required by the law; or customs declaration is submitted in violation of other requirements, established by the Customs Code of Ukraine);

5. customs clearance, which means fulfillment of the following customs formalities:

5.1. checking compliance with a deadlines of declaration submission (if such deadlines are established by the law);

5.2. checking marks on completion of goods movement (if such cases specified by customs legislation);

5.3. comparison control (comparison of authorized bank requisites, currency rates, checking if there are any existing (not expired) sanctions applied to economic operator(s) according to the Law of Ukraine on foreign economic activity; checking if there were any denials in



customs clearance of the goods; checking compliance with prohibitions and restrictions requirements, established by the legislation, considering information from consent documents, provided electronically by other authorities; checking customs duties and other payments; considering information from foreign customs authorities and law enforcement agencies);

5.4. control, performed with application of risk management system, including risks analysis by automated risk management system (ARMS);

5.5. tariff classification control;

5.6. country of origin control;

5.7. non-tariff measures control;

5.8. tax exemptions control;

5.9. IPR control;

5.10. customs value control;

6. suspending of customs clearance (in cases when there is a need for more detailed IPR or non-food products check according to the law);

7. handing over declaration to the specialized division (according to the law in complicated cases or by demand of such division);

8. physical inspection (if needed);

9. accomplishment of customs clearance;

10. regardless other customs formalities goods may be subject to customs audit [3].

Consequently, today we have a system, when each customs declaration has to be fully checked as for the possibility of breach Ukrainian customs law, including application of ARMS. This seems quite consistent considering absence of other efficient mechanisms to control foreign economic transactions before and after customs clearance of goods and vehicles. At the same time,

if to take into account that such control has to be performed by single customs officer and during not more than 4 hours, situations starts to be seen in a new light. Such approach puts customs officers under pressure of choice: whether to check information accurately and possibly fail 4-hours deadline, or just to carry out sort analysis of information and clear goods as soon as possible. Anyway in such cases thoughts about securing state interests are not key factors during decision-making. This boosts corruption risks, at the same time security of customs interests rapidly decreases.

Improvement of existing system may be achieved by different ways. This may be wider application of customs audit and its strengthening, introduction of post-clearance control and automatic release of goods, further automation of risks analysis and assessment, including capabilities in different types of border crossing points and before arrival of goods [1, 283–285] etc. But in this article we are going to explore decentralized approach to customs control, which can help to enhance control before and upon arrival of goods to the customs territory of Ukraine. At the same moment it allows to involve as many customs officers as needed in control of foreign trade transaction, who may work on customs declaration simultaneously.

In order to implement decentralized system of customs control first of all out-of-date organization charts of regional customs offices should be reviewed. At the moment there are 27 regional customs offices. Typical structure of customs office consists of the following units [4]:

- customs posts (detached offices for customs clearance);
- customs control organization;
- customs duties administration;
- counteracting customs offences and international cooperation;
- risk management;
- information technologies (IT);
- customs statistics;
- human resources (HR);
- prevention and exposure of corruption;
- protection of state secrets and cryptographic security of information;
- financial support and infrastructure;
- finance, accounting and reporting;
- legal affairs;
- dealing with resorts of citizens and granting access to public information.

In case of decentralized approach launching regional customs structure becomes less important but specialization comes into the picture. Decentralized system requires establishment of front- and back-offices and functioning of so called physical inspections groups.

Customs officers in back-offices will make final decision on list of customs formalities, which are to be fulfilled in each particular case, based on risks analysis and assessment, including application of ARMS.

Customs officers in front-offices will make customs clearance itself and perform documentary control, if such formalities are assigned by back-office.

Customs officers involved into work of physical inspections groups will make physical inspection of goods, vehicles,

X-ray scanning, dog handling, weighing, sampling etc.

To implement such approach all customs declarations should be submitted in a centralized way to one server. Once declaration is submitted it is transferred to one of the back-offices according to its specialization (depending on type of goods) or randomly. Customs officer in back-office performs risks analysis and assessment of customs declaration, including ARMS application, and compiles final list of binding customs formalities, which are to be fulfilled. In complicated cases or if there is a need to involve some subject matter expert customs officer in back-office may assign special status to the declaration and it will be transferred to relevant unit or expert for providing recommendations or making decisions. Afterwards customs officer transmits customs declaration in the mode of customs clearance.

Once declaration is in mode of customs clearance it is automatically sent to the front-office, which is picked up in a random automated way (for documentary control, in case if such formalities are assigned by back-office, and customs clearance itself) and to physical inspections group, which works in customs office/place where goods are physically located (for physical inspection and other intrusive forms of customs control, if such formalities are assigned by back-office).

Customs officers from front-offices and physical inspections groups may initiate additional customs formalities and expand list, assigned by back-office, but they can't cancel any formalities from the list.

Customs officer from front-office can clear goods only after entering results of

all customs formalities, including physical inspection and other intrusive forms of control, performed by physical inspections group (if there were any).

Moreover, customs officer from back-office may apply procedure when customs clearance can be finalized by front-office only after verification of customs control results in back-office.

List of customs formalities, which includes substantiations and additional explanations for each customs formality, information on initiator (this information is hidden but kept in database: ARMS recommendations or ID of the customs officer, who added customs formality to the list), and results of their fulfillment are recorded into database and are subjects to further analysis of effectiveness and efficiency. This information can be also used for personal assessment and financial motivation of best customs officers.

In order to make this system work properly specialization of customs officers in back-offices is needed. List of standard specialization areas should be defined. Specialization, on the one hand, should be quite narrow (it should be possible for customs officer to acquire necessary competency and knowledge for carrying-out further risks analysis and assessment in specific area), but on the other one – quite vast (to avoid cases when customs officers of one specialization form small group which may go into cahoots).

Customs officers will be able to broaden their specializations by going through special trainings and passing relevant tests. Training for customs officers should be quite practical. They should learn technological and pricing characteristics of specific goods, coun-

tries of origin, manufacturers, typical routes, market places, illegal modus operandi etc.

In fact specializations may be areas of control (tariff classification, country of origin, non-tariff measures, IPR, customs value etc.) and people working today in relevant units of regional customs offices may be offered to pass through the process of specialization assigning to become part of back-offices.

Apart of back-offices specialization, customs officers from front-offices and physical inspections groups should go through practical trainings considering specifics of their work as well.

Customs officer in back-office will be picked-up randomly considering his/her specialization and type of goods and the only condition is that this officer is not located in customs office, where goods are physically located. Customs officer in front-office will be picked-up randomly and the condition is that this officer is not located in customs office, where goods are physically located, and/or in customs office, where back-office, which performed risks analysis and assessment, located. Physical inspection (if it's assigned) will be performed by group of customs post, where goods are physically located.

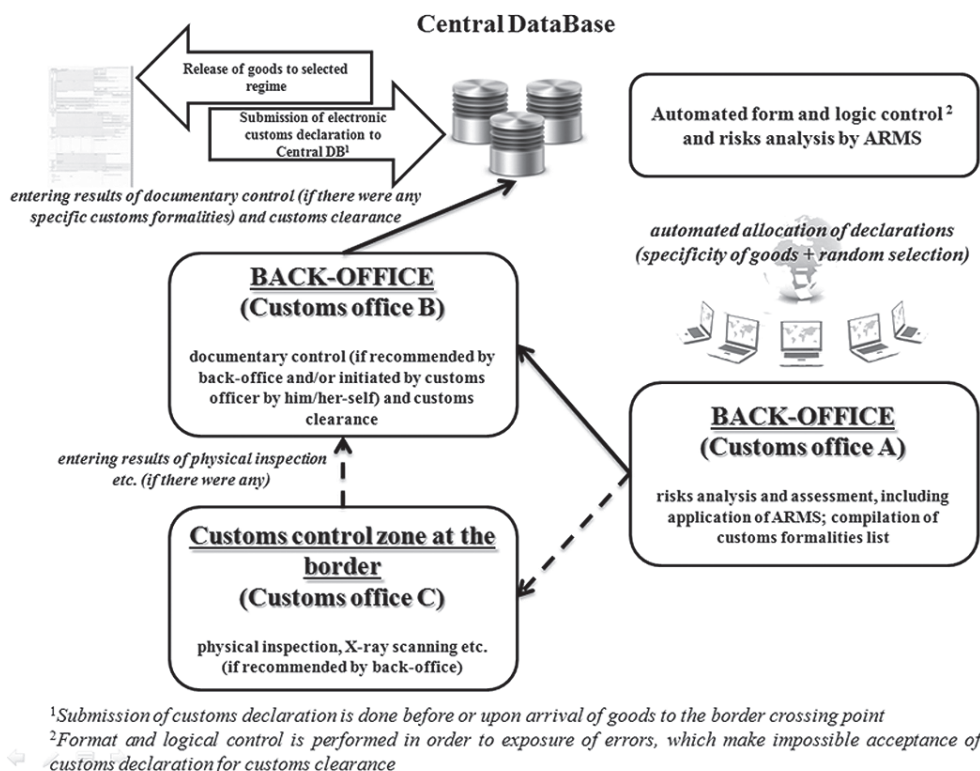
For instance, goods are delivered to one of the customs posts of Lviv Customs Office as it's close to the border, importer, which is located in Dnipro, submits declaration to the central customs server. According to the specialization and random selection this declaration is transmitted to Kyiv back-office for risks analysis and assessment. During control of goods customs officer of Kyiv back-office involves tariff classification expert, who is located

in Mykolaiv. Afterwards customs officer of Kyiv back-office forms list of customs formalities in the system and transmits customs declaration in the mode of customs clearance. By random selection declaration appears in Sumy front-office for documentary check and customs post of Lviv Customs Office for physical inspection (as both have been assigned by back-office). All results of customs formalities fulfillment are put into the system and if everything is fine customs clearance can be finalized and goods can be released (Picture 1).

If importer doesn't want to wait there is a possibility to submit customs declaration before arrival of goods. In this case, once goods cross the border importer will be informed if there is

a need to go to the customs office for physical inspection or goods can be delivered right to the premises of importer. This procedure is in place in national system of state customs affairs at the moment.

On the start of the shift customs officers will register in IT-system and become available for declarations processing. All customs declarations from central server are allotted according to interregional algorithm firstly for risks analysis and assessment, including ARMS application, and, afterwards, for customs clearance and/or physical inspection. All decisions on all stages and all communications between stakeholders should be substantiated, entered and stored in IT-system. At the



**Pic. 1. Proposed algorithm of decentralized customs control of goods and vehicles in Ukraine** (developed by the author)

same time all communication should be anonymous and one customs officer should not have information about other customs officers involved into the process of customs control by declaration. All information regarding place of goods location, back- and front-offices and relevant customs offices working on customs declaration, the same as information about other customs officials, should be hidden from customs officers involved in work with declaration in order to avoid cahoots.

Implementation of decentralized customs control system is resource consumed in terms of IT system development, but it brings a lot of advantages. One of them is solving of corruption and integrity issues due to multilayered decisions making and control approach. Those people in back-offices, who make decisions on customs formalities list are interested in offences disclosure, at the same time they won't overburden customs offices in front-offices or physical inspection groups with fruitless customs formalities.

To ensure fulfillment of above mentioned tasks structure of customs offices has to be reviewed. Structure of customs should be transformed to tackle abovementioned issues. Infrastructure along the border should be able to handle goods and vehicles, including cargo terminals equipped with technical means of customs control where goods may be physically inspected or where importer may just wait for final decision on release of goods. Inside the country customs officers working in specific units (tariff classification, country of origin, non-tariff measures, IPR, customs value etc.) may become experts of back-offices and customs officers work-

ing at customs posts may start working in front-offices. Back-offices may be even virtual and involve experts, who are located in different regions, but successfully have passed process of specialization assignment. Also, it is important to ensure work of customs audit teams, which will be able to perform customs control on premises of economic operators after goods are released. Subjects to customs audits as well as post-clearance control may be identified by back-offices too. The system of decentralized customs control should be completed with divisions of counteracting customs offences, which will be transformed in rapid-response units with enforcement functions.

**Conclusions.** Key characteristics of decentralized system of customs control are multilayered approach, geographic distance and anonymity, which will reduce influence of human factor of each individual customs officer, who makes decision on necessity of customs formalities fulfillment, fulfils such formalities and puts results into a system. This system seems to be quite adequate to Ukrainian realities and can bring a vast improvement in the area of anticorruption activities. Corruption is a very serious threat for efficient functioning of inner customs environment, it also has a negative influence on customs perception in society (external aspect). Weak point in implementation of decentralization in the area of customs control may be absence of customs officers' motivation. They have passed through many attempts to reform customs system and lost their faith in positive changes in the system. This situation has to be solved through appropriate funding and salaries level.

Additionally, efforts have to be made in order to improve image of customs officers through vast outreach on results of implementation new transparent approach to customs control of goods and vehicles. Non-financial motivation, which will be based on respect, advocacy and support of customs officers should be essential part of new decentralized system implementation.

It is argued, that implementation of such approach can be done regardless of such progressive issues application like automated release of goods or conceptions of authorized economic operators. Thus, customs officers in back-offices may work only with customs declarations selected by results of automated risks analysis and assessment by ARMS, at the time when rest of declarations may be cleared automatically. But application of such approach is possible when post-clearance control and customs audit is in place and functions properly. Implementation of other mentioned initiatives can also strengthen new customs philosophy.

The most advanced directions of further researches regarding development of public administration system in the area of Ukrainian customs affairs the author of the article considers studying possible algorithms of cooperation between different stakeholders during risks analysis and assessment, and studying main criteria for measuring efficient and effectiveness of risk management system application during customs control.

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## **INTERNAL RISKS OF THE CONTEMPORARY STATE OF HIGHER EDUCATION IN UKRAINE**

**Abstract.** This article is devoted to the problem of managing internal risks affecting Ukrainian educational institutions. The author analyzes the existing internal challenges and risks in the system of higher education in Ukraine. In addition to this, the essence of the cluster approach, which is one of the effective means of overcoming the problems of the economic mechanism of public administration in the system of reform and development of higher education, is being revealed.

The author suggests that people risk is one of the most difficult and important problems of internal risks. It is noted that the solution of this problem will lead to an increase in the competitiveness of higher educational institutions and the effectiveness of the entire educational process.

It is proved that the management of internal risks is an important issue that is to be decided not only by the educational institution, but also by the entire education system of the country. The author shows the importance of improving educational services by achieving an ideal state of the internal environment of the educational institution.

It is shown that the management of internal risks of a higher educational institution should be based on generally accepted approaches, take into account the specifics of the education sphere and a specific classification of risks and threats.

Also, the author examines the features of the cluster approach in education. It is determined that the cluster approach ensures the concentration of management efforts of educational institutions to solve educational problems, thereby contributing to the reduction of emerging internal risks in a higher educational institution. It is substantiated that the introduction of the cluster approach in the activity of the educational institution will improve the quality and social status of vocational education and increase the demand for graduates in the labor market.

In conclusion, the author says that the modern development of the education system presupposes taking into account the provisions of risk management that will be for overcoming existing internal problems and challenges, thereby ensuring the creative development of domestic universities and increasing the competitiveness of domestic education in the world market.

**Keywords:** internal risks, financial risks, innovative risks, people risks, public administration, cluster approach.

## **ВНУТРІШНІ РИЗИКИ СУЧАСНОГО СТАНУ ВИЩОЇ ОСВІТИ В УКРАЇНІ**

**Анотація.** Розглянуто проблему управління внутрішніми ризиками, які впливають на українські навчальні заклади. Проаналізовано існуючі внутрішні виклики та ризики в системі вищої освіти України. Окрім цього розкривається сутність кластерного підходу, який на сьогодні є одним з ефективних засобів подолання проблем економічного механізму державного управління в системі реформування та розвитку вищої освіти.

Визначено, що однією з найбільш складних й важливих проблем внутрішніх ризиків виступає кадровий ризик. Вирішення даної проблеми приведе до посилення конкурентоспроможності вищих освітніх закладів та ефективності усього освітнього процесу в цілому.

Доведено, що управління внутрішніми ризиками є важливим питанням, яке має вирішуватися не тільки з навчальним закладом, а й усією системою освіти країни. Підкреслено важливість підвищення освітніх послуг за допомогою досягнення оптимального стану внутрішнього середовища освітньої установи. Управління внутрішніми ризиками вищого навчального закладу має базуватися на загальноприйнятих підходах, враховувати специфіку сфери освіти та конкретну класифікацію ризиків й викликів.

Досліджено особливості кластерного підходу в освіті. Визначено, що кластерний підхід забезпечує концентрацію управлінських зусиль освітніх установ на рішення виховних завдань, тим самим сприяючи зниженню внутрішніх ризиків у вищому навчальному закладі. Обґрунтовано, що впровадження

кластерного підходу в діяльність освітнього закладу буде підвищувати якість та соціальний статус професійної освіти, а також підвищувати потребу випускників на ринку праці.

Сучасний розвиток системи освіти передбачає врахування положень ризик-менеджменту, спрямованого на подолання наявних внутрішніх проблем та викликів, тим самим забезпечуючи інноваційний розвиток вітчизняних університетів й підвищуючи конкурентоспроможність вітчизняної освіти на світовому ринку.

**Ключові слова:** внутрішні ризики, фінансові ризики, інноваційні ризики, кадрові ризики, державне управління, кластерний підхід.

## **ВНУТРЕННИЕ РИСКИ СОВРЕМЕННОГО СОСТОЯНИЯ ВЫСШЕГО ОБРАЗОВАНИЯ В УКРАИНЕ**

**Аннотация.** Рассмотрена проблема управления внутренними рисками, влияющими на украинские учебные заведения. Проанализированы существующие внутренние вызовы и риски в системе высшего образования Украины. Помимо этого раскрывается сущность кластерного подхода, который на сегодня является одним из эффективных средств преодоления проблем экономического механизма государственного управления в системе реформирования и развития высшего образования.

Определено, что одной из самых сложных и важных проблем внутренних рисков выступает кадровый риск. Решение данной проблемы приведет к усилению конкурентоспособности высших образовательных учреждений и эффективности всего образовательного процесса в целом.

Доказано, что управление внутренними рисками является важным вопросом, который должен решаться не только учебным заведением, но и всей системой образования страны. Подчеркнута важность повышения образовательных услуг посредством достижения оптимального состояния внутренней среды образовательного учреждения. Управление внутренними рисками высшего образовательного учреждения должно базироваться на общепринятых подходах, учитывать специфику сферы образования и конкретную классификацию рисков и угроз.

Исследованы особенности кластерного подхода в образовании. Определено, что кластерный подход обеспечивает концентрацию управленческих усилий образовательных учреждений на решение воспитательных задач, тем самым способствуя снижению возникающих внутренних рисков в высшем учебном заведении. Обосновано, что внедрение кластерного подхода в деятельность образовательного учреждения будет повышать качество и социальный статус профессионального образования и увеличивать востребованность выпускников на рынке труда.

Современное развитие системы образования предполагает учет положений риск-менеджмента, который будет направлен на преодоление имеющихся внутренних проблем и вызовов, тем самым обеспечивая инновационное

развитие отечественных университетов и повышая конкурентоспособность отечественного образования на мировом рынке.

**Ключевые слова:** внутренние риски, финансовые риски, инновационные риски, кадровые риски, государственное управление, кластерный подход.

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**Problem statement.** Risk management issues occupy an important place in the management of the economic activities of various organizations. Despite the specific market of higher education institutions services, these problems are not overlooked by the party and higher educational establishments.

The main task of risk management in this area is to ideal make sure the relationship between the desired level of risk and the necessary cash costs. In this regard, the risk management system of higher education institutions should give the necessary mechanism to overcome the problems that they are called upon.

Among the components of this system is the decision-making procedure in the case of risk, as well as the choice of methods for its prevention, the identification of responsible persons, the information management system and the system of internal control. Managing the internal risks of higher education institutions is one of the important issues that are solved by the management of the institution. Due to the high growth of competition in the market of educational services, it is important that the state of the internal environment of the educational institution is as optimal as possible. To do this, it is necessary to carry out continuous monitoring of all internal mechanisms of institutions of higher education, as well

as, in assessing the situation, to timely recognize the impact of internal risks on the efficiency of management of higher education.

**Analysis of recent publications on research issues.** The study of risks is devoted to the work of many theorist classics, namely A. Hanna, J. Keynes, A. Smith, I. Fisher.

As for the study of the problems associated with the internal risks of the higher education system, many domestic scientists were involved. Among them, T. Bogolib, A. Tarkutsiak, V. Gelman, and others.

However, despite the wide range of studies that have been carried out in this area, today we see a lack of coverage of the issues of assessing the degree of impact of internal risks on the management of the institution of higher education.

**Purpose of the article.** The purpose of the paper is to study the internal risks faced by institutions of higher education from the point of view of their management and overcoming the existing problems.

**Presenting the main material of research.** Among the main internal risks that depend on internal resource and management factors, we can highlight the lack of such resources, especially students, highly skilled people, finance, computer equipment, infrastructure, etc. This is all due to the fact that to-

day we see an inefficient process of managing the use of these resources under fairly complex external conditions [1].

The normative regulations of the Cabinet of Ministers of Ukraine offer those criteria that serve as a basis for assessing the risk of a separate educational institution for the system of general secondary, vocational and higher education. Among the criteria for assessing the level of risk in the field of higher education, it is possible to show the terms of conduct of economic activity, which provides educational services in the higher education system, and the violations of the requirements of legislation for conducting economic activity, which provides educational services in the higher education system. Such violations are the lack of legal basis for conducting educational activities in certain areas and specialties, those or other violations of the requirements for the formation of the structure of the institution of higher education and student contingent, or staffing of the educational process, or failure to make the curriculum and program. Equally important criteria for assessing the level of risk will be the results of the accreditation of educational programs; the planned performance indicators contained in the annual plans of the entity, such as, government order and financial stability.

Such criteria are usually analyzed when examining institutions of higher education, and on this basis, close on the degree of its risk, which may be insignificant, medium or high. From a scientific point of view, government procurement and financial sustainability are very important among these issues, but more complex assessment and

broadening of the range of criteria, including the ratio of real contingent and licensed volumes, the unemployment rate of graduates in the region and in general, should also be taken into account. It is also important to assess the degree of risk at various levels, including the institution itself, the region, sub-sector or industry in general [2].

For the purpose of a detailed analysis of the risk management mechanisms of higher education institutions, it is necessary to consider elementary internal risks.

Among them one of the most important is the risk of lack of funds. Cash, which is in circulation, is the source of this risk. The cash received from students for education services is unevenly received in higher education institutions, since the payment is one payment at the beginning of receiving the service or twice a year, however, the costs for the functioning of educational institutions are carried out. In the event of improper management financial policy, there is a shortage of cash back in the period when there is no payment for tuition.

One more condition for the emergence of this risk may be the lack of funds in circulation, which leads to negative consequences, including the need for a loan or loan, to show a balance of cash in circulation. Therefore, for the rational management of cash in circulation, it is necessary to optimize them, which is based on the needs of the institution. An important task of managing cash in circulation will be the provision of their sources of funding. This tells us that in the foreground will be the methodological and practical issues of managing the analysis processes,



as well as the need to discuss the problem of the formation and rational use of working capital.

Ensuring a uniform distribution of the institution's costs depend on the correct financial and economic policy of the educational institution, taking into account the uneven cash flow. Therefore, there is a need to create an appropriate reserve for certain obligatory needs and expenditures of the educational institution, while relying on indicators and forecasts of the overall economic situation in the country, calculating the amount of tuition fees. The correct determination of the amount of payment for the entire period of study, as well as its distribution by exchange in equal parts or evenly, increasing each year, is one of the important directions of the financial and economic policy of the educational institution. There is also a need to take into account the option when the student makes an early payment of the entire period of study. In this case, it is important to properly direct the flow of managed funds. Among possible options, we can divide deposits, investments in long-term projects or issuing certificates for training. All this suggests that the effective allocation and make of investment funds to meet the needs of the institution throughout the student's training will bring the most profit [3].

Among the internal financial risks is allocated investment, which for institutions of higher education, primarily associated with innovation activities. Innovative activity of institutions of higher education is the organization of educational, scientific and innovation process in four directions, namely, educational, research, administrative,

management, scientific and technical. In order to manage investment risks it is necessary to carry out their timely detection, to rate and analyze the identified risks, to find the causes of their occurrence, to develop measures that will cut their impact, economically substantiate and implement the developed measures. Implementation of such stages will make it possible to increase the efficiency of management of investment risks.

Among the specific internal risks, we consider it necessary to refer to the loss of contingent, which is usually classified as working. Naturally, students are the main and only consumer of higher education institutions. Applicants form a potential contingent in a higher education institution. Recently, there is such a tendency, which is lack of entrants, which can be explained by the demographic situation in the country, the policy of the state, financial insolvency of the population. All these factors influence the significant reduction of the number of applicants, which, in turn, forces higher education institutions to intensify the competitive struggle for them. The consequences of such a risk affect all types of activities of the institution of higher education, first, on its financial status [4].

Today, we can see that analysts of the Ministry of Education and Science of Ukraine offer us a cluster approach, which allows determining the regional groups of institutions of higher education of the degree of aggravation of their internal problems.

Important features of the cluster participants are the presence of the so-called "critical mass", as well as the sufficiently high level of connections

between the participants, that is, internal and external connectivity and novelty in the activity of the cluster participants. If we look at the last part, note that the cluster is directed and concentrated on creative enterprises (firms and institutions). It is innovative development that directs the active orientation of these structures and defines innovative activity, and is achieved by continuous improvement of the advantages as a result of various types of innovations. These include organizational, technological, technical and marketing innovations.

Summarizing the above, let us note that solving the problem of industrial cooperation precisely in the field of training of classified labor is possible due to cauterization of the sphere of education. In this case, this approach will help increase competitiveness at the regional and national levels, increase the growth of innovation potential, develop small and medium-sized businesses in the field of education and training of skilled workers, as well as in other areas.

The accumulated experience tells us that the cluster approach is not only a means of achieving the goal, combined with increasing competitiveness, as well as innovation enhancement, is also an effective means, which is an incentive for regional development that will yield a multiplier effect that will lead to an increase in employment, raise wages, as well as deductions to the budget and increase stability in competition between regions and the state as a whole [5].

Looking at the centers where clusters can be formed may be educational institutions, such as higher education

institutions and each group of research and development organizations. In this case, clusters will be considered as the most effective production system in the conditions of globalization and development of modern science, that is, the knowledge economy [6].

Considering the sphere of regional development, it should be noted that it is worth developing cluster concepts. In this case, radical reforms are needed at the national level, which will lead to greater organizational and economic cooperation. However, here the main aspect of supporting the clustering process is the implementation of a policy at the national level for maintaining and developing scientific and technological progress, developing innovation, conducting administrative, financial and economic, as well as regulatory reforms and strategic development of the regions [7].

According to T. Yu. Krasnikova educational clusters are a system of joint institutions of specialized education, joined by industry and have partnerships with enterprises in the industry [8].

Considering the assertions of N. V. Vasiliev, it should be noted that the educational cluster at the regional level should be considered as a whole system of educational institutions of 1–4 level accreditation, commercial companies, organizations involved in introducing innovations into infrastructure at the regional level and levels of entrepreneurship, in close connection with the authorities and the part economic system. In line with this, she says that the center or nucleus of the cluster may be a higher education institution, which will assume responsi-

bility for the educational and scientific support of the cluster, as well as at the same time represent an information and methodological center and communications platform [9].

O. N. Korchagina asserts that to receive an educational service, which is the product of an activity, the educational cluster should be a group of educational institutions in the same region and in partnership. In this approach, the center of the educational cluster will be a higher education institution or another educational organization [10].

Educational cluster in the sense of O. V. Smirnov is an innovation chain “science-technology-business”, which is connected horizontally within each other and is a system of training, mutual learning, and self-learning tools. In this approach, the educational cluster is the basis of the educational process, which enables one to view this cluster on both sides: as a system and as a process [11].

But the educational cluster should be seen as a more voluminous, with regard to the market of educational services, the concept. That is, the system of interconnected higher education institutions and educational organizations, the significance of which is quite large. Such a concept can be defined with such forms of integration between industries as joint ventures, holding structures, strategic alliances, network associations, industrial parks, industrial parks, economic zones.

In our opinion, the educational cluster is a more complex process than the usual association of educational institutions, organizations and enterprises, because these institutions take part in the

process of co-operation and compete with each other.

The process of continuous education from the preschool institution, from school to production itself, is one system that eventually forms an educational cluster.

In addition note that the educational innovative socio-cultural cluster is a close interacting economic entity that is voluntarily united geographically and includes: educational institutions, authorities, the banking and private sector, innovation organizations, various objects infrastructures that include the production of competitive educational, social and cultural services, a directed development strategy, the realization of the interests of all participants, as well as the site of the cluster where it is located and has an important socio-economic role in the region. The purpose of the cluster is to unite the efforts, capabilities, and potential of the subjects of the new structure for the implementation of mutually agreed actions for improving the quality of education in the regions, its competitiveness both at the domestic and world levels.

Summing up the above, we can say that under the notion of an educational cluster one should mean an alliance connected with each other and the territory, institutions of higher education, which leads to the development and growth of competitiveness of each of them, and their activities are aimed at achieving innovative technologies and quality training of workers for the regional and national labor market.

**Conclusions.** Thus, in the economic mechanism of public administration in the system of reforming and developing higher education in Ukraine, we can

see the need for changes in the national higher education system in terms of its readiness for contemporary development, among which new approaches to the allocation of not only educational but also educational and scientific clusters.

Along with this, we can talk about the inadequacy of the response to the challenges and risks of the external and internal environment at the institutional, regional and national levels.

This is all the more so as today we are seeing big global, political and economic challenges in the field of higher education, which are conditioned by the global trend and the specific conditions of our time, which allows us to close on the need for a timely and well-founded analysis of such challenges and risks as the basis for development of thought-out and effective decisions for their implementation in the state educational policy. We can say that domestic higher education has a significant margin of safety, which is important not only to keep, but also to multiply. The current stage of development involves the formation of professional risk management in the higher education system, as modern creative development of Ukrainian universities and the entire educational system can only be ensured if we expect events than act in a reaction to those or other risks.

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# **INSTRUMENTS FOR INCREASING PERFORMANCE AND EFFICIENCY OF BUSINESS STRUCTURES AND PUBLIC AUTHORITIES INTERACTION AT THE PROCESS OF SOCIAL AND ECONOMIC DEVELOPMENT**

**Abstract.** The article examines the processes of business structures and authorities interaction in Ukrainian socio-economic environment. The importance of such forms of interaction as business associations and special modes of investment activity is indicated. Attention is focused on tools to support and promote the development of small and medium-sized businesses. Special attention is paid to GR-management as a combination of tools and forms of constructive dialogue of business structures with public authorities. The approaches to the content of GR-management in modern economic science are explored. The significance of GR-management for effective interaction between public management and business structures in Ukraine is proved. Forms of establishing and maintaining the GR-partnership of the business community with public authorities have been determined as well as the GR strategy formation to ensure the goal attaining in process to represent business interests in the public administration structure. The main stages for GR-management of business structures interactions with the public authorities are determined. It is noted that during the developing an effective GR-strategy it is necessary to take into account the resources to reduce the negative attitude of business structure employees to possible changes in the economic activity of the latter. Differences between lobbyism and Government Relations are indicated and it is pointed out that lobbyism is only one of the tools, generally the active part of GR-activity. Requirements for candidates to the position of GR-manager in Ukraine are showed.

The findings of this study prove that GR-management is one of the effective tools for establishing and developing interaction between business structures and public authorities aiming to express the economic interests of business structures in the state regulation system of economic relations.

**Keywords:** GR-management, business structure, public management, interaction, entrepreneurship.

## **ІНСТРУМЕНТИ ПІДВИЩЕННЯ РЕЗУЛЬТАТИВНОСТІ ТА ЕФЕКТИВНОСТІ ВЗАЄМОДІЇ БІЗНЕС-СТРУКТУР І ОРГАНІВ ПУБЛІЧНОГО УПРАВЛІННЯ У ПРОЦЕСІ СОЦІАЛЬНО-ЕКОНОМІЧНОГО РОЗВИТКУ**

**Анотація.** Досліджено процеси взаємодії бізнес-структур і влади в соціально-економічному середовищі України. Відмічається важливість таких форм взаємодії, як бізнес-асоціації та спеціальні режими інвестиційної діяльності. Акцентована увага на інструментах підтримки і сприяння розвитку мало-

го та середнього бізнесу. Особлива увага звертається на GR-менеджмент як сукупність засобів і форм конструктивного діалогу бізнес-структур з органами публічної влади. Досліджено підходи до змісту GR-менеджменту в сучасній економічній науці. Обґрунтовано доцільність запровадження GR-менеджменту для формування ефективної взаємодії між органами публічного управління і бізнес-структурами в Україні. Визначено форми встановлення і підтримки GR-партнерства бізнес-спільноти з органами публічної влади, а також досліджено формування GR-стратегії, яка повинна забезпечити досягнення поставленої мети при висловлюванні підприємницьких інтересів в структурі публічного управління. Визначено основні орієнтири GR-менеджменту підприємницьких структур у відносинах з системою органів публічної влади. Наголошено, що при розробці ефективної GR-стратегії слід врахувати ресурси, які необхідні для зниження негативного ставлення співробітників бізнес-структур до можливих змін в економічній діяльності останніх. Наголошено на відмінності між лобізмом та Government Relations та вказано, що лобізм є лише однією з технологій, загалом активною частиною, GR-діяльності. Наведено вимоги до кандидатів на посаду GR-менеджера в Україні.

Зроблено висновок про те, що GR-менеджмент — це один з ефективних інструментів встановлення і розвитку взаємодії між бізнес-структурами та органами публічного управління з метою висловлення економічних інтересів бізнес-структур в системі державного регулювання економічних відносин.

**Ключові слова:** GR-менеджмент, бізнес-структура, публічне управління, взаємодія, підприємництво.

## **ИНСТРУМЕНТЫ ПОВЫШЕНИЯ РЕЗУЛЬТАТИВНОСТИ И ЭФФЕКТИВНОСТИ ВЗАИМОДЕЙСТВИЯ БИЗНЕС-СТРУКТУР С ОРГАНАМИ ПУБЛИЧНОГО УПРАВЛЕНИЯ В ПРОЦЕССЕ СОЦИАЛЬНО-ЭКОНОМИЧЕСКОГО РАЗВИТИЯ**

**Аннотация.** Исследованы процессы взаимодействия бизнес-структур и власти в социально-экономической среде Украины. Отмечается важность таких форм взаимодействия как бизнес-ассоциации и специальные режимы инвестиционной деятельности. Акцентировано внимание на инструментах поддержки и содействия развитию малого и среднего бизнеса. Особое внимание обращается на GR-менеджмент как совокупность средств и форм конструктивного диалога бизнес-структур с органами публичной власти. Исследуются подходы к содержанию GR-менеджмента в современной экономической науке. Обоснована целесообразность внедрения GR-менеджмента для формирования эффективного взаимодействия между органами публичного управления и бизнес-структурами в Украине. Определены формы установления и поддержания GR-партнерства бизнес-сообщества с органами публичной власти, а также исследовано формирование GR-стратегии, которая должна обеспечить достижение поставленной цели при представительнии предпринимательских интересов в структуре публичного управления. Определены основные ориентиры GR-менеджмента предпринимательских

структур в отношениях с системой органов публичной власти. Отмечено, что при разработке эффективной GR-стратегии следует учесть ресурсы, которые необходимы для снижения негативного отношения сотрудников бизнес-структур к возможным изменениям в экономической деятельности последних. Отмечено различия между лоббизмом и Government Relations и указано, что лоббизм является только одной из технологий, в общем активной частью, GR-деятельности. Приведены требования к кандидатам на должность GR-менеджера в Украине.

Сделан вывод о том, что GR-менеджмент — это один из эффективных инструментов установления и развития взаимодействия между бизнес-структурами и органами публичного управления с целью выражения экономических интересов бизнес-структур в системе государственного регулирования экономических отношений.

**Ключевые слова:** GR-менеджмент, бизнес-структура, публичное управление, взаимодействие, предпринимательство.

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**Problem statement.** For the progressive development of our government, the first priority is the achievement of the sustainable development of the socio-economic systems, the provision of which is possible only on the basis of the effective interaction between the authorities and business structures. It should be noted that the process of the interaction of the business environment entities with the state authorities within the framework of the legal relations is permanent. However, the parties to this process demonstrate differences in value orientations and attitudes, goals and ways to achieve them. Moreover, the intensification of the globalization processes and the rapid change in the economic circumstances lead to a transformation of the relationship between the business, the society and the government, and the growing demands of the society on the quality of life, expansion of opportunities for development, reception of services, etc., determine the interest in finding mo-

dern forms of interaction between the government and the business. All of the above determines the relevance of the study.

**Analysis of recent research and publications.** The issues of interaction between the government and the business were studied by such well-known foreign scholars as J. Galbraith, John Mill, K. H. Pay, John M. Keynes and others. Among the researchers in the domestic scientific community among the researchers of the theory and practice of business interaction with the public administration bodies, such scientists as L. L. Gritsenko, A. O. Dehtyar, V. Yemelyanov, S. O. Klimovich, A. M. Krutyu, V. V. Telipko, Yu. Shevchuk and others should be noted. However, the vector of the development of the modern socio-economic processes requires the search for new forms and tools for increasing the efficiency of the interaction between the government and the business.

**The purpose of the article** is to study the process of the interaction of

the business community and the public administration bodies in order to increase its effectiveness and efficiency in the current conditions of the socio-economic development of Ukraine.

**Presentation of the main material.**

On the achievement of the sustainable development, according to the definition of the national report “Socio-Economic Potential of the Sustainable Development of Ukraine and Its Regions” [1], such actors as different levels of government, business structure, civil society as a whole and each individual man in particular have a significant influence. That is, the establishment of the effective interaction of the government and business at the moment is one of the most important conditions for the formation of the effective economic policy, the increase of the investment and innovation activity, the growth of the competitiveness of the country, as well as the development of the industrial and social infrastructure [2].

An effective tool for dialogue between the business and the government are the business associations representing the interests of the business entities. One of the main tasks of the business associations is to promote the creation of the conditions for the business development by the authorities.

The special regimes of the investment activity, as a form of mutually beneficial relations between the state authorities and the business, aim at stimulating the development of the territories with unique advantages and proved their effectiveness in many countries.

Since the small and the medium-sized businesses are the driving force behind the development of the economies of many countries, the activation

of the regional and local authorities in their support is of paramount importance. The following tools are important in this direction: establishing efficient and high-quality activity of the centers for providing administrative services, regulating the use of financial leasing for the business development, promoting transparency of the government activities, creating simplified tax procedures, etc. [3].

The further democratic transformations in Ukraine require the authorities to search for new tools and forms of interaction between the government and the business. In our opinion, one of these forms is GR (Government Relations)-management whose purpose is to effectively solve the social and economic problems by combining the resources of the private and the public sectors. In economically developed countries, the GR-technologies have become an integral part of the management of the organizations. Unfortunately, at the domestic enterprises to this time the GR-communications are not integrated into the management structure properly.

In the broad sense, the term GR (Government Relations) includes a complex set of tools and forms of dialogue between the representatives of the business community and the public authorities [4]. This interaction takes place through the use of a number of elements that form the structure of the information interconnection of the business entities with the public authorities: the source of information, the message, the message transfer channel, the receiver, the feedback. At the same time, the concept of the GR-management can be interpreted as one of the variants of

the communication (communicative) management which is necessary for the coordination of the economic interests of the various organizations of the private sector of the economy with the public authorities in order to reduce the economic risks of the entrepreneurial activity. With the help of the information communications, and, in particular, on the basis of the sustained feedback, the public administration bodies regulate and ensure the ordering of various types of relations [4]. On the other hand, the representatives of the business community come forward with their initiatives, grounded proposals and projects in the system of the public administration to realize their business interests [5].

The GR-management can also be characterized as a strategically important alliance between the government and the business whose goal is the effective implementation of the socially significant projects and programs of a wide range (economics, science and education, health care and culture) that are capable of providing our country with an innovative colour scheme [6].

The effective interaction between the government and the business involves the combination of the benefits of the public and private sectors through the integration of the organizational and managerial and financial and economic potential of the business sector in the process of solving the national and state tasks using a variety of economic incentives and motivational mechanisms. The task of the GR-management is to increase the dynamics of growth, the formation of a culture of relationship between the government and

the business, creating a positive impact on the socio-economic situation.

The process of establishing and maintaining the GR-partnership of the business community with the public authorities can be characterized by the following types [7]:

1. The direct dialogue between the business entities and the representatives of the public administration. The dialogue is carried out through the informal channels through direct meetings and negotiations. In business units, the organization of the interpersonal interactions in discussing the strategies, plans and activities, timelines and structural changes should be complemented by the group forms of work on consideration of the GR-strategy that is discussed at seminars, round tables that contribute to the development of a rational plan for the interaction with the public authorities.

2. The formation of various scientific (scientific and informational) institutions, as well as the advisory services the object of which is the study of the management processes and economic relations. These institutions and services are able to formulate the proposals and interests of entrepreneurship in raising the efficiency of their activities.

3. The activity of the mass media in the form of ensuring the public dialogue and reconciliation of mutual interests of the business structures with the public authorities.

One of the most important elements of the GR-environment is the regulatory framework for expressing the interests of the entrepreneurship in the processes of the state regulation and implementation of the local self-government. The



GR environment has a significant impact on the GR-partnership that can be organized in the following forms:

1. The integration of the management resources for the comprehensive consideration and elimination of the socio-economic problems.

2. Obtaining mutually beneficial results reflected in saving the budget funds and additional profits of the private entrepreneurs [8].

3. The joint establishment and prevention of the economic risks through the development and proper implementation of the decisions of the public authorities taking into account the proposals and interests of the representatives of the business community.

Depending on the socio-economic goal of the organization-developer, an GR-strategy is formed that must ensure the achievement of the goal when expressing the business interests in the structure of the public administration. This strategy is closely linked to a wide range of issues: the realization of the production and trade innovations; the policy development of the firm; the monitoring of the system of the existing legal and regulatory definitions of the possible options for influencing the state decisions, etc. [9].

The GR-strategy can be developed by studying the external socio-economic relations with the identification of the needs of the citizens, the interests of the public authorities, the goals of the competitors and the specifics of the activities of the media with the establishment of a real business position in this environment. The aspects of this activity are recorded by the means of various documents and proposals. The main strategic priorities and constraints

are formulated with the development of a program of action of the management of the company and co-owners in interaction with the public administration. This interaction is formed on the basis of principles of creating favorable competitive conditions in the external environment, forming and maintaining the image of the company and raising the level of profit. Thus, there is an important communication interaction — the transmission of the messages to the public administration that expresses the socio-economic interests of the subject of the entrepreneurship. The said technology is implemented through the negotiations or electronic information networks with the subjects of the adoption of the state or municipal administrative decisions [10].

Within the framework of realization of the established strategy of the GR-management, the search and application of the various methods of influencing the public authorities is carried out by the developing and implementing a plan of measures for establishing a constructive dialogue with the public authorities. Therefore, the main guidelines of the GR-management of the business structures in the relations with the system of the public authorities are currently:

1. Obtaining the maximum possible information on the issues of the state (municipal) regulation in the field of business.

2. Setting opportunities to influence the decision-making at the state level and at the local level.

3. The definition of the various options for the participation in the development and adoption of these decisions [11].

4. The preparation of the expert opinions on issues falling within the scope of the entrepreneurial interests of the business unit for the public authorities in demand.

5. Establishing and expanding the business contacts with the representatives and heads of the public authorities from the existing social and economic problems at the various levels of the public administration [5].

6. In the internal environment of the business entity, in the framework of the implementation of the chosen GR-strategy, there is a need for such measures as providing support for the actions aimed at establishing the interrelationships with the public authorities on the part of the managers and staff; overcoming the resistance of the employees to the changes that are implemented by informing about the goals and methods for implementing the GR-strategy. At the stage of the planning and implementation of this strategy, the initiators should ensure the participation in this process of the hidden and explicit opponents of the strategic change that helps to reduce counteraction.

In developing an effective GR-strategy consider the resources that are needed to reduce the negative attitude of the employees of the private companies to the possible changes in the economic activity. Reinforcing a positive attitude towards the transformational changes by the active, as well as its potential opponents, may be realized through the additional incentives such as remuneration for the advanced training and time for the additional training.

The training of the specialists in the interaction with the public administra-

tion is carried out by the universities from many countries. For example, the lobbying is a profession taught in the United States [11]. The research center of the portal SuperJob.ua, having studied the expectations of the employers from the candidates for the position of “GR-manager” in Kyiv, came to the conclusion that the applicants should:

- have higher education in economics, jurisprudence or public administration;
- know the structure of the public authorities, public organizations, the methods of working with them, as well as the sector specifics of the company in which they would like to work, the mechanisms for lobbying their interests in the state authorities and international organizations;
- have skills to analyze the market of the consumers and competitors, work on the PC and have work experience with the document circulation;
- have communicative skills, organizational skills, analytical thinking;
- have experience in PR, legislative or executive bodies, public organizations, political parties [12].

The choice of the optimal model for establishing the GR-relationships is determined by a number of factors, namely:

- the specifics of the business activity and the economic characteristics of the business unit concerned;
- the level of the influence of a particular business unit in the relevant industry and territory (region);

- availability of the financial resources of the business unit;
- the activities of the trained GR-specialists and top-managers with the necessary communicative skills;
- the scale and level of the economic value of the tasks solved by a particular business unit;
- an acceptable range of areas of the GR-activity in the business community [6].

The combination of the GR-management functions of the several representatives of the business community at the regional or municipal level significantly expands the possibilities of strengthening the partnership with the public authorities. It promotes the timely and regular receipt of the information at once by several business entities in those areas of the GR-strategy that are implemented for a given period of time. Such information may have the following character:

- information contributing to the comparison of the interests of the specific business units with the objectives of the industry development in the business system;
- information on measures taken by the public authorities to provide support and exercise control over the private business.

At the same time, the GR-management should not be identified with the lobbyism, since GR is the sphere of the general management associated with the formation of the mechanism of the interaction between the government and the business, while the lobbyism is one of the technologies, in general, an active part of the GR-activity [13].

In addition, the scholars M. Nedyuha and M. Fedorina point out the presence of the latent lobbyism that poses a threat to the national security of Ukraine [14]. As a rule, such lobbying activities are directed to the implementation of the instructions from the foreign states and transnational corporations whose interests often contradict the national ones.

The main task of forming a system of the regulation and support of the entrepreneurship by the public administration bodies is to increase the efficiency of the factors of the development of the business community. The role of such factors can be:

1. The system of the legal regulation of the entrepreneurship and implementation of the entrepreneurial initiatives of the local bodies of the public administration.
2. The creation of the favorable financial conditions for the realization of the economic tasks in the structures of the authorities.
3. The infrastructure provision of the entrepreneurship by the local self-government bodies.
4. The formation of the human resources and staffing of the subjects of the entrepreneurial activity.

**Conclusions.** Consequently, the GR-management is one of the effective tools for managing the interaction of the business community with the public authorities in order to express the economic interests of the business entities in the system of the public management of the economic relations. Indeed, the effective organization of the GR-management contributes to the elimination of the administrative barriers to business development, improving the

efficiency of the subject of the entrepreneurial activity. In order to develop the GR-management in Ukraine, in our opinion, the following tasks need to be addressed:

1. The development and approval of the legal bases of the interaction of the business structures with the authorities.

2. The analyzing and promoting the transfer of the experience of the successful GR-practices.

3. The development of the institute for regulatory impact assessment, the mandatory inclusion of the largest business structures in the process of coordinating the decisions of the public authorities at all the levels of the public administration.

4. The organization of so-called GR-forums in order to effectively establish bilateral GR-communication for the development of the public-private partnership.

5. The development and implementation in the leading universities of the country of the high-quality educational programs in the field of the GR-management.

The prospect of the further research in the direction of the establishment and development of the GR-management in Ukraine is seen in developing a mechanism for its introduction and criteria for evaluating its effectiveness and efficiency.

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## THE STUDY OF THE FOOD SECURITY OF THE COUNTRY IN THE CONDITIONS OF THE CRISIS

**Abstract.** The paper examines the country's food security in a crisis. The main threats to Ukraine's food security include political threats, excessive import thresholds, food price disparities, poor solvent demand of the population, underdeveloped system for analyzing, assessing and forecasting the dynamics of the agro-food market. To increase the level of food security of the country, state policy is a prerequisite, which can ensure the stable development of the domestic agro-industrial complex against the background of risks and threats.

The main risks that threaten the state of food security of Ukraine in the near future are identified, namely: an increase in the share of cultivated areas under technical crops, which leads to a decrease in the share of cultivated areas for food crops; the absence of analogues of imported equipment and, consequently, the reduction of the pace of modernization of a number of branches of the agro-industrial complex; insufficient development of the infrastructure of transportation, movement of goods and storage of food products; macroeconomic factors and fluctuations of the exchange rate; rising prices for material and technical resources and energy resources; epizootic risks, the manifestation of which is most likely to occur in the event of the emergence and spread in the country of cells of

particularly dangerous and quarantine diseases of animals, including those with imported animals — carriers of pathogens or the movement of pathogens from the territory of adjacent states.

It is concluded that ensuring food security is first and foremost a complete self-sufficiency, or maintenance of a critical minimum level of production. The identified food security risks create threats that can lead to non-compliance with the food safety margin. To ensure the sustainability of economic development, implementation of state regulation measures aimed at stabilizing and maintaining food security of the country is necessary.

Security, measures of state regulation, crisis, food safety, risks. It is concluded that ensuring food security is first and foremost a complete self-sufficiency, or maintenance of a critical minimum level of production. The identified food security risks create threats that can lead to non-compliance with the food safety margin. To ensure the sustainability of economic development, implementation of state regulation measures aimed at stabilizing and maintaining food security of the country is necessary.

**Keywords:** security, measures of state regulation, crisis, food safety, risks.

## ДОСЛІДЖЕННЯ ПРОДОВОЛЬЧОЇ БЕЗПЕКИ КРАЇНИ В УМОВАХ КРИЗИ

**Анотація.** Досліджено продовольчу безпеку країни в умовах кризи. Основними загрозами продовольчої безпеки України можна вважати політичні загрози, перевищення порогового рівня імпорту, диспропорція цін на продовольчому ринку, слабкий платоспроможний попит населення, слабкорозвинена система аналізу, оцінки і прогнозування динаміки розвитку агропродовольчого ринку. Для підвищення рівня продовольчої безпеки країни необхідною умовою є державна політика, здатна забезпечувати стабільний розвиток вітчизняного агропромислового комплексу на тлі ризиків і загроз.

Визначено головні ризики, що загрожують стану продовольчої безпеки України в найближчій перспективі, а саме: збільшення частки посівних площ під технічні культури, що веде до зменшення частки посівних площ під продовольчі культури; відсутність аналогів імпортного устаткування і, як наслідок, зниження темпів модернізації ряду галузей агропромислового комплексу; недостатня розвиненість інфраструктури транспортування, руху товару і зберігання харчової продукції; макроекономічні чинники й коливання валютного курсу; зростання цін на матеріально-технічні засоби та енергоресурси; епізоотичні ризики, вияв яких найбільш ймовірний в разі виникнення та поширення в країні осередків особливо небезпечних і карантинних хвороб тварин, пов'язаних у тому числі з імпортованими тваринами — переносниками збудників хвороб або з переміщенням збудників хвороб з території суміжних держав.

Зроблено висновок, що забезпечення продовольчої безпеки — це повне самозабезпечення, або підтримання критичного мінімуму рівня виробни-

цтва. Виявлені ризики продовольчої безпеки формують загрози, здатні призвести до недотримання граничних критеріїв продовольчої безпеки. Для забезпечення стійкості економічного розвитку потрібна реалізація заходів державного регулювання, спрямованих на стабілізацію та підтримку продовольчої безпеки країни.

**Ключові слова:** безпека, заходи державного регулювання, криза, продовольча безпека, ризики.

## ИССЛЕДОВАНИЕ ПРОДОВОЛЬСТВЕННОЙ БЕЗОПАСНОСТИ СТРАНЫ В УСЛОВИЯХ КРИЗИСА

**Аннотация.** Исследованы продовольственные безопасности страны в условиях кризиса. К основным угрозам продовольственной безопасности Украины можно отнести политические угрозы, превышение порогового уровня импорта, диспропорция цен на продовольственном рынке, слабый платежеспособный спрос населения, слаборазвитая система анализа, оценки и прогнозирования динамики развития агропродовольственного рынка. Для повышения уровня продовольственной безопасности страны необходимым условием является государственная политика, способная обеспечивать стабильное развитие отечественного агропромышленного комплекса на фоне рисков и угроз.

Определены основные риски, угрожающие состоянию продовольственной безопасности Украины в ближайшей перспективе, а именно: увеличение доли посевных площадей под технические культуры, что ведет к уменьшению доли посевных площадей под продовольственные культуры; отсутствие аналогов импортного оборудования и, как следствие, снижение темпов модернизации ряда отраслей агропромышленного комплекса; недостаточная развитость инфраструктуры транспортировки, товародвижения и хранения пищевой продукции; макроэкономические факторы и колебания валютного курса; рост цен на материально-технические средства и энергоресурсы; эпизоотические риски, проявление которых наиболее вероятно в случае возникновения и распространения в стране очагов особо опасных и карантинных болезней животных, связанных в том числе с импортированными животными — переносчиками возбудителей болезней или с перемещением возбудителей болезней с территории сопредельных государств.

Сделан вывод, что обеспечение продовольственной безопасности — это прежде всего полное самообеспечение, или поддержания критического минимума уровня производства. Выявленные риски продовольственной безопасности формируют угрозы, способные привести к несоблюдению пороговых критериев продовольственной безопасности. Для обеспечения устойчивости экономического развития нужна реализация мер государственного регулирования, направленных на стабилизацию и поддержку продовольственной безопасности страны.

**Ключевые слова:** безопасность, меры государственного регулирования, кризис, продовольственная безопасность, риски.

**Thesis statement.** Ensuring Ukraine's food security is an essential component of national security, a factor in maintaining its statehood and sovereignty, a key component of demographic policy. The strategic goal of food security is to provide the country's population with safe products. The guarantee of achieving this goal is the stability of domestic production, as well as the availability of necessary reserves and stocks. Implementation of measures related to ensuring food security of the country is associated with certain risks, which can significantly weaken it.

**Analysis of recent research.** A large number of works by domestic scientists, in particular O. G. Bilorus, V. I. Vlasov, P. T. Sabluk and others, are devoted to the study of food security problems of various hierarchical ranks, as well as the principles, factors, and threats of its formation. However, it can be argued that this issue requires additional scientific research, which led to the choice of the topic of the scientific article.

**Objective.** The purpose of the article is to study the country's food security in the context of the crisis and to identify the main risks that threaten Ukraine's food security in the near future.

**Results.** The food security problem always occupies a leading place in the overall national security of each country, as it is a prerequisite for the social and economic stability of the state.

Problems of food security have fallen into the field of view of representatives of the national economic science relatively recently. A factor in the emergence and constant increase of attention to these problems is the

transformational crisis of the Ukrainian economy, which covered all spheres and became a significant obstacle to ensuring sustainable development of the economy and society. The first report on the state of food security in Ukraine was disclosed in 2007, when there was a threat of shortage of fish products, fruits, oils and other products. According to the methodology for determining food safety indicators, the situation is considered normal when the share of imported products does not exceed 30 %.

Satisfaction of the population's needs for food, within its purchasing power, in 2017, as in fact during all years of Ukraine's independence, was ensured, mainly due to domestic production.

At the same time, in three food groups, the share of imports traditionally exceeds the 30 % benchmark for this indicator. The highest level of import dependence – almost 75 % – was noted for the group “fish and fish products”, since 90 % of imported deliveries belong to fish species that are exclusively extracted in the waters of the marine economic zones of other states, due to the peculiarities of their biological cycle [3].

Exceeding the limit criterion for the group “vegetable oil” is due to the import of tropical oils (palm and coconut oil occupy more than 90 % of imports), which are in active demand from domestic producers of food industry.

The import dependence on the group “fruits and berries” is related to the import of significant volumes of exotic fruits, cultivation of which is not characteristic of Ukraine (bananas, citrus fruits, kiwi, etc.).

The problem is also that many domestic food products are made from imported raw materials. Often, real import volumes are hidden, “gray” imports are not taken into account, so it is difficult to determine the objective situation with the danger of a crisis. The share of imported food is dangerously increasing. Ukraine’s accession to the WTO increased the share of food imports.

Among the main risks that threaten the food security of our country in the near future, one can distinguish the following:

- an increase in the share of cultivated areas for technical crops, which leads to a decrease in the share of cultivated areas for food crops;
- the absence of analogues of imported equipment and, consequently, the reduction of the pace of modernization of a number of branches of the agro-industrial complex;
- insufficient development of the infrastructure of transportation, circulation of goods and storage of food products;
  - macroeconomic factors and fluctuations of the exchange rate;
  - rising prices for material and technical means and energy resources;
  - epizootic risks, the manifestation of which is most likely to occur in the event of the emergence and spread in the country of particularly dangerous and quarantine diseases of animals, including those with imported animals – carriers of pathogens or the movement of pathogens from the territory of adjacent states.

Insufficient budget financing of anti-epizootic measures in order to provide means for specific prevention and diagnosis of animal diseases negatively

affects the state of livestock, the epidemiological situation in the country, as well as the possibility of ensuring the protection of the population from general animal and human diseases.

Against the availability of the above-mentioned risks, food security threats are created, leading to non-compliance with the food safety margin criteria. To ensure the sustainability of economic development, implementation of state regulation measures is required.

The socio-economic policy conducted by the state in the field of ensuring economic security of the country should take into account the risks and threats that may adversely affect food security.

The main threats to Ukraine’s food security include political threats, excessive import thresholds, food price disparities, poor solvent demand of the population, underdeveloped system for analyzing, assessing and forecasting the dynamics of the agro-food market.

To increase the level of food security of the country, state policy is a prerequisite, which can ensure the stable development of the domestic agro-industrial complex against the background of risks and threats.

The current macroeconomic situation raises the issue of food security as a priority. Factors for ensuring food independence and the policy of import substitution of the main categories of food were exacerbated by the political situation in our country. The question of the possibility of ensuring food sovereignty has been actively considered over the past few years [1].

Addressing food security and nutrition issues requires food availability, its accessibility, adequacy and quality, and

improved diet. Proper and balanced nutrition promotes human development; it helps a person to fully fulfil his or her potential and make use of opportunities for development. It should be noted that effective governance, political stability and the rule of law, as well as the absence of conflicts and civil unrest, contribute to all these aspects of food security.

In the field of sustainable development of agricultural areas, great attention should be paid to such directions as public financial support for social programs in rural settlements, the analysis and assessment of unemployment and the level of real incomes of rural population [2].

In the foreign economic field, under the conditions of growing imports of agricultural products, raw materials and foodstuffs, as well as the gradual decrease of the dependence of the agro-industrial complex on the import of machinery, equipment and other resources, state policy should ensure the active use of protective measures and the effective functioning of the system of veterinary, sanitary and phyto-sanitary control respectively to international rules and standards, thus, foreign-economic policy should be conducted with the observance of criteria of food security.

In order to ensure the safety of food products, monitoring of conformity of products (including imported ones) with the requirements of Ukrainian legislation at all stages of the circulation of goods is required.

In the area of economic availability of food (in particular, its increase for all groups of the population), special attention must be paid to measures aimed primarily at reducing poverty, provid-

ing priority support to the most needy walks of the population.

In order to ensure the physical availability of food, it is expedient to effectively use mechanisms to support regions that do not produce enough food or find themselves in extreme situations.

In order to improve the quality of products, the system of control and safety of food products throughout the circulation of goods, measures should be taken to create a modern organizational structure for controlling the quality and safety of food raw materials and food products, as well as the instrumental and methodological basis [2].

The joint work of all government bodies is necessary to ensure the country's food security.

Much attention needs to be paid to the issues of the creation of effective mechanisms for ensuring food security. These mechanisms should be considered as part of the analysis, assessment and forecast of socio-economic development of the state.

The role of providing food products to the population is in support of the stability of the social and economic fields and determines the importance of the food security issue.

Currently, our country is in a situation of economic instability, which leads to higher prices and a reduction in incomes of the population. The forced redirection of consumers to food products, which are cheaper and less nutritious, leads to negative consequences for the working capacity and health of people.

One of the most important indicators of the level of economic development of the country is the nutrition



level of the population. Providing the population with food serves as the most important one that defines the parameters of the level of social life of the state, the state structure and the viability of the economic structure.

Lack of food, as a rule, arises because of wars, economic crises, natural disasters, etc. In connection with this, there is a problem of providing food for both an individual and for the state. Food and ecological safety are closely interrelated, as agricultural activity significantly influences the deterioration of environmental safety in the world. This negative tendency on the one hand prevents the growth of production as a raw material for food, and on the other leads to the production of products contaminated with various toxic substances.

Currently, the most acute problem in our country is the low competitiveness of agriculture.

Globalization, which seeks to market with equal opportunities for all, with total resources, is currently showing its failure. The problem of WTO countries negotiations on agriculture was a conflict in which the US farmers sharply reduced the cost of agricultural products, receiving a subsidy of about 120 billion USD from the Government, thereby forcing foreign agricultural producers to close their production because of low profitability and the impossibility of competition with the Americans [3].

The state economic policy on food security can be divided into the following fields:

- a quick and adequate response to the external and internal threats to the stability of the food market, provision

of the population with the necessary food products;

- support and development of the domestic agro-industrial complex;

- effective international cooperation in the field of food security.

As a rule, food security is considered using a variety of indicators and criteria. An example of such parameters is the degree of food dependence of the country on imported products, that is, self-sufficiency in food, economic and physical availability of food products for the population, etc.

It is necessary to create favourable conditions by the state for small and medium business entrepreneurs in connection with the emergence of a large number of external economic threats. First of all, at the expense of low, but better, zero, bank credit rates for several years, the creation of zones of proactive development and free economic zones, with the creation of preferential tax conditions favourable for the inflow of investments.

The above measures will contribute to solving the problem of import substitution of food products for goods of domestic producers. Solving the food security problems in Ukraine requires the adoption of a package of measures. Firstly, a modification of the system of socio-economic planning is required. This requires the implementation of systemic interconnected actions in different fields. Secondly, in order to use own agricultural machinery and modern equipment, development of the domestic industrial complex is necessary. Thirdly, state aid to agricultural producers, the imposition of a ban on non-targeted use of agricultural land, as well as assistance in their development, in-

cluding through the involvement of private farmers. Fourthly, it is necessary to reduce tariffs for fuel and energy, as well as to modernize power plants. Fifth, it is advisable to create state-owned trading enterprises with a market share of 5–10 %. This measure will allow the use of market mechanisms to control retailers. Sixth, it is recommended that measures be taken to revive the training system in the field of trade [2].

Providing financial and economic stability of agriculture is also no less important. To solve this problem, continuous analysis and evaluation of the price relationship between the agricultural sector and other sectors of the economy is required, in addition to reacting promptly to foreign policy changes to take timely measures to ensure the profitability of production of milk, meat, grain crops, sugar and other food products that are vital.

**Conclusion.** Thus, ensuring food security is first and foremost a complete self-sufficiency, or maintenance of a critical minimum level of production. The identified food security risks create threats that can lead to non-compliance with the food safety margin. To ensure the sustainability of economic development, implementation of state regulation measures aimed at stabilizing and maintaining food security of the country is necessary.

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## **BUREAUCRATIC MANAGEMENT FUNCTIONS: SPECIAL ISSUES**

**Abstract.** The article is devoted to the study of the nature and essence of bureaucracy as a phenomenon of state-political reality. The author notes that for a long time the concept of bureaucratic management was recognized as the most rational and effective in the European tradition of public administration. However, today there is no single approach to understanding the essence of the bureaucracy, as well as its relationship with such concepts as public administration, public management, government apparatus, etc. In this regard, scientific research into the nature and essence of bureaucratic management, which, in turn, will help to avoid further terminological and ideological-ideological confusion.

The author notes that today in the scientific community there are two diametrically opposed approaches to the definition of bureaucracy as a phenomenon

of state-legal reality: the first approach is the quintessence of analysis of anti-bureaucratic Marxist criticism, which even in today's conditions has not lost its relevance, and its basic provisions are scientific interest in studying the problems of public administration; The essence is briefly reduced to fixing the dysfunctions of the public management system; The essence of the second approach is the identification of the latter with government, when bureaucracy is understood as a rationally organized system of public administration, creates the most effective mechanism for implementing managerial decisions.

In the article it was proposed to proceed from the understanding of the bureaucracy as a structured and hierarchically constructed system of highly skilled intellectual workers who have a high level of professional training, intelligent backgrounds, an unblemished reputation, ideological education in the spirit of priority of nationwide well-being, are appointed to posts by competitive selection and qualitatively carry out their professional activities to perform the functions of state darstva. The author also notes that all the "negative" signs of bureaucratic management that are distinguished by scientists should be considered as dysfunctions of the bureaucracy. Thus, shifting the emphasis from the struggle against bureaucracy, attention should be focused on identifying negative factors in the implementation of public administration and working out ways to overcome them.

**Keywords:** state administration, bureaucracy, bureaucratic management, bureaucratic dysfunctions, state manager, state functions, state-power authorities.

### **ДИСФУНКЦІЇ БЮРОКРАТИЧНОГО УПРАВЛІННЯ: ОКРЕМІ ПИТАННЯ**

**Анотація.** Досліджується природа і сутність бюрократії як явища державно-політичної дійсності. Наголошується, що протягом тривалого часу концепція бюрократичного управління визначалася найбільш раціональною та ефективною у європейській традиції державного управління. Проте, на сьогоднішній день відсутній єдиний підхід щодо розуміння сутності бюрократії, а також її співвідношення із такими поняттями як державне управління, публічний менеджмент, апарат державної влади тощо. У зв'язку з цим, як ніколи, актуалізуються наукові розвідки в частині дослідження природи та сутності бюрократичного управління, що, у свою чергу сприятиме уникненню у подальшому термінологічної та світоглядно-ідеологічної плутанини.

На сьогодні у наукових колах існує два діаметрально протилежних підходи до визначення бюрократії як явища державно-правової дійсності: перший підхід є квінтесенцією аналізу антибюрократичної марксистської критики, яка, навіть, в умовах сьогодення не втратила своєї актуальності, а її базові положення становлять науковий інтерес при вивченні проблематики державного управління; сутність стисло зводиться до фіксації дисфункцій державної управлінської системи; сутністю другого підходу є ототожнення останнього із державним управлінням, коли бюрократія розуміється як раціонально організована система державного управління, яка створює найбільш ефективний механізм реалізації управлінських рішень.

Запропоновано у подальшому виходити із розуміння бюрократії як структурованої та ієрархічно вибудованої системи висококваліфікованих спеціалістів інтелектуальної праці, які мають високий рівень професійної підготовки, інтелігенте походження, незаплямовану репутацію, ідеологічне виховання в душі пріоритетності загальнодержавного добробуту, призначаються на посади за результатами конкурсних відборів та якісно здійснюють свою професійну діяльність на виконання функцій держави. Наголошується на тому, що усі “негативні” ознаки бюрократичного управління, які виділяються науковцями, слід розглядати як дисфункції бюрократії. Таким чином, переносячи акцент із боротьби з бюрократією, увагу потрібно зосередити на виявленні негативних факторів здійснення державного управління та виробленні шляхів їх подолання.

**Ключові слова:** державне управління, бюрократія, бюрократичне управління, дисфункції бюрократії, державний управлінець, функції держави, державно-владні повноваження.

### **ДИСФУНКЦИИ БЮРОКРАТИЧЕСКОГО УПРАВЛЕНИЯ: ОТДЕЛЬНЫЕ ВОПРОСЫ**

**Аннотация.** Исследуются природа и сущность бюрократии как явления государственно-политической действительности. Отмечается, что в течение длительного времени концепция бюрократического управления признавалась наиболее рациональной и эффективной в европейской традиции государственного управления. Однако, на сегодняшний день отсутствует единый подход к пониманию сущности бюрократии, а также ее соотношение с такими понятиями как государственное управление, публичный менеджмент, аппарат государственной власти и др. В связи с этим как никогда актуализируются научные исследования в части исследования природы и сущности бюрократического управления, что, в свою очередь, будет способствовать избежанию в дальнейшем терминологической и мировоззренчески-идеологической путаницы.

На сегодняшний день в научных кругах существует два диаметрально противоположных подхода к определению бюрократии как явления государственно-правовой действительности: первый подход является квинтэссенцией анализа антибюрократической марксистской критики, что даже в сегодняшних условиях не утратила своей актуальности, а ее базовые положения составляют научный интерес при изучении проблематики государственного управления; сущность кратко сводится к фиксации дисфункций государственной управленческой системы; сущностью второго подхода является отождествление последнего с государственным управлением, когда бюрократия понимается как рационально организованная система государственного управления, создает наиболее эффективный механизм реализации управленческих решений.

Предложено в дальнейшем исходить из понимания бюрократии как структурированной и иерархически выстроенной системы высококвалифициро-

ванных специалистов интеллектуального труда, которые имеют высокий уровень профессиональной подготовки, интеллигентное происхождения, незапятнанную репутацию, идеологическое воспитание в духе приоритетности общегосударственного благополучия, назначаются на должности по результатам конкурсных отборов и качественно осуществляют свою профессиональную деятельность на выполнение функций государства. Автор также отмечает, что все “негативные” признаки бюрократического управления, что выделяются учеными, следует рассматривать как дисфункции бюрократии. Таким образом, перенося акцент с борьбы с бюрократией, внимание нужно сосредоточить на выявлении негативных факторов осуществления государственного управления и выработке путей их преодоления.

**Ключевые слова:** государственное управление, бюрократия, бюрократическое управление, дисфункции бюрократии, государственный управленец, функции государства, государственно-властные полномочия.

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**Formulation of the problem.** For a long time the concept of the bureaucratic administration was recognized as the most rational and effective in the European tradition of the government administration. The term “bureaucracy” comes from the French *bureaucratie* or German *Bürokratie* [1], and literally means (from the French *Bureau* — the office, the bureau) the power of the administration apparatus.

To date, there is no single approach to understanding the essence of the bureaucracy, as well as its relation with such concepts as government administration, public management, the apparatus of state power, etc. In this regard, the scientific researches are never updated as part of the study of the nature and essence of the bureaucratic administration which in turn will contribute to avoiding the terminological and ideological confusion in the future.

**Analysis of recent research and publications.** The scientific study of the problems of the bureaucracy began in 1985 when the scientific achieve-

ments of such scientists as V. P. Makarenko, A. V. Buzhalin, B. P. Kurashvili, A. G. Khudokormov, A. G. Karatuev, S. A. Denysov. Recently, the scientific researches are being updated in the direction of understanding the role and significance of the bureaucratic administration in the context of the formation of a new state, as well as analysis of the obstacles that arise during the implementation of this process.

**The purpose of the article** is the general theoretical analysis of the nature and essence of the bureaucracy as a phenomenon of state-political reality in order to eliminate the terminological and ideological confusion.

**Presenting the main material.** There are various interpretations of the bureaucracy, among which are the following scientific interests for us:

- the bureaucracy is understood in the strict sense as a hierarchically organized system of governance of society, and in a portable one — as a formal-



ism in the conduct of the cases, “closing of the eyes” to the essential in order to comply with the formalities [2];

- the bureaucracy – this is, on the one hand, the form of organization of the work, and on the other – the drift of this organization. Speaking about it as a form of organization of work, then the bureaucracy is an administration whose activities are strictly regulated by the law, and the employees that are selected through the qualification examinations must strictly obey their supervisor and work in the specialized sector. But here it should be noted that the formalism of the bureaucracy can lead to the severity and rigidity of the administrative activity, and even the monopolization of the power in order to achieve exclusively the interests of the bureaucrats [3];

- the bureaucracy (the French Bureau – the office, the Greek kratos – the power) – the organization of the professional state officials who carry out their activities for the purpose of a well-qualified and effective implementation of the state policy (M. Weber, M. Krosse, F. Selznyk, A. Gouldner, S. Lipset, etc.) [4];

- the bureaucracy is a specific form of social organization in a society the essence of which is the separation of the centers of executive power from the will and decisions of the majority of the members of this organization; in the prevalence of the form over the content of activity; in the subordination of the rules and tasks of the organization to the goals of its preservation and strengthening; and ultimately leads to the emergence of a privileged social stratum detached from the society and the political leadership [5];

Extremely interesting and deserving of scientific analysis is, as it may seem strange, the statements of the famous politicians, scholars, philosophers on the theme of bureaucracy. We suggest to consider some of them:

- the bureaucracy is like fishing there where there is no fish (*Cyril Northcote Parkinson*);

- the government administration is an incredible mechanism that allows ten to do one’s work; a bureaucrat is a person with a talent of misunderstanding; a part of any government administration apparatus exists exclusively for beauty in its pure form and does not have any purpose (*George Elgozy*);

- the bureaucratic way to get rid of the useless papers is to eliminate them retaining a copy of each page; to optimize – to complicate the matter so as to ensure the maximum level of its security (*Lawrence Peter*);

- even the paragraph sign looks like an instrument of torture; I believe in the inevitable death of all the living organisms but not of organizations; the faith in the paper is mystical, because the guarantees of the eternity of the granite are written on it (*Stanislaw Jerzy Lets*);

- carry it first, and then improvise; the official secret documents do not exist to protect secrets, but in order to protect the officials (*Jonathan Lin and Anthony Jay*);

- the memorandum is not written to inform its addressee, but in order to protect its author (*Dean Acheson*);

- the bureaucracy is expanding in order to meet the needs of the growing bureaucracy (*Isaac Azimov*);

- to work with people is easy; difficult is to work with the living people (*Oleksandr Kulych*);

- the official papers tend to fill all the free drawers (*Jerry Brown*) [6].

The analysis of the above aphorisms which, one way or another, can be regarded as a manifestation of the public opinion about a certain phenomenon of the state-legal reality, and in this case – the bureaucracy. Proceeding from the above, one can formulate the thesis that the bureaucracy is a negative phenomenon of the state-political reality. However, in our opinion, such an approach to understanding the essence of the bureaucracy is completely wrong. In this case, we propose to consider the negative manifestations or dysfunctions of the bureaucratic administration not as the essential signs of the latter, but as the factors whose elimination will enable the government administration to perform qualitatively in the long term.

The most complete basic principles of a rational bureaucratic organization are formulated by M. Weber, namely: the bureaucracy has a hierarchical structure; each institution/organization has its own sphere of competence/influence; the officials are appointed on the basis of the professional qualifications, as indicated in the diplomas, or on the results of examinations, but are not elected; the salary of a state official depends on the rank; the work of the state official is his profession, or at least the main type of work; an official is not the owner of the institution/organization where he works; the state official adheres to labour discipline and is in control; the reason for dismissal is the decision of the governing bodies. Indeed, according to Weber, the state

bureaucracy recognized the system of highly skilled intellectuals who have a high level of professional training, an intellectual of origin, has an unblemished reputation. He believed that without it there would be a danger of terrible corruption and low moral qualities which in turn would jeopardize the purely technical efficiency of the state apparatus [4, p. 184].

In his opinion, the true profession of a true official should not be politics. He must exercise government administration, first and foremost, impartially (this requirement, incidentally, also applies to so-called political state executives); officially; “sine ira et studio” – “without fury and bias” to solve all the state affairs; the state official should not do what is always and in some way obliged to make a politician – to fight, since it is decision making, struggle and passion that is a factor of politics; the activity of the politician must always be carried out responsibly, but this responsibility is directly opposite to the responsibility of the state official; if the senior management insists on the execution of the order, the matter of honour of an official should be precise and qualitative execution of it under the personal responsibility of the person providing the order; in the absence of such discipline, the whole apparatus of the government administration is doomed to collapse.

It should be noted that the post Weber period is characterized by a gradual departure from the rational model of the bureaucracy, offering more realistic models that define the latter as a social system that, along with the rational laws of functioning, allows the influence of the irrational, personal and

informal factors. In this sense, the use of the notion of the dysfunction of the bureaucracy which at that time was introduced into the scientific use of R. Miquelson, T. Parsson, R. Merton, for which the typical dysfunction of the bureaucracy is the shift of the state officials of the accent for the purposes of the organization to its means, such means of administration as the hierarchy of the management structure, discipline, instructions, etc., become an end in itself. In parallel, within the system of the government administration is the replacement of the main goals to secondary, rational to irrational.

However, the most serious problem of the government administration is its gradual politicization. If the bureaucracy in the classical sense at the beginning of the XX century was oriented towards the achievement of the welfare and the satisfaction of the general interests, having a conscious conviction that all the state affairs should be decided on purely business apolitical basis; then the modern politicized bureaucracy is openly and clearly guided by the various political groups of influence, trying to exercise the government administration in the process of political negotiations, while using a pluralistic margin of protection, namely, parliament, parties, lobbying, etc.

There is a stance that the modern bureaucracy even tries not only to influence the formation and implementation of the state policy by the highest officials of the state, but also to direct the politicians themselves. Very often in the exercise of the government administration it happens that most of the government administration apparatuses are in favour of a certain state policy,

and as those who carry out the technical preparation of the decisions by the high-ranking officials, using an arsenal of available means they try to dictate it to their management which is authorized to implement the state policy [7].

To date, in the scientific circles there are two diametrically opposed approaches to the definition of bureaucracy as a phenomenon of state-legal reality. For example, the latter can be studied at the level of society as a system of governance and decision-making (K. Marx, L. Trotsky, R. Michels, J. K. Galbraith) or as a mechanism independent of the political form (M. Weber, R. Merton, F. Selznik) [8]. Also, the bureaucracy can be seen as a manifestation of the professional implementation of the government administration (G. F. Hegel, G. Mosca, C. Marx, M. Jilas, D. Brethem) or the theory of the “formal organization” (M. Weber, R. Merton, M. Duverger, F. Selznik) [9].

Within the framework of this study, it is logical to stop separately in considering two main diametrically opposed approaches to understanding the essence of the bureaucracy which can be conventionally called as politicized and apolitical.

The first approach (K. Marx) is the quintessence of the analysis of anti-bureaucratic Marxist critique, which, even in today's conditions, has not lost its relevance, and its basic positions are of scientific interest in the study of the problems of the government administration. The overwhelming majority of the data of the scientific theses is the fixation of the dysfunctions of the government administration system. The main ones are:

- the bureaucracy is a phenomenon of real reality, when formal is perceived as a content, but the content as a formality;

- the state tasks turn into stationery, and stationery tasks — into state ones [10];

- the basis of the Marxist approach to bureaucracy is to represent the latter as a social parasitic organism which throughout its period of existence is an objectification of the social class antagonisms and contradictions, as well as the materialization of the political alienation [11];

- the bureaucratic relations are a form of manifestation of the social contradictions between the state and society, the apparatus of the government administration and the citizens; the state officials who form the state apparatus have a so-called monopoly on the political consciousness and intelligence and all the time try to take full responsibility for the ineffective decisions and low effective government administration to be transferred to the society;

- there is a direct relationship between the scale of the bureaucracy and the level of the democratization of the society: in the conditions of authoritarianism the government administration is reduced to the functioning of a completely independent in relation to the interests of the society, the state apparatus which consists of specially trained people with state-power [12]; precisely the lack of pressure from the civil society on the people's electors to fulfill their obligations to the voters and causes the flowering of the negative bureaucratic manifestations [13];

- such a phenomenon as a state formalism takes place, the social basis of

which is the relation of the private and state property, material interests and division of labour, which is what forms the corporate interests; the bureaucracy is called to protect the imaginary universality of the special interest, the corporate spirit in the name of salvation of the apparent specificity of the general interest, of its own spirit; the need to protect their interests leads to the emergence of the stable organizational and managerial forms in which the apparatus of the government administration can not have a simple structure [10, p. 270, 271];

- the political consciousness acquires a specific character, because the determining factor in its formation is the material criterion, and the more the policy influences the economy, the more bureaucratic the state is;

- the bureaucracy developed on the basis of a historically legitimate process of the allocation of the government administration into a particular type of social activity, the professionalization of the state apparatus and the provision of it necessary for the exercise of the state governance of the authorities; thus, the socio-economic roots of the bureaucracy can be considered the excessive delineation of the state apparatus from the society, strengthening the bureaucratic egocentrism, the use of state power by the government administrators to secure their own group and individual interests which are primarily determined by their material position;

- the bureaucracy can manifest itself in two forms: conscientious or paternalistic (its formula: the maximum of the public benefit with a maximum of order and a minimum of confidence in the state officials, a minimum of their

independence and initiative; the state officials are conscientious and honest officials who, however, are subjected to the influence of the egocentric spirit of the state apparatus, professional snobbery, and technocratic superiority [14, p. 9–12]) and selfish (its formula: maximum career and selfish use of the office with minimal concern for public welfare; the reason for the alienation of the apparatus of the government administration from the society is the need for the implementation of the professional management which itself creates the feeling of superiority over the officials among officials; there is a substitution of the mechanism of the bilateral ties between the government administrators and the society by a mechanism of one-sided command from above, which, of course, raises the mercenary secrecy, the alienation of the apparatus of the government administration from the society, the use of mercenary motives of the state power, etc. [15, p. 18]);

- there is a specific legal basis the main purpose of which is the legal provision of the bureaucracy of its reproduction and existence;

- the ideological unity of the state and the apparatus of the government administration;

- the existence of a system of methods by which all the production was transformed into a nationwide one; the state bureaucracy in the economic sphere carried out a confiscatory policy that completely neutralized the competition, fetishized the planned indicators, attached priority to procedures and regulatory documents;

- there was a total dependence of the society on the government administration which created conditions for

the total control of all the spheres of the public life, maximum use of the state authorities by the government administrators through monopolization, preservation and permanent restoration of the bureaucratic apparatus, supposedly, in order to ensure general welfare [16].

The essence of the second approach to understanding the phenomenon of bureaucracy is the identification of the latter with the government administration. In this sense, the bureaucracy is understood as a rationally organized system of the government administration which creates the most effective mechanism for the implementation of the administration decisions. This approach to its design is largely due to M. Weber. Briefly, the essence of this approach can be reduced to the following:

- the bureaucratic apparatus has the main purpose of ensuring the integrity of the existence of the society;

- the social structuring is necessary not only for the forces that are directly in the system of the government administration and interested in its conservation, but also for the whole society [17, p. 175]; in this sense, the dominant position of the bureaucracy receives its functional justification and the right to enforce a narrow circle of officials in order to achieve universal welfare rather than a separate social stratum;

- the roots of the phenomenon of bureaucracy lie far from the sphere of the economic relations and property relations, but in the ontological need of a person in the social structuring and organization in order to secure his own daily security;

- there are two types of bureaucracy: traditional or patrimonial, and modern or rational;

- the bureaucracy is an administration organization with a linear functional structure characterized by a clear division of the responsibilities between the hierarchical levels; the presence of orders that are mandatory for execution; the strict separation of the individuals in accordance with the hierarchical levels of the organization, etc. [18].

Analyzing this approach, the opinion of T. Parsons, who in the second half of the 20<sup>th</sup> century criticized the mechanistic approach to understanding bureaucracy, deserves attention. He drew attention to the fact that there is an ideological contradiction between the competence, professionalism and the place of the official in the hierarchy of the system of the government administration, since the specialist and the bureaucrat have different reasons to occupy certain positions. If we consider the first one, then such personality characteristics as education, profession, experience, professional knowledge and skills are given to the priority, and therefore, the execution of his orders does not require the use of coercion. In the second case, the obedience to an order is merely under threat of taking measures of the state power. That is precisely this moment which is the key and strikes a clear contradiction between the hierarchically constructed state authorities and the technocratic authorities.

The analysis of the above-mentioned positions shows that no concept of the bureaucracy can be considered as a methodological basis for formulating the theory of the government administration without certain adjustments taking into account the current trends.

In our view, there is a scientifically interesting approach to the understanding of the permanent bureaucratization of the government administration formulated by Cyril Northcote Parkinson in his work "The Laws of Parkinson" the basic provisions of which were as follows:

- the origins of the bureaucracy must be sought through the prism of the socio-psychological orientation of the government administration: the state official multiplies subordinates, but not rivals; the state officials work for themselves [19, p. 13].

Considering the first factor (the state official multiplies subordinates, but not rivals), it is necessary to imagine that a certain state official constantly complains of the excessive workload. And it does not matter: this is actually the case, or it is the result of his imagination. These senses, justice for the sake of being noted, may be caused by age-related exhaustion. In this case, there are three ways to get out of the situation: the state official may retire, may ask for help from another public official, or ask two subordinates. Usually, the third option is selected. The explanation is as follows: if you retire, you will not receive a pension; if you ask another public official, you can not get an increase when such a chance will be (competition); choosing two subordinates — the risks are minimal. In addition, their presence will add weight, and all the work he will distribute between them, and he alone will know how exactly each kind of work must be performed. It should be emphasized that there must be at least two subordinates, since each one has to restrain others from fear, so that he does not subsist. When the new



subordinates complain about excessive workload, the state official will ask the leadership for the need and hire subordinates for them. Thus, now, under his direction, the staffing of the workers will work, and, consequently, he has been provided with an increase.

When seven state officials begin to carry out the amount of work that one could handle at a time, the second factor turns out to be over. Everyone works so much for one that is extremely overloaded. But most of them works the state official. Any document must be certified by each of them. For example, the subordinate A decides that this document falls within the competence of the B or C employees and makes instructions. He gives him to D who makes corrections to it and turns to E, and E to F. However, F is going to a vacation and transmits the case to G, who again writes everything again and passes to D, who in turn revises the document again and, in a new form, attributes to the state official. And what will happen in this case with the latter? Of course, he could sign without reading, because he has many things to do. He knows that next year he will go on the rise, and therefore it should be decided who will take his place: A or B. In addition, it should be decided whether F is going on vacation — it seems too early. In addition, you must pay G for the work at the conference and send a submission to the ministry on the appointment of a pension for C. He also heard that B was in love with the secretary, and C had quarreled for unknown reasons with D. In short, he could sign, but, in spite of all the hesitation and the problems caused by the very fact of the existence of the col-

leagues, our state official considers this case a matter of honour. Therefore, he carefully reads the document that he himself would write, even if all A, B, C, D, E, F, G were not born. However, this document was created by the joint efforts of many people, and it was spent a lot of time. None of the state official did shy away from work. Only late in the evening the state official leaves his place to go home. In almost all the windows of his state institution the light is off, the darkness comes as a sign of another difficult day of work. The state official leaves the work one of the last, and thinks with a distorted smile on his face that late times and gray hair in his hair is a payback for success. As a summary, the state officials are more or less inclined to reproduce... [19].

No less interesting in our study is the analysis of the “Parkinson’s disease” which is able to hit any institution/organization and lose any capacity for work. This disease has certain stages:

- the first sign of the disease is manifested when among the staff of the institution appears a person who is completely unprofessional and feels jealous of others’ successes. The threat increases when this person can not properly perform his work, prevent others from performing their duties and endeavors to enter the management;

- when such a person still becomes the manager, comes the second stage of the disease: he begins to supplant from the work those who are more capable of it, but does not allow the development of those who are potentially able to replace him in the future. In the end, the personnel are filled by people with less and less professional training;

- the third or comatose stage of the disease occurs when in this institution from the top to the bottom can not meet any drops of common sense. This state is incurable, and the institution is doomed to death or unsuccessful existence [20, p. 42–43].

**Conclusions.** Summarizing the above, we propose, in the future, to base our understanding on the bureaucracy as a structured and hierarchically constructed system of highly skilled intellectual work specialists who have a high level of professional training, an intellectual of origin, an unpolished reputation, ideological education in the spirit of the priority of the national welfare, appointed to positions on the basis of competitive selection and qualitatively carry out their professional activity in the performance of the state functions. All of the above “negative” essential features of the bureaucratic administration we propose to consider as dysfunctions of the bureaucracy. Thus, we are shifting the emphasis from the struggle with the bureaucracy focusing on identifying the negative factors for the implementation of the government administration and developing ways to overcome them.

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## **STATE-LEVEL MANAGEMENT OF INTERACTION OF BODIES OF STATE EXECUTIVE SERVICE AND PRIVATE BAILIFFS: THE INTERNATIONAL EXPERIENCE**

**Abstract.** In the framework of the article, taking into account the existing developments of scientists in the field of law and public administration, it is determined what is the process of state management of the interaction of bodies of the State Executive Service and private bailiffs, the classification of the system of compulsory enforcement of decisions depending on the number of institutions performing the functions of enforcement. The features of functioning and state management of compulsory enforcement in some states are analyzed. Features

and positive aspects of functioning of the centralized (state), decentralized, mixed (combined) system of compulsory execution of decisions are defined.

Particular attention is paid to countries where there is a mixed (combined) system of enforcement (France, Georgia, USA), and which is introduced in Ukraine. The positive aspects that could be helpful in the national model forced performance of the decisions were identified.

The opinion on expediency of the direction of public administration of compulsory execution on stimulation of participants of production of voluntary execution or application of Institute of mediation, introduction of the quota principle of attraction of bailiffs was expressed, as well as on free access of bailiffs to all electronic registers of Ukraine, possibility of record keeping in the sphere of compulsory execution in electronic form, accession to system of bodies of compulsory execution of decisions of such institutions as: fiscal authorities, law enforcement agencies, banks is expressed.

It is noted that the only purpose of all the proposed changes should be to protect and restore the violated rights of individuals and legal entities. It seems that the introduction of a mixed system of enforcement should improve the situation with the execution of court decisions and decisions of other bodies (officials).

**Keywords:** international experience, public administration, enforcement, mixed system.

## **ДЕРЖАВНЕ УПРАВЛІННЯ ВЗАЄМОДІЄЮ ОРГАНІВ ДЕРЖАВНОЇ ВИКОНАВЧОЇ СЛУЖБИ ТА ПРИВАТНИХ ВИКОНАВЦІВ: МІЖНАРОДНИЙ ДОСВІД**

**Анотація.** Ґрунтуючись на існуючих доробках науковців в галузі права та державного управління, визначено що являє собою процес державного управління взаємодією органів державної виконавчої служби та приватних виконавців, представлена класифікація системи примусового виконання рішень залежно від кількості інституцій, які здійснюють функції примусового виконання. Проаналізовано особливості функціонування та державного управління примусовим виконанням в окремих державах. Визначено особливості та позитивні аспекти функціонування централізованої (державної), децентралізованої, змішаної (комбінованої) систем примусового виконання рішень.

Особливу увагу приділено країнам, в яких функціонує змішана (комбінована) система примусового виконання (Франція, Грузія, США), та яку запроваджено в Україні. Визначено ті позитивні аспекти, які доцільно було б запровадити у національну модель примусового виконання рішень.

Висловлено думку про доцільність спрямування державного управління примусовим виконанням саме на стимулювання учасників провадження до добровільного виконання або застосування інституту медіації, запровадження квотового принципу залучення виконавців; вільного доступу виконавців до всіх електронних реєстрів України, можливості ведення діловодства у сфері примусового виконання в електронній формі; приєднання до системи



органів примусового виконання рішень таких інституції, як: фіскальні органи, правоохоронні органи, банки.

Зауважується, що єдиною метою всіх запропонованих перетворень має бути захист і відновлення порушених прав фізичних і юридичних осіб. Доведено, що впровадження змішаної системи примусового виконання має покращити ситуацію з виконанням рішень суду та рішень інших органів (посадових осіб).

**Ключові слова:** міжнародний досвід, державне управління, примусове виконання, змішана система.

## **ГОСУДАРСТВЕННОЕ УПРАВЛЕНИЕ ВЗАИМОДЕЙСТВИЕМ ОРГАНОВ ГОСУДАРСТВЕННОЙ ИСПОЛНИТЕЛЬНОЙ СЛУЖБЫ И ЧАСТНЫХ ИСПОЛНИТЕЛЕЙ: МЕЖДУНАРОДНЫЙ ОПЫТ**

**Аннотация.** Основываясь на существующих наработках ученых в области права и государственного управления, определено что представляет собой процесс государственного управления взаимодействием органов государственной исполнительной службы и частных исполнителей, представлена классификация системы принудительного исполнения решений в зависимости от количества институций, осуществляющих функции принудительного исполнения. Проанализированы особенности функционирования и государственного управления принудительным исполнением в отдельных государствах. Определены особенности и положительные аспекты функционирования централизованной (государственной), децентрализованной, смешанной (комбинированной) систем принудительного исполнения решений.

Особое внимание уделено странам, в которых функционирует смешанная (комбинированная) система принудительного исполнения (Франция, Грузия, США), и которая введена в Украине. Определены те положительные аспекты, которые целесообразно было бы ввести в национальную модель принудительного исполнения решений.

Высказана точка зрения о целесообразности направления государственного управления принудительным исполнением именно на стимулирование участников производства к добровольному исполнению или применению института медиации, введению квотового принципа привлечения исполнителей; свободного доступа исполнителей ко всем электронным реестрам Украины, возможности ведения делопроизводства в сфере принудительного исполнения в электронной форме; вовлечения в систему органов принудительного исполнения решений таких институтов, как: фискальные органы, правоохранительные органы, банки.

Отмечается, что целью всех предлагаемых преобразований должна стать защита и восстановление нарушенных прав физических и юридических лиц. Доказано, что внедрение смешанной системы принудительного исполнения должно улучшить ситуацию с исполнением решений судов и решений других органов (должностных лиц).

**Ключевые слова:** международный опыт, государственное управление, принудительное исполнение, смешанная система.

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**Problem statement.** Reform of the sphere of enforcement of decisions, as well as mechanisms of state management of interaction of the Executive system has to focus on the experience and achievements of foreign countries. The correct interpretation of this experience will allow to identify the factors that reduce the effectiveness of public administration of the system of enforcement of decisions in Ukraine, and to identify ways to address these shortcomings, and the benefits to introduce into national practice.

**Analysis of recent research and publications.** The study of international systems of compulsory execution of decisions is the topic of the works of legal scholars: A. Avtorhov, F. Bortniak, Ye. Maltseva, N. Shelever, etc. and scientists in the field of public administration: E. Hryshko, S. Shandruk and others.

**The purpose of the article** is to study the international experience of public administration interaction of Public Executive Service and private bailiffs, to identify the most effective aspects that can be used in the national system, taking into account socio-economic, geographical, ideological and other factors of our country.

**Presentation of the main material.** Studying the international experience of public administration interaction of Public Executive Service and private bailiffs we will give, first of all, the definition of this concept.

I. Pysmennyi points out that it is the participation in joint activity of subjects of management in the process of achievement of socially necessary goals. In the process of social interaction there is mutual influence and interdependence of individual social phenomena, as a result of which they change, complement each other and form a single integrated social system [3, p. 82]. Yu. Kravchenko understands this phenomenon as a form of connection of system elements, with the help of which they, mutually complementing each other, create conditions for the successful functioning of the whole system [7, p. 500]. On the basis of the above definitions, we understand the interaction of the State Executive Service bodies (state bailiffs) and private bailiffs under the state management as a relationship with respect to independent entities, in the process of which they complement each other, they create conditions for the timely, full and unbiased execution of decisions, the enforcement of which is provided by law, thereby ensuring the successful functioning of the whole system.

Enforcement systems can be classified according to various criteria. If the criterion of classification is the number of institutions that carry out the functions of enforcement, we can distinguish three systems:

– centralized (state-owned or public) operates in such countries as Belarus, Sweden, Finland, Spain, Germany, Denmark etc.;

– decentralized system – in Lithuania, Belgium, the Netherlands, Luxembourg, etc.;

– mixed (combined) system – in such states as Kazakhstan, Poland, Great Britain and Northern Ireland, USA, Bulgaria, France, Czech Republic, Canada, Greece, Hungary, Georgia, etc.

The transition from a public to a combined system of public administration is also observed in Ukraine. We emphasize that the presented classification is somewhat conditional and outdated, in its pure form, enforcement systems are almost non-existent.

Thus, centralized systems of state administration of compulsory enforcement are characterized, as V. A. Seleznev points out, by the presence of a single state body of compulsory enforcement; the presence of a mechanism of legal regulation of the process of execution of judicial acts and acts of other bodies established by law [6, p. 112]. Persons who are engaged in the enforcement of that pattern, have the status of civil servant with relevant rights, duties and guarantees. And it is not necessary that this body belongs to the system of Executive authorities, like in Sweden the National Executive Agency, which ensures the implementation of judicial and other decisions, belongs to the system of Executive authorities (under the supervision of the Ministry of Finance), in Austria, Spain and Denmark, for example, for example, the courts deal with enforcement proceedings. A positive fact, in our opinion, is the presence in Sweden of a special act that regulates the procedure of enforcement proceedings, namely, the Executive Code. In Belarus, these

are two structures: bailiffs of General courts (they have dual subordination to courts and indirectly to the Ministry of justice of Belarus through territorial administrations) and the service of bailiffs of economic courts, which is subordinate to the court.

An interesting experience is the experience of state management of enforcement proceedings in Germany, which is regulated by the Civil procedure code of Germany. Implementation of decisions is carried out at the level of the court in whose territory it is necessary to carry out executive actions and is a state function. That is, Germany has a centralized system of enforcement of decisions. Enforcement proceedings are exercised by the registrars of the court (civil servants, while the constituent entities of independent professional activity, which act for its own account and are personally liable). The activity is legal in the presence of a special certificate (“license”).

Bailiffs have the opportunity to arrest the debtor’s property for subsequent sale at auction; to arrest accounts; at the claim of the debtor to delay the implementation of the arrested property for a year, if the debtor agrees to pay the debt within this period. It is interesting that the court’s decision to recover the debt in Germany is valid for years.

Positive experience: mutual trust between the bailiffs and the participants of enforcement proceedings, the ability of the bailiff to provide a deferral to the debtor, to make the recovery in parts; bailiffs being under the protection of court, which significantly increases their credibility and provides more tools to perform duties; quota principle of attracting bailiffs.

The existence of decentralized governance systems implies that the state delegates enforcement powers to non-governmental organizations and individuals. Thus, in the Netherlands, Belgium, the powers are delegated to private bailiffs, carrying out professional independent activities, competing with each other. In Lithuania, private bailiffs execute court and other decisions. Among the additional mechanisms of influence on the debtor in Lithuania criminal liability, as well as a system of fines can be identified.

Even more “private” is the system of compulsory enforcement of Estonia. In this state, the bailiff is an independent person who acts on his own behalf and is personally liable. It is not a private entrepreneur or a public servant [1, p. 11]. The Ministry of Justice of Estonia, as a body of the state administration, provides only organizational guidance and coordination of the activities of bailiffs.

Consequently, under this system, bailiffs are not civil servants, and operate under a license. At the same time, the private system of execution of decisions also provides for state regulation of professional activities of private bailiffs, in particular, regarding access to the profession, the definition of competence, the establishment of rules of activity and the like, but the volume and content of control is significantly limited.

The combined system of execution of decisions is a combination in different variations of the features of the two previous types of enforcement systems.

Of course, the experience of countries that have moved to a combined system of public administration of en-

forcement, with an emphasis on reforms in Ukraine, requires more detailed study and reflection.

Let's start with the French model of management of enforcement bodies, it originates from the XIX century and is significantly different from other systems. In France, the system of execution of decisions is represented by: the Ministry of Justice of France, state bailiffs who are engaged in collecting tax obligations, carry out the decision in favor of the state, acts that are taken by administrative courts; judicial bailiffs who act at the level of local courts are private self-employed persons and exercise their powers on the basis of a license [8, p. 250]. The legal status of the latter combines the features of a state (Ministerial) employee (public-legal nature), a private entrepreneur and a legal specialist.

A bailiff of France should have: the conclusion about professional suitability, which is prepared by the prosecutors of the corresponding regional districts and Department (regional) chamber. The main function of the Department (regional) chamber is to ensure the representation of bailiffs in public authorities and administration, organization of professional training, organization of the annual organization of the Congress of compulsory enforcement officers, etc.

Bailiffs are appointed by order of the Minister of Justice of France, and are subject to disciplinary prosecutors of the Republic [9, p. 31]. The number of bailiffs is limited and regulated by the French Ministry of Justice.

The bailiff of France is authorized to perform the following actions: to present judicial and non-judicial documents to the persons concerned;

to execute the judgments on behalf of the state, using the state's coercion; to draft documents, protocols on various issues of proceedings with the status of evidence; to provide legal advice; the ability in some cases to manage the debtor's property; to establish the facts, which in the future will not need proffs in court, in exercising its powers, to act personally or in association [8, p. 250]. The bailiff may be brought to criminal, civil, disciplinary responsibility for the legal consequences of his/her actions. Payment for the work of the bailiff is carried out not by the state, but by the interested person.

Positive experience: the remuneration of the bailiff is carried out not by the state, but by the interested person, and these are the prerequisites for the bailiff's interest, competitive interaction, continuous improvement of professionalism, professional ethics of bailiffs; quite rarely measures of compulsory enforcement of the court against the debtors are applied due to the process of mediation, unwillingness to public disclosure; the state sets tariffs for the services of bailiffs, and this minimizes cases of abuse by the latter.

The reform of the system of compulsory enforcement of Georgia is more similar to the national one. In 2000, the Department of enforcement was established within the Ministry of Justice of Georgia. Bailiffs, that worked at the courts, were transferred to it. In 2008, this Department was reorganized into an independent body, which was called "National Bureau of enforcement" (NBE) (by analogy with the Department of State Executive Service of Ukraine). Next year in Georgia there

was a reorganization of the executive power and the institution of private enforcement was introduced.

Thus, the system of public administration bodies of compulsory enforcement is represented by: the Ministry of justice of Georgia; NBE — a legal entity of public law, which is founded by the Ministry of justice of Georgia, controlled by the Ministry of justice and the judicial authorities. At the same time, NBE is autonomous in matters of logistics, personnel management, operational activities. NBE operates within the Tbilisi Bureau of enforcement and 8 territorial Executive bureaus. NBE also includes the Executive Police Department.

Private bailiffs, by analogy with France, are both bailiffs and legal consultants. The activities of private enforcement officers are monitored by the Ministry of justice of Georgia, which includes the General Inspectorate for enforcement of decisions.

Positive experience: free access of the NBE personnel to a special computer system, which covers record keeping, production of procedural documents and the register of enforcement proceedings and provides access to all electronic registers of Georgia. In this state, there is a register of socially vulnerable persons who have a low level of income. In the presence of the debtor in this register the executive production concerning it stops; creation on the basis of NBE of police of performance; accession to the system of enforcement bodies of institutions that have an extremely effective impact on the outcome of the proceedings: the National Bank of Georgia; record-keeping in the field of enforcement exclusively in elec-

tronic form [2]; the use of mediation in all possible cases; the performance of many enforcement actions without obtaining court permission.

It is interesting that a private bailiff in Georgia has the right to combine its activities with any other paid work or entrepreneurial activity.

Despite the effective work of both private and public bailiffs, as evidenced by the millions of US dollars entering the country's budget, Georgia continues to further reform the system and the adoption of the Executive code of Georgia in the future.

The system of state administration of compulsory enforcement in Latvia is considered to be mixed.

The state administration of the interaction of the institutions of enforcement in this country is as follows: the implementation of decisions in the state is carried out by sworn bailiffs, who are subordinate to the Council of sworn bailiffs, which operates within the Ministry of justice. This body performs the executive and supervisory functions of the jury bailiffs. However, sworn bailiffs are persons who are members of the judiciary and are subject only to the law. Remuneration of bailiffs shall be approved by the Cabinet of Ministers of Latvia, agreed by the Minister of justice. Consequently, control over the activities of the jury judicial bailiffs is carried out both judicial and executive power and, in our opinion, it's a positive experience.

The bailiff in Latvia is equal to public officials, therefore the incomes of such persons are subject to declaration. The bailiffs are checked by the Tax Inspectorate, the Anti-corruption Department.

Among the "standard" measures of enforcement (foreclosure on the debtor's property (movable and immovable), foreclosure on the debtor's income (wages, deposits, etc.); execution of the court decision in kind), in addition, the bailiffs are authorized to initiate the procedure of bringing the debtor to justice. In Latvia, on weekends and holidays, enforcement actions are carried out in urgent cases. Enforcement is suspended from 24 to 6 a.m., which is positive, from the review of the constitutional rights and freedoms of citizens.

Positive experience: the state has established tariffs for the services of bailiffs; bailiffs are both a under the protection of the court and executive authorities; quota principle of attracting bailiffs.

In the United States, there is no single system of government enforcement. The order of enforcement of decisions of courts and other bodies in the United States is regulated at the Federal level — the Federal rules of civil procedure. However, each particular state has its own rules of civil proceedings, so the question of recognition and enforcement of the decision of another state in the territory of the state is made in a lawsuit [4].

Enforcement of decisions of courts and other bodies in the United States can be carried out by bodies such as the Federal Marshal service, which is the coordinator of marshals in federal entities (performs particularly complex and important decisions). It is interesting that this service is an influential law enforcement agency of the state within the Ministry of justice. The marshals and their assistants enforce primarily decisions of the courts or the federal



level (on behalf of the court) for other particularly difficult and important decisions; the office of the Sheriffs performs a forced enforcement of the decisions of state courts. The Sheriff is a civil servant, an elected official, whose main function is to maintain public order in the territory of a certain community, road patrol, detention of offenders, conducting operational investigative activities and so on, that is, purely the function of the police. The Sheriff is elected for a limited term, with the right of re-election, has a staff of his own assistants [5].

In addition, in some states, enforcement may be carried out by: 1) constables – staff members of the court, subordinate to judges and bailiffs; 2) the service of bailiffs of the District Judicial Council, which performs mainly administrative functions and performs certain categories of decisions, for example, the decision on non-discrimination on grounds of sex; 3) law enforcement agencies – non-state agencies that exercise informal pressure on debtors. The main means of making a certain pressure on the debtor – a written appeal to the latter regarding the beginning of legal action against the debtor. Such agencies operate on the basis of a license and often involve not only lawyers but also private detectives. Since the practice of such agencies has often been abused in the past, Federal legislation and government agencies are now closely monitoring their activities. Almost 75 % of the decisions of the courts is performed by damages insurance companies [8, p. 255].

Sheriffs and their deputies, bailiffs, as well as private law agencies carry out

a larger array of proceedings. Public authorities responsible for enforcement are used where there is a risk of physical conflict or disorder. So, the Marshals Institute, the Marshal service, is an influential law enforcement Agency of the system of state institutions.

Positive experience: the practice of compensation of losses by insurance companies; close cooperation with law enforcement agencies.

Summary. So, experience, which, in our opinion, could be implemented in the national system:

- to stimulate the participants in the production of voluntary compliance or, alternatively, the use of mediation that will be cost effective and will reduce the time for conducting enforcement actions;

- to introduce in Ukraine the quota principle of attraction of bailiffs;

- to set tariffs for the services of bailiffs in order to minimize cases of abuse by the latter;

- to introduce free access to a first state, in the future, private actors of all electronic registers of Ukraine;

- to attract to the system of enforcement bodies the institutions that have a very effective impact on the outcome of the proceedings, in particular: fiscal authorities, police response (Georgia), banks;

- to conduct paperwork the sphere of compulsory execution in electronic form would be very effective.

It is clear that this should be done taking into account the socio-economic, geographical, demographic, ideological, educational, cultural and other factors inherent in our country. At the same time, the only purpose of all these changes in the sphere of public admini-

nistration of the interaction of bodies of the State Executive Service and private bailiffs should be the protection of the violated rights of individuals and legal entities. International experience proves (France, Latvia) that private bailiffs work much more effectively than public ones. Therefore, we believe that the introduction of a mixed system of enforcement will gradually improve the situation with the implementation of court decisions and decisions of other bodies (officials).

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## CHARACTERISTIC FEATURES OF INTRODUCTION OF INCLUSIVE EDUCATION IN UKRAINE

**Abstract.** In this article an attempt to analyze the introduction of inclusive education in Ukraine is made. The reform of the education system, providing equal access to quality education for all children, including children with special educational needs, is highlighted. The peculiarities of the inclusive form of education in modern Ukrainian school are revealed, which include the right of a child who

needs correction of psychophysical development, to attend general educational institutions and readiness of pedagogical staff for psychological and pedagogical support of the child.

The implementation of the Law of Ukraine “On Education” on reforming the education system, ensuring equal access to quality education for all children, including children with special educational needs, is characterized. The actual significance of the inclusive form of education in the modern Ukrainian school is revealed, which implies the right of a child who needs correction of psychophysical development to attend general educational institutions and readiness of pedagogical staff for psychological and pedagogical support of the child.

A shift of emphasis of the state’s social policy concerning disabled people towards the formation of public consciousness regarding their perception as equal members of society and the need to create conditions for those citizens to live life to the full, including education, is highlighted. Legally recognized the right of children with special educational needs to study in educational institutions at their place of residence.

The issue of the inclusion of children with special educational needs in the children’s collective as soon as possible, starting from preschool age, is described.

Within the education of adults the use of non-traditional forms and methods of work is described, which proved its efficiency and effectiveness. While preparing future pedagogical staff, institutes of postgraduate pedagogical education and other institutions involved in further training should include inclusive subjects in educational programs and educate psychologists and professionals to work with children with special educational needs. It is necessary to provide them with knowledge of special and social pedagogy, as well as tools and models of alternative learning with the use of workshop (an intensive educational activity in which adults learn through their own activities).

**Keywords:** inclusive education, reformation of the educational system, pedagogical workers, psychological and pedagogical support of the child, correction of psychophysical development, adult education.

## ОСОБЛИВОСТІ ЗАПРОВАДЖЕННЯ ІНКЛЮЗИВНОЇ ОСВИТИ В УКРАЇНІ

**Анотація.** Зроблено спробу аналізу запровадження інклюзивної освіти в Україні. Висвітлено реформування системи освіти, забезпечення рівного доступу до якісної освіти всіх дітей, включаючи дітей з особливими освітніми потребами. Розкрито особливості інклюзивної форми навчання в сучасній українській школі, що передбачає дитині, яка потребує корекції психофізичного розвитку, право відвідувати загальноосвітні заклад і готовності педагогічних працівників до психолого-педагогічного супроводу дитини.

Схарактеризовано імплементацію Закону України “Про освіту” щодо реформування системи освіти, забезпечення рівного доступу до якісної освіти всіх дітей, включаючи дітей з особливими освітніми потребами. Розкрито актуальне значення інклюзивної форми навчання в сучасній українській школі,



якою передбачено для дитини, яка потребує корекції психофізичного розвитку, право відвідувати загальноосвітні заклади і готовності педагогічних працівників до психолого-педагогічного супроводу дитини.

Висвітлено зміщення акцентів соціальної політики держави стосовно людей з інвалідністю у бік формування суспільної свідомості щодо сприйняття їх як рівних членів суспільства та необхідності створення для цих громадян умов для повноцінного життя, в тому числі здобуття освіти. Законодавчо визнано право дітей з особливими освітніми потребами на навчання в освітніх закладах за місцем проживання.

Розкрито питання включення дітей з особливими освітніми потребами в дитячий колектив якомога раніше, починаючи з дошкільного віку.

Схарактеризовано використання нетрадиційних форм і методів роботи, що на практиці довели свою ефективність та результативність в освіті дорослих. Готуючи майбутніх педагогічних працівників, інститути післядипломної педагогічної освіти та інші установи, які займаються підвищенням кваліфікації, мають включати в освітні програми інклюзивну тематику та формувати у педагогів психологічну та професійну готовність до роботи з дітьми з особливими освітніми потребами. Необхідно надати їм знання зі спеціальної та соціальної педагогіки, забезпечити інструментарієм та моделями альтернативного навчання, використовуючи воркшоп (інтенсивний навчальний захід, під час якого дорослі навчаються через власну активність).

**Ключові слова:** інклюзивна освіта, реформування системи освіти, педагогічні працівники, психолого-педагогічний супровід дитини, корекція психофізичного розвитку, навчання дорослих.

## **ОСОБЕННОСТИ ВНЕДРЕНИЯ ИНКЛЮЗИВНОГО ОБРАЗОВАНИЯ В УКРАИНЕ**

**Аннотация.** Предпринята попытка анализа внедрения инклюзивного образования в Украине. Освещены вопросы реформирования системы образования, обеспечения равного доступа к качественному образованию всех детей, включая детей с особыми образовательными потребностями. Раскрыты особенности инклюзивной формы обучения в современной украинской школе, предусматривающий ребенка, который нуждается в коррекции психофизического развития, право посещать общеобразовательные заведения и готовности педагогов к психолого-педагогического сопровождения ребенка.

Охарактеризована имплементация Закона Украины “Об образовании” по реформированию системы образования, обеспечения равного доступа к качественному образованию всех детей, включая детей с особыми образовательными потребностями. Раскрыто актуальное значение инклюзивной формы обучения в современной украинской школе, предусматривающей для ребенка, который нуждается в коррекции психофизического развития, право посещать общеобразовательные заведения и готовности педагогов к психолого-педагогического сопровождения ребенка.

Освещены смещение акцентов социальной политики государства в отношении людей с инвалидностью инвалидов в сторону формирования общественного сознания относительно восприятия их как равных членов общества и необходимость создания для этих граждан условий для полноценной жизни, в том числе получения образования. Законодательно признано право детей с особыми образовательными потребностями на обучение в образовательных учреждениях по месту жительства.

Раскрыты вопросы включения детей с особыми образовательными потребностями в детский коллектив как можно раньше, начиная с дошкольного возраста.

Охарактеризовано использование нетрадиционных форм и методов работы, которые на практике доказали свою эффективность и результативность в образовании взрослых. Готовя будущих педагогов, институты последипломного педагогического образования и другие учреждения, которые занимаются повышением квалификации, должны включать в образовательные программы инклюзивную тематику и формировать у педагогов психологическую и профессиональную готовность к работе с детьми с особыми образовательными потребностями. Необходимо предоставить им знания по специальной и социальной педагогике, обеспечить инструментарием и моделями альтернативного обучения, используя воркшоп (интенсивное учебное мероприятие, во время которого взрослые учатся посредством собственной активности).

**Ключевые слова:** инклюзивное образование, реформирование системы образования, педагогические работники, психолого-педагогическое сопровождение ребенка, коррекция психофизического развития, обучение взрослых.

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**Problem statement.** The rights of the child at the level of all members of society “without distinction of any kind as to race, colour, sex, religion, political or other opinion, national or social origin, property, birth or other status” [1]. Article 20 of the law of Ukraine “On education” defines the mechanisms for the implementation of inclusive education in Ukraine, where educational institutions form inclusive and/or special groups and classes for the training of persons with special educational needs. In the case of application of a person with special educational needs or the child’s parents, such a group or class is formed obligatory. Educational institu-

tions with special and inclusive groups and classes create conditions for training persons with special educational needs according to the individual development program and taking into account their individual needs and opportunities. Persons with physical, mental, intellectual and sensory disabilities are provided with educational assistance [2].

At the present stage in the education system of Ukraine there are hidden unspoken forms of discrimination on the above grounds, which for decades have become such a social norm that went beyond the awareness of members of society. This is especially true for children

with special educational needs, who have long been isolated from society, studying in special residential institutions or in an individual form of education.

The implementation of article 20 of the law of Ukraine “On education” provides for the reform of the education system, ensuring equal access to quality education for all children, including children with special educational needs. An inclusive form of education in a modern Ukrainian school, which implies a child who needs correction of psychophysical development, the right to attend educational institutions and the readiness of teaching staff to psychological and pedagogical support of the child, is of great importance.

**Analysis of recent research and publications.** The problems of inclusive education in recent years have been the focus of many works of domestic and foreign scientists (A. Dyson, A. Millward, C. Clarke, D. Mitchell, S. Robson, T. Loreman, L. Danylenko, A. Kolupaieva, N. Kupustin, Yu. Naida, N. Svarnyk, N. Sofii, P. Trohanis, S. Yusfin, E. Yamburg, E. Andreeva, V. Bondar, T. Iliashenko, A. Kolupaieva, N. Sabat, Ye. Yarska-Smirnova, O. Akimova, T. Sak, L. Savchuk, L. Priadko, etc.

Works among the research studies that have investigated the formation of readiness for work in inclusive educational space (I. Sadova, V. Sulym, I. Demchenko, E. Danilavichute). However, in our opinion, there is a search for inclusion studies related to the problems of children with special educational needs in the modern education system, training of teachers for holistic psychological and pedagogical support of the child.

**The purpose of the article** is to highlight and substantiate the problems of ensuring the right to quality education of children with special educational needs and the prospects of their solution in the modern Ukrainian school.

**Presentation of the main material.** The change of the educational paradigm to the humanistic model – “education for all, school for all”, which is based on the concept of a holistic approach, opens the way to the realization of the rights and opportunities of each person and, above all, it is assumed equal access of children with special needs to quality education.

The shift in the emphasis of the state’s social policy towards the formation of public consciousness regarding the perception of persons with disabilities as equal members of society and the need to create conditions for these citizens to live a full life, including education. The right of children with special educational needs to study in educational institutions at the place of residence is legally recognized.

In September 2017, the Verkhovna Rada of Ukraine adopted amendments № 6437 “On amendments to the Law of Ukraine “On education” concerning the peculiarities of access to educational services for persons with special educational needs”.

Now children with special educational needs, along with other forms of education (special, individual), can learn in an inclusive way along with healthy peers, not looking up from their natural environment. Parents have the right to choose an educational institution for their child. A child with special educational needs is enrolled to an inclusive class on the basis of the par-

ents' application and the conclusion of the specialists of the inclusive resource center. The school should ensure that appropriate conditions are created for each child to fully implement his or her potential, including children with special educational needs.

In the center of the "inclusive" school there is a child, regardless of health, physical or mental abilities, social status, family and the like. The education system adapts to the needs of any child. Adaptation takes place at the level of the physical environment, educational programs, teaching methods, implementation of an individual approach to each child, the use of personality-oriented technologies, differentiated teaching, etc. A child with special educational needs is trained under the condition of psychological and pedagogical support, which is carried out by an interdisciplinary team of specialists (teachers, psychologists, social and correctional teachers, parents, etc.).

The state promotes support for children with special educational needs by providing a Subvention from the state budget to local budgets for the provision of state support to persons with special educational needs (resolution of the Cabinet of Ministers of Ukraine dated February 14, 2017 № 88) [3]. The procedure and conditions determine the mechanism for granting subventions from the state budget to local budgets for the provision of state support to persons with special educational needs (hereinafter-subvention). The main manager of the subvention is the MOH. Subvention managers for local budgets are structural units on education and science, local executive authorities and local

self-government bodies, which are determined by the decision of the relevant local Council on such a budget in accordance with the legislation.

The subvention is aimed at providing state support to persons with special educational needs who study in special and inclusive classes of general secondary education institutions (except boarding schools, special schools (boarding schools), sanatorium schools (boarding schools) and educational and rehabilitation centers), namely children who are blind and with low vision, deaf and impaired hearing, with severe speech disorders, mental retardation, with disorders of the musculoskeletal system, with intellectual development disorders, with complex developmental disorders (including autism spectrum disorders).

The following expenses shall be paid at the expense of the subvention:

- carrying out (rendering) additional remedial and developmental classes (services), certain individual development program for students in inclusive classes and the working curriculum (individual education plan student) for students in special classes;
- acquisition of special means of correction of psychophysical development, which enable the child to master the curriculum. No more than 35 % of the total expenditure for each child of the relevant general secondary education institution, which needs state support, is used to purchase these funds. If the institution has several children with special educational needs with the same nosology, if necessary, it is possible to purchase special means of correction of psychophysical development for general use. The model list of special

means of correction of psychophysical development of children with special educational needs is approved by the order of the Ministry of education and science and posted on the official website of the Ministry.

In 2018, the subvention in the amount of UAH 100 000 thousand is sent to equip the offices of the inclusive resource centers to provide psychological and pedagogical assistance to children with special educational needs (purchase of methodological, educational and software, items, materials and equipment, including long-term use) in accordance with the requirements approved by the Ministry of education and science[3].

According to the order of MOH of Ukraine dated 01.02.2018 № 90 a position of the assistant teacher of an inclusive class was stipulated. In schools with education of children with special educational needs is necessary special classes for the learning process and conduct correctional and developing lessons, specific curriculum, introduced the post of teachers-speech pathologists (teachers, speech therapist, teacher of the deaf, teachers for the blind), other professionals with relevant training are provided.

In schools with education of children with special educational needs is necessary special classes for the learning process and conduct correctional and developing lessons, specific curriculum, introduced the post of teachers-speech pathologists (teachers, speech therapist, teacher of the deaf, teachers for the blind), other professionals are provided under load of at least 9 hours per week on the basis of norms at the rate of 18 hours per week) [4].

Teacher's assistant is introduced in schools where inclusive education is introduced to work with students with special educational needs at the rate of 1 rate per class in which such children study. In this way, mechanisms are introduced to fully ensure the rights of children with special educational needs to receive quality education at the place of residence.

At first we need to state a number of problems related to inclusive education, which lead to the fact that the inclusive processes in Ukraine is perceived negatively, even hostile by many people. This applies both to the children's group, which houses a student with special educational needs, parents of such students, and parents of healthy children, as well as teachers and the public at large.

The creation of a favorable climate in the school environment is a necessary condition for the success of the inclusion of a child with special educational needs in the environment of healthy peers, which means the acceptance and understanding of the child, the recognition of child as an equal member of the children's team. Only under such conditions a child with special educational needs will feel comfortable and will be able to learn. Unfortunately, there are often situations in educational institutions where a child with developmental disabilities is not accepted by peers. Without a doubt, this is an individual problem, which concerns the level of education of students, their tolerance, respect for other people (not only to people with disabilities, as well as elderly people, parents, animals, etc.). In modern reality, when the urgent need of the education system raises the prob-

lem of the formation of students' general cultural competence, which involves both the assimilation of the cultural historical experience of the Ukrainian people, and the formation of moral qualities (kindness, mercy, compassion, tolerance and the like), in connection with the loss of such qualities of today's young generation, who live mainly in the virtual world of illusions, formed by computer games, the Internet, television, education next to children who need protection and assistance, will create a real environment for the formation of such qualities, which will ultimately be beneficial for children with special educational needs and for their healthy peers.

In foreign and domestic science in recent years, there is a question of including children with special educational needs in the children's team as early as possible, starting from preschool age. Being all together in kindergarten, children of 3–6 years do not quite understand the difference between them, but they get used to each other, learn to live side by side, finding ways of interaction and mutual understanding. From an early age they begin to understand the hardships faced by people who have development problems, become sensitive to the needs of others, tolerant of human differences, learn to support each other, to interact positively. Coming to school, they already have certain social skills, formed in a diverse children's team, so the perception of children with special educational needs will not cause any problems. In school, this process will continue into adulthood as children with special educational needs, and their peers with a typical level of

development will go with formed in a diverse society life competencies.

Among the scientific researches the main provisions defining the essence of professional competence of the teacher in domestic science include:

- formation of competence, the basis – specialization (in-depth study of a specific field of activity);

- infer competence in the activities, however, not only it. Efficiency of activity, level of success of the solution of professional tasks is a criterion of competence;

- a person is competent if this person knows how to act successfully in a particular situation arising in the course of professional activity;

- the rapid pace of development of scientific information requires professional knowledge to be with a high level of generalization, universality, reflect the systemic relationships between different objects of reality;

- the structure of competence is a synthesis and organic unity of three types of professional knowledge, which determines the effectiveness and level of activity: theoretical (conceptual), applied and specific professional;

- competency as the information potential of the human personality has a unique character due to the individual theoretical and imaginative models of results-oriented frameworks. Therefore, the formation of professional competence is presented as the mastery of knowledge of means to achieve the goal, and as the mastery of means of design and implementation of activities in a personally unique way;

- competency is a relative concept: a person can be competent not in general, but in a specific area. The level of spe-



cialist competency depends on the diversity and complexity of the tasks that can be solved [5. p. 84–124].

It should be noted that the process of formation of such competencies should take place in a holistic manner both in school and in the family environment and in the circle of friends. Speaking about the school society, it is important to emphasize that the formation of a positive climate for students with special educational needs depends not only on the perception of their children's team, but also by teachers. Currently, the opinions of domestic teachers in relation to inclusive education have a wide range: some understand its advantages and believe in the need for inclusive education, see this as support for teachers and positive changes in the school system, others, on the contrary, are skeptical even to the idea of inclusive education, which causes them outright horror at the thought of the load that will fall on their shoulders. Elementary information ignorance, lack of knowledge of pedagogical technologies and the basics of psychology and correctional pedagogy, unwillingness to work in a team with other specialists, emotional rejection of children with different types of defects and mental unwillingness to include such children in the usual school activities are the main arguments of the position of teachers. If they are not yet against working with children with sensory impairments, children with autism spectrum disorders, behaviours, mental disabilities, teachers are not ready to accept it, because, in their opinion, despite the severity of the disorder, the child will not be able to get the full benefit of inclusive education, inclusion will entail an

additional burden on ordinary school teachers and students, and that due to too serious behavioural disorders the child can cause harm to others.

Let us recall V. Sukhomlynskyi: "Teacher begins with love for the child" [6]. What are the criteria to measure the love of a child entering a pedagogical institution or a teacher? Today, a graduate of a pedagogical University or College, having come to school, starts first the defense of his subject, considering it his main task, we often see how the teacher at school is perceived first as a "language specialist", "mathematician", "geographer" (because he loves his profession), and only then as a teacher-educator. We have teachers in school who see only their subject, the program, but not the child, teachers, for whom nouns, adjectives, discriminant, functions, and structure of the flower are more important than the child's feelings, his inner world, interests, aspirations and hopes. Is such a teacher ready to change from a defender of his subject to a teacher who is primarily interested in the child?

In our opinion, an inclusive form of education can be engaged by someone who came to school by vocation. As you know, today the pedagogical institutions of higher education select students, assessing their knowledge in the subjects, and not the love to a child, humanity, altruism, tolerance, willingness to understand and perceive the other, but namely these features are important for teaching activities in an inclusive space; society seems to have forgotten that teaching is primarily a vocation, creativity, not a craft.

The scientist Ya. Shven involves the use of non-traditional forms and me-

thods of work in adult education, which in practice have proven their effectiveness and efficiency. Preparing future teachers, institutes of postgraduate pedagogical education and other institutions that are engaged in professional development should include in educational programs an inclusive theme and form teachers' psychological and professional readiness to work with children with special educational needs. It is necessary to provide them with knowledge of special and social pedagogy, to provide tools and models of alternative training using — workshop (this is an intensive training event, during which adults are taught through their own activity). Summarizing the teachings of the German psychologist and psychotherapist Klaus Vogel, Ya. Shven offers a number of his practical ideas, techniques and techniques of dynamic adult education:

- *brain as a complex adaptive system*: organizing the educational process, it is necessary to take into account various aspects of mental activity of an adult: feelings, emotions, attention, perception, etc;

- *psyche as a social phenomenon*: self-identity depends on whether we feel belonging to others and whether there is an opportunity to interact with them:

- *physiological factors*: physiological characteristics (stress, food, etc.) affect the educational process. You should consider the most optimal time for learning — it depends on the individual and the natural biological rhythms and cycles (schedule a break, mini-break; olfactory considering the factors of perception of noise, odors, lighting, and so on.);

- *“in search of meaning”*: during the workshop it is necessary to guarantee stability and trustfulness. The educational process should contain on the one hand, a certain provocation, and on the other — the possibility of “insights”. That is why it is important for adult education to be interesting and to give the opportunity to manage own educational process, to produce an individual trajectory of personal and professional development;

- *the need to search for departmental and new information*: adults always try to find already known patterns, interpret new knowledge through their own experience, comprehend it. It is important to organize the educational process so that each student can draw own conclusions;

- *the value of feelings in learning*: it is necessary to carefully watch emotional climate in the group, which creates the possibility of open communication. Such interaction allows all listeners to speak openly about what is happening to them, their feelings and emotions. It is important to create an atmosphere of support, mutual respect and recognition in the group;

- *differentiation and generalization of information*: a productive educational process should be organized in such a way as to form the skills of particles and to achieve the understanding of new information gradually. On the other hand, the parts and the whole are interconnected, so listeners should see the holistic process of what they master;

- *features of adult attention*: in addition, it is necessary to control the level of noise, light and temperature in the room-it is necessary to consciously use

symbols that have a positive impact on peripheral perception: posters, drawings, presentations (visual perception of information), music (audio perception of information), psychological exercises on interaction (tactile perception of information);

- *conscious and unconscious learning*: during active assessment, participants can comprehend the experience and understand how and why they learned;

- *different ways to remember information*: important and unimportant information is remembered in different ways. It is necessary often to repeat and practice the facts and skills that are mastered separately. The less information and skills are associated with relevant professional experience and knowledge, the more effort requires their content in memory. The learning process will be more effective if it involves “personal” memory-personal experience of the participant;

- *the quality of understanding the information depends on how much it can be felt*: during the training, you should take into account the processes of experience: use a variety of actions (demonstrations, projects, research, visual imagination, metaphors, role-playing games, dialogue, polylogue, keeping a diary, dancing, pantomime, etc);

- *learning for life*: students need to find incentives for learning. It’s crucial to be able to have fun and feel productive as a group member. Therefore, it is important for adults that their spiritual needs are taken into account;

- *interest and excitement in adult education*: in the study group, an atmosphere conducive to “moderate” appearance, in which there is little fear and a lot of feelings should be created. Situ-

ational stress is inevitable: any training activates personal changes associated with uncertainty. Students will be able to withstand such uncertainty and develop a tolerant attitude to it;

- *the uniqueness of the brain*: the educational process should be varied so that all the listeners should be able to use their visual, auditory, emotional, verbal and non-verbal abilities. Therefore, it is necessary to constantly give listeners the opportunity to choose to stimulate individual interest. You should choose training strategies and techniques to help each student of the group to optimally use the brain;

- *theory of seven intelligences*: Howard Gardner proposed the theory of “seven intelligences”, opening up opportunities for the adult educators to create interesting and effective learning process. After all, intelligence is the ability to successfully respond to new situations and learn from your own experience;

- *psychological characteristics of adult education*: adults learn only what they are willing to teach; adults learn better what they really do; adults learn from their mistakes; adults learn more easily what they are familiar with [7. p. 12–16].

In order to ensure the right of children with special educational needs aged 2 to 18 years to receive pre-school and general secondary education, including in vocational education institutions and other educational institutions providing general secondary education, through a comprehensive psychological and pedagogical assessment of the child’s development (hereinafter – a comprehensive assessment), the provision of psycho-pedagogical, correc-

tional and developmental services and ensuring their qualified system support is the education of institutions “Inclusive resource centers”. They work in accordance with such principles as respect for and perception of the individual characteristics of children, respect for the best interests of the child, non-discrimination and violation of the rights of the child, confidentiality, access to educational services from an early age, interdepartmental cooperation.

Inclusive resource centers are created on the basis of one inclusive resource center for no more than 7 thousand children living in the territory of the united territorial community (district), and no more than 12 thousand children living in the city (district)[8].

The main requirements for the professional competence of teachers in the implementation of inclusive education, according to scientists T. Gur, L. Chernikova, which should be provided in the system of postgraduate education of pedagogical education, include namely:

- *the motivational component of professional competence* of the teacher in the conditions of implementation of inclusive education is characterized first of all by acceptance of values of philosophy of inclusive education, humanistic orientation, positive motivation of professional and personal self-development. It is self-correctional, defines the functional unity of all other components;

- *cognitive component involves a system* of theoretical and methodological knowledge in the field of inclusive education, namely, entity and inclusive education (principles, contents, forms, methods and the like), its dif-

ferences from other educational forms; the peculiarities of psychophysical development of children, psychological regularities and peculiarities of the age and personal development of children with features of psychophysical development; methods of psychological and didactic design of the educational process for collaborative learning of children;

- *the constructive component* of the professional competence of teachers in the implementation of inclusive education consists of a system of special analytical and prognostic, design, correctional, pedagogical and communicative skills. According to these scientists, the main professional skills are: to create a developing educational environment, to provide social and pedagogical support to a child with special educational needs; to implement the principle of team approach in interaction with various specialists; to apply methods of forming a positive social and psychological climate in the classroom; situationally respond quickly to problems that may arise in the child and quickly solve them; own methodological methods of adaptation of the curriculum to the special needs of the child; to carry out parity contacts with the child with special needs, etc;

- *personal component system* includes competencies which are the system forming which include empathy, reflectivity, cognitive openness, flexibility, self organization and the like. It is the ability to respond flexibly to the special educational needs of children with mental and physical development, as well as to find alternative forms of communication with such a child is considered one of the main professional

qualities of a teacher in an inclusive education [9. p. 114–115].

In accordance with paragraph 31 of article 48 of the Law of Ukraine “On general secondary education” the Cabinet of Ministers of Ukraine, Council of Ministers of the Autonomous Republic of Crimea, regional state administrations, Kyiv and Sevastopol city state administrations and bodies of local self-government were ordered before until September 1, 2018, to provide:

- changing the type of subordinate boarding schools (except institutions of secondary education for children with intellectual disabilities) to a gymnasium, a lyceum in accordance with the requirements of this law with the preservation of boarding schools with partial or full content of students (pupils) at the expense of the founder (founders). The termination of functioning of boarding schools as a part of such institutions is possible only after the decision in accordance with the established procedure of the question of obtaining by pupils (pupils) of education and/or receipt of the corresponding social services in the place of their residence (registration) or the residence (registration) of their parents;

- creation of regional (city – in the cities of Kyiv and Sevastopol) resource centers to support inclusive education, as well as district, city (district in the cities) inclusive resource centers, including in the united territorial communities, through the reorganization of the existing network of psychological, medical and pedagogical consultations [10].

Another urgent problem is the attitude to the inclusion of parents of children with special educational needs of

those people who are not always ready to send their child to an ordinary school next to children with a typical level of development, trying to protect their child from the outside world, fearing rejection, insults, ridicule from others, so for them the most appropriate is a special institution or individual form of education. Such parents of children with special needs have a number of established prejudices regarding education in general education schools, even inclusive ones. One of the main ones is the negative attitude towards children with special needs on the part of school teachers, parents of healthy children and children themselves.

As D. Velychko notes “in general, the prevailing opinion is that the society is not ready for an adequate perception of children with special needs. The more significant the problem of the child is, the more the child and the parents face a negative attitude on the part of both adults and children. That’s why parents try to protect their children from psychological trauma and don’t want them to act as “trainers” for the formation of public tolerance” [11, p. 48]. The educational work of schools, parents’ committees, parents of children with special educational needs, public organizations and the state as a whole is of crucial importance for solving this problem.

**Summary.** Specifics of training teachers in the implementation of effective inclusive education system in Ukraine is possible on the basis of the interaction of several factors, primarily state support, improvement of legal support, improvement of methodological and personnel support of inclusive education, the transition of postgraduate pedagogical education from a didac-

tically-methodical orientation, provision of compensatory features, such as the improvement of professional competence and professional and personal development of a specialist [9, p. 122].

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## **TYOLOGY OF MODELS OF STATE POLICIES FROM PROVIDING CIVIL POTENTIAL OF RELATIONS BETWEEN AUTHORITIES AND SOCIETY**

**Abstract.** The study of models of interaction between the state and civil society allowed to consider relevant issues in a functional section. It is substantiated that determining and providing an optimal model of interaction between the state and civil society is an overriding and necessary condition for political modernization and democratization, a direct path to the political stability of any state, as adequate interaction between the parties is based on a balanced balance of interests of each of them, and mutually beneficial partnership on the basis of parity social dialogue contributes not only to improving and improving the effectiveness of social policy, but also stabilization of all social existence general. It is emphasized that for each state, taking into account its specificity, an own model of social policy is formed.

It is noted that the formation of effective interaction between civil society organizations and state institutions depends directly on qualitative changes in the model of public administration in Ukraine, including decentralization, weakening of ineffective administrative and command and purely regulatory methods, and so on. The Revolution of Dignity opened a new stage in the history of civil society development, demonstrated the public's influence on socio-political transformations, and gave impetus to the renewal and reformatting of power. Such goals

require the creation of full, rather than declarative, public institutions capable of obtaining information at an early stage in the adoption of management decisions, to propose alternatives, to exercise control. It is considered that mechanisms such as public consultations, participation in public councils, working groups, public appraisals and monitoring, public hearings, information requests to public authorities, etc. are used for interaction between authorities and civil society.

It was concluded that today the potential of the analytical and expert environment, trade union organizations, employers' organizations in forming the content of state policy remains insufficiently realized. At the same time, such cooperation should be based on the following principles: public activity, partnership, openness and responsibility, political independence, prevention of corruption, rational and balanced development, integrity.

**Keywords:** state policy, model of interaction of the state and civil society, social-democratic model, genesis of civil society.

### **ТИПОЛОГІЯ МОДЕЛЕЙ ДЕРЖАВНОЇ ПОЛІТИКИ ІЗ ЗАБЕЗПЕЧЕННЯ ГРОМАДЯНСЬКОГО ПОТЕНЦІАЛУ ВЗАЄМОВІДНОСИН ОРГАНІВ ВЛАДИ ТА СУСПІЛЬСТВА**

**Анотація.** Дослідження моделей взаємодії держави і громадянського суспільства дало змогу розглядати відповідну проблематику у функціональному розрізі. Обґрунтовано, що визначення та забезпечення оптимальної моделі взаємодії між державою та громадянським суспільством є нарізною і необхідною умовою політичної модернізації та демократизації, прямим шляхом до політичної стабільності будь-якої держави, оскільки адекватна взаємодія між сторонами спирається на зважений баланс інтересів кожної з них, а взаємовигідне партнерство на основі паритетного соціального діалогу сприяє не лише вдосконаленню і підвищенню ефективності соціальної політики, а й стабілізації всього суспільного буття загалом. Наголошено, що для кожної держави з урахуванням її специфіки формується власна модель соціальної політики.

Визначено, що становлення ефективної взаємодії між організаціями громадянського суспільства та державними інституціями напряму залежить від якісних змін моделі державного управління в Україні, серед яких децентралізація, послаблення неефективних адміністративно-командних і суто регулятивних методів тощо. Революція Гідності відкрила новий етап в історії розвитку громадянського суспільства, продемонструвала вплив громадськості на суспільно-політичні перетворення, стала поштовхом для оновлення та переформатування влади. Такі цілі вимагають створення повноцінних, а не декларативних громадських інституцій, здатних отримати інформацію на початкових стадіях ухвалення управлінських рішень, запропонувати альтернативи, здійснювати контроль. Розглянуто, що для взаємодії органів влади та громадянського суспільства використовуються такі механізми як консультації з громадськістю, участь у громадських радах, робочих групах, громадські експертизи і моніторинги, громадські слухання, інформаційні запити до органів державної влади тощо.

Визначено, що на сьогодні недостатньо реалізованим лишається потенціал аналітично-експертного середовища, профспілкових організацій, організацій роботодавців у формуванні змісту державної політики. Разом із тим, така співпраця має ґрунтуватися на таких принципах: громадська активність, партнерство, відкритість та відповідальність, політична незалежність, запобігання корупції, раціональний і збалансований розвиток, комплексність.

**Ключові слова:** державна політика, модель взаємодії держави і громадянського суспільства, соціал-демократична модель, генезис громадянського суспільства.

## **ТИПОЛОГИЯ МОДЕЛЕЙ ГОСУДАРСТВЕННОЙ ПОЛИТИКИ ПО ОБЕСПЕЧЕНИЮ ГРАЖДАНСКОГО ПОТЕНЦИАЛА ВЗАИМООТНОШЕНИЙ ОРГАНОВ ВЛАСТИ И ОБЩЕСТВА**

**Аннотация.** Исследование моделей взаимодействия государства и гражданского общества позволило рассматривать соответствующую проблематику в функциональном разрезе. Обосновано, что определение и обеспечение оптимальной модели взаимодействия между государством и гражданским обществом является назревшим и необходимым условием политической модернизации и демократизации, прямым путем к политической стабильности любого государства, так как адекватное взаимодействие между сторонами опирается на взвешенный баланс интересов каждой из них, а взаимовыгодное партнерство на основе паритетного социального диалога способствует не только совершенствованию и повышению эффективности социальной политики, но и стабилизации всего общественного бытия в целом. Отмечено, что для каждого государства с учетом ее специфики формируется собственная модель социальной политики.

Отмечено, что становление эффективного взаимодействия между организациями гражданского общества и государственными институтами напрямую зависит от качественных изменений модели государственного управления в Украине, среди которых децентрализация, ослабление неэффективных административно-командных и чисто регулятивных методов и тому подобное. Революция Достоинства открыла новый этап в истории развития гражданского общества, продемонстрировала влияние общественности на общественно-политические преобразования, стала толчком для обновления и перестройки власти. Такие цели требуют создания полноценных, а не декларативных общественных институтов, способных получить информацию на начальных стадиях принятия управленческих решений, предложить альтернативы, осуществлять контроль. Рассмотрено, что для взаимодействия органов власти и гражданского общества используются такие механизмы как консультации с общественностью, участие в общественных советах, рабочих группах, общественные экспертизы и мониторинги, общественные слушания, информационные запросы в органы государственной власти и др.

Определено, что на сегодня недостаточно реализованным остается потенциал аналитически-экспертной среды, профсоюзных организаций, организаций работодателей в формировании содержания государственной политики. Вместе с тем, такое сотрудничество должно основываться на следующих принципах: общественная активность, партнерство, открытость и ответственность, политическая независимость, предотвращения коррупции, рациональное и сбалансированное развитие, комплексность.

**Ключевые слова:** государственная политика, модель взаимодействия государства и гражданского общества, социал-демократическая модель, генезис гражданского общества.

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**Thesis statement.** The interaction of the state authorities with the public is a prerequisite for their effective and transparent activity. The current international practice shows that only with the constant interaction between the state authorities and the public they can properly fulfil their functions. At the present stage of development of Ukraine, the most relevant tasks are attracting the public to the decision-making process, and as a result, achieving a greater degree of efficiency and transparency in the activity of the state authorities. In Ukraine, the process of decision-making is still very transparent, and the activity of the government activity has not always been clear for the population. A closed nature of governance from the public, especially when it comes to managerial decision-making, is a crucial brake factor on the democratic transition path. The current Ukrainian legislation provides for the possibility of interaction between the state authorities and the public, but technologies and methods of this interaction still need to be implemented and developed.

**Analysis of recent publications.** The problem of interaction between the

state authorities and the public within the system of public administration was carried out by the scholars, such as O. Babinova, V. Bakumenko, N. Dragomyretska, A. Kolodii, O. Krutii, O. Litvynenko, N. Nyzhnyk, G. Pocheptsov, M. Pukhtynskyi, V. Rebkalo, Yu. Surmin, V. Tertychka, V. Tokovenko etc. Taking into account research conducted by domestic and foreign scholars, one should note that under the conditions of quick-flowing processes of globalization and development of information society, a substantial distrust of different social communities in the state authorities, a need arises to develop new mechanisms of interaction between the state and the public which would take into account both current international trends and Ukrainian realities.

**Objective of the article** is to conduct a comprehensive analysis of trends of the formation of models of interaction between the civil society and the state in the countries of the European Union at the present stage of social development.

**Results.** Solving the problem of interaction between the state and the civil society has always been relevant

during the existence of modern civilization. Despite the uneven social and humanitarian development of mankind in different historical periods, the form of coexistence of state, personal and civil interests has always been decisive for social development. The study of scientific sources conducted in the previous section provides grounds for arguing that the systematization of certain historical models of interaction between the civil society and the state takes place on the basis of existence of three cultural and historical traditions – Italian, German and Anglo-American, on the basis of which in modern practice, three basic conceptual approaches to understanding the nature and problems of the formation of the civil society formed:

- individual and group;
  - personal;
  - corporate and group.
- the
- social democratic;
  - corporatist;
  - liberal [1].

Let's take a closer look at each of the above mentioned models, since it is not a secret that modern humanitarian science needs certain structure for the purpose of developing a unified scientific approach to the interaction of the civil society and the state. According to the social democratic model, the state acts as a result of social structuring, and as the main political institute subordinates to itself all other areas with the help of normative regulation (laws, regulations, codes) and structural influence (bureaucracy, executive institutions, apparatus, coercion). That is, the civil society in such a model is a sphere of private and public interests

with the association of citizens by various features and purposes and is below the hierarchical level of the state. With the increase in the weight of civil society and the growth of its influence on the state, it gradually gains signs of statehood and passes into its own state form (in some cases, into a totalitarian state). That is, the question of balance and control in such a model is a factor of the existence of the social system as a whole.

The corporatist model is based on the theory of the combination of the state and the civil society. According to the model, there are three main corporate groups:

- trade unions (representing the will and interests of employees);
- economic circles (business groups, companies, corporations, employers);
- the state (administrative and bureaucratic bodies, institutions of power).

Between these groups, levers of control are distributed, which determine the form, structure, and nature of social policy. In our opinion, the core of the corporatist model lies in the fact that solidarity of all parts and their interaction are called to defend the priority of group (corporate) interest over the private one. Such a model involves a strong centralized state institute, which cooperates with various mediator groups and participates in the organization of all processes.

According to the liberal model, the main purpose of the state is the preservation and protection of natural human rights, and the relations between the individual and the state itself are determined on a contractual basis. At the



same time, rule of law is the main tool of public control and regulation. However, in such social relations, priority is given to civil liberties over political, moral and legal norms. The influence of the state is limited by constitutional and normative documents [1].

If one directly considers the immediate level of relations between the state and the civil society, the typology that is determined on the basis of three basic determinants is rather detailed:

- cooperation;
- ignoring;
- confrontation.

In its turn, the relevant determinants allow to distinguish eight historically-determined models of interaction between the state and the civil society [2]:

- support model — in which state authorities contribute to the normative and institutional design of non-governmental organizations;

- partnership model — when the state and its institutions agree with the necessity and importance of civil society structures and facilitate the establishment of interaction in the form of social dialogue and social partnership;

- architect model — when elements of civil society take part in the formation and implementation of public policy, identification of socially important problems and ways of their solution, reforming institutions of state power, education of structural elements of state institutions;

- paternalism model — in which the state contributes to a certain autonomy of non-state social structures under certain conditions (for example, loyalty and not counteraction to the existing political course);

- the model of “driving belts” is typical for mono-ideological state formations, with such a model, all non-state structures are considered solely as the levers of the influence of the ruling nomenclature in relation to ordinary citizens;

- ignoring model — in which the state does not interfere, but also does not cooperate with elements of civil society, such a form cannot be of a long-term nature, since in any case the expansion of the interests of one party will lead to a transition to another model of interaction;

- a model of struggle — when the state treats non-state public institutions as potentially dangerous from a political and social point of view and the activities of the relevant institutions are out of the reach of official institutional ties;

- a model of disobedience — when political and even power fights unfold between government and society, which manifests itself in rallies, clashes with power structures, unauthorized strikes, rebellions, such a model develops in the event of a loss of legitimacy and illegal actions by the state in relation to its citizens (repressions, violations of rights and freedoms, encroachment on private life and property).

As you can see, the first three models of interaction, in which necessary institutionalization and segmentation of civil society take place one way or another, are the ones that are acceptable for modern realities. At the same time, the improvement of the relevant relationships, based on the realities, is a very significant point. Undoubtedly, the formation of the most developed and functional model of interaction be-

tween the state and civil society has an important socio-political significance not only on a national scale for each country, but also on a global scale. Since the maintenance of a decent existence of a modern society is based on a balance of interests between all spheres, when balanced and optimal relations between the parties increase the efficiency of each of them, and mutual control and regulation allow the optimal use of resources and internal potential.

We believe that the development of a functional model of interaction between the state and civil society must first of all be based on the principles of self-organization, self-regulation, proportionality, interintegration. A decisive aspect is the proportional relations in the context of centralization and decentralization of power among state and public organizations, centres and regions. Soon a self-regulating system is created, as a result of the consensus integration of the interaction between the state and the civil society.

Regarding the self-regulatory system, it must necessarily include a feedback between state and civil elements, thus ensuring the ability for sustainable development of society as a whole. The feedback cycles contain the conditions under which civil society institutions operate within the Constitution and assist the state in implementing the national idea, preserving national sovereignty, the rights and freedoms of a citizen. On the other hand, the state, as the main political institution, through its influence and resources, contributes to the free development of civil society institutions [3].

In order to improve the functional capacity of civil society to interact ef-

fectively with the state, it must be endowed with the right of legislative initiative, the right to control and monitor the activities of executive bodies and local self-government bodies, which will enable effective implementation of the principles of direct and representative democracy and intensify civil political and social activity.

The functional interaction between the civil society and the state is based on a combination of objective vertical and horizontal ties, where civil society institutions should pass to the state institutions the functions and responsibilities that are beyond their capabilities and competences, and, accordingly, the same principle also applies to the state party. Such a model of interaction between the state as the main political institution and civil society as a sum of active citizens is intended to determine the boundaries of influence and powers on the basis of necessity and expediency, denying excessive interference and coercion by one party in relation to others, while not reducing thus to a simple restriction of functions [4].

In my opinion, under the current conditions, in order for our state to occupy a good place in the world arena and the conditions and quality of life of the citizens accordingly to correspond to European standards, it is necessary to replace the inefficient and unprofitable social policy, by a policy, focused on the needs and desires not to only of a certain group of people, but also every person in general.

Therefore, in our opinion, the main signs of a new, improved model of state policy of our state should be:

- reduction of the poor population;

- strengthening the role of the middle class;
- strengthening the competitiveness of the state economy on the basis of an innovative model of development and implementation of effective state anti-corruption policy;
- an increase in the level of incomes of citizens in comparison with inflation;
- reduction of financially unsecured benefits;
- providing people with jobs and stimulating of a skilled personnel for the work;
- increasing state mobility;
- strengthening of the volunteer movement.

**Conclusions and prospects of further research.** We consider the most expedient option for Ukraine to introduce a positive experience of the civic potential of Scandinavian countries, especially Sweden. In its turn, this will help to adapt the Ukrainian civil society to the modern model of governance and ultimately implement a coherent and logical model of state policy that is in line with the advantages and disadvantages of the 21<sup>st</sup> century.

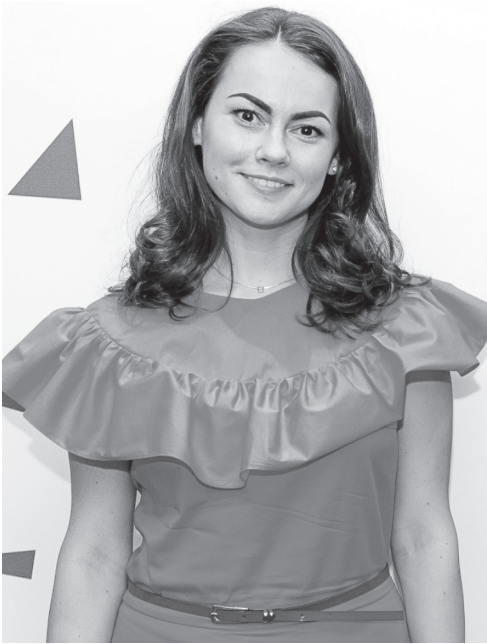
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## **GLOBAL ASPECTS OF THE DEVELOPMENT OF HIGHER EDUCATION IN THE MODERN WORLD AS THE MAIN DETERMINANTS OF A RADICAL CHANGE IN PUBLIC ADMINISTRATION OF THIS SPHERE**

**Abstract.** The actual components of truly revolutionary changes in the sphere of higher education that are caused in the twentieth and twenty-first centuries by various objective processes – globalization, world integration and informatization, and the introduction of new technological processes and technologies into all spheres of social and spiritual production are considered. The emphasis is placed on the fact that higher education fundamentally changes its role, purpose, nature of influence on the vital activity of man and society. It is emphasized that radical changes in the phenomenon of “higher education” make it necessary to review and improve the management of this process, primarily at the state level, which requires appropriate correlations in public policy regarding higher education as a whole.

The special accents in the article are related to the following aspects of the problems of the development of higher education in the modern world:

First, higher education, as a social institution, radically changes its purpose in connection with the change of status, participation of man in all socio-political processes. In addition to general education, professional and other training, a modern specialist should have the appropriate skills of interpersonal compatibility, business qualities that fully meet the requirements of market economy.

Secondly, in the 21<sup>st</sup> century, an essentially new revolutionary process, associated with global, globalization, integration and information phenomena, began to emerge in education. Higher education is designed to form innovative developmental human capital, emerging as a basis for continuous renewal and multiplication of such capital. Based on the widespread use of a variety of electronic and computer technology radically changing forms, technology learning, the functioning of the educational process.

Thirdly, radical changes in the essence, role, importance of higher education in human life, the functioning of society, requires a fundamental change in the nature of public administration such education. This is a new model of such a management, clarifying and working out the role and status of these processes of different subjects of such a management, especially the authorities, especially the executive, on the autonomy, democratization of higher education management, at the first level at the level of a specific institution of higher education.

**Keywords:** education, higher education, basic world and national foundations for the development of higher education, modern models of higher education, state regulation of the development of higher education.

## **ГЛОБАЛЬНІ АСПЕКТИ РОЗВИТКУ ВИЩОЇ ОСВІТИ У СУЧАСНОМУ СВІТІ ЯК ГОЛОВНІ ДЕТЕРМІНАНТИ РАДИКАЛЬНОЇ ЗМІНИ ДЕРЖАВНОГО УПРАВЛІННЯ ЦІЄЮ СФЕРОЮ**

**Анотація.** Висвітлюються актуальні складові дійсно революційних змін у сфері вищої освіти, які у ХХ–ХХІ ст. викликані різними об'єктивними процесами — глобалізацією, світовими інтеграцією і інформатизацією, впровадженням в усі сфери суспільного і духовного виробництва новітніх технологічних процесів і технологій. Робиться акцент на тому, що вища освіта кардинальним чином змінює свою роль, призначення, характер впливу на життєдіяльність людини і суспільства. Підкреслюється, що радикальні зміни феномену “вища освіта” викликають необхідність перегляду і вдосконалення управління цим процесом, насамперед на державному рівні, що вимагає відповідних кореляцій в державній політиці щодо вищої освіти в цілому.

Особливі акценти у статті пов'язані з наступними аспектами проблем розвитку вищої освіти у сучасному світі:

По-перше, вища освіта як соціальний інститут радикально змінює своє призначення у зв'язку зі зміною статусу, участі людини в усіх суспільно-політичних процесах. Крім загальноосвітньої, фахової та іншої підготовки, сучасний фахівець повинен мати належні навички міжособистісної комунікативності, ділові якості, що сповна відповідають вимогам ринкового господарювання.

По-друге, у ХХІ ст. в освіті розпочався фактично принципово новий революційний процес, пов'язаний зі світовими, глобалізаційними, інтеграційними та інформаційними явищами. Вища освіта покликана формувати інноваційний розвивальний людський капітал, постає як базис постійного оновлення і примноження такого капіталу. На основі широкого використання різноманітної електронної і комп'ютерної техніки радикально змінюються форми, технології навчання, функціонування навчального процесу.

По-третє, радикальні зміни суті, ролі, значення вищої освіти у житті людини, функціонування суспільства, вимагає принципової зміни характеру державного управління такою освітою. Йдеться про нову модель такого управління, про уточнення й відпрацювання ролі і статусу у цих процесах різних суб'єктів такого управління, найперше органів влади, особливо виконавчих, про автономізацію, демократизацію управління вищою освітою найперше на рівні конкретного закладу вищої освіти.

**Ключові слова:** освіта, вища освіта, базові світові та національні основи розвитку вищої освіти, сучасні моделі вищої освіти, державне регулювання розвитку вищої освіти.

## **ГЛОБАЛЬНЫЕ АСПЕКТЫ РАЗВИТИЯ ВЫСШЕГО ОБРАЗОВАНИЯ В СОВРЕМЕННОМ МИРЕ КАК ГЛАВНЫЕ ДЕТЕРМИНАНТЫ РАДИКАЛЬНОГО ИЗМЕНЕНИЯ ГОСУДАРСТВЕННОГО УПРАВЛЕНИЯ ЭТОЙ СФЕРОЙ**

**Аннотация.** Рассматриваются актуальные составляющие действительно революционных изменений в сфере высшего образования, которые в ХХ–ХХІ ст. вызваны различными объективными процессами — глобализацией, мировыми интеграцией и информатизацией, внедрением во все сферы общественного и духовного производства новейших технологических процессов и технологий. Делается акцент на том, что высшее образование кардинальным образом меняет свою роль, предназначение, характер влияния на жизнедеятельность человека и общества. Подчеркивается, что радикальные изменения феномена “высшее образование” вызывают необходимость пересмотра и совершенствования управления этим процессом, в первую очередь на государственном уровне, что требует соответствующих корреляций в государственной политике относительно высшего образования в целом.

Особые акценты в статье связаны со следующими аспектами проблем развития высшего образования в современном мире.

Во-первых, высшее образование как социальный институт радикально меняет свое назначение в связи с изменением статуса, роли человека во всех общественно-политических процессах. Кроме общеобразовательной, профессиональной и иной подготовки, современный специалист должен иметь соответствующие навыки межличностной коммуникативности, деловые качества, вполне соответствуют требованиям рыночного хозяйствования.

Во-вторых, в ХХІ веке в образовании начался фактически принципиально новый революционный процесс, связанный с мировыми, глобализацион-



ными, интеграционными и информационными явлениями. Высшее образование призвано формировать инновационный развивающий человеческий капитал, выступает как базис постоянного обновления и приумножения такого капитала. На основе широкого использования разнообразной электронной и компьютерной техники радикально меняются формы, технологии обучения, функционирование учебного процесса.

В-третьих, радикальные изменения сути, роли, значения высшего образования в жизни человека, функционирования общества, требует принципиального изменения характера государственного управления таким образованием. Речь идет о новой модели такого управления, об уточнении и отработки роли и статуса в этих процессах различных субъектов такого управления, прежде всего органов власти, особенно исполнительных, об автономизации, демократизации управления высшим образованием в первую очередь на уровне конкретного учреждения высшего образования.

**Ключевые слова:** образование, высшее образование, базовые мировые и национальные основы развития высшего образования, современные модели высшего образования, государственное регулирование развития высшего образования.

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**Thesis statement.** The development of modern societies, many of which carry out revolutionary transformations, the transition from post-industrial to informational state, is objectively due to the role of science and knowledge. In this case, education, the preparing of huge groups of people to fundamentally different, new, innovative models of life occupy a dominant position. Economics, politics, spirituality, other components of social life decisively depend on the essence, the specifics of the development of education, on its forming influence on the person. In this case, there are different models of education, due to world and national social processes, radically changing educational technologies, which in turn calls for a fundamental improvement of public administration, regulation of the functioning of higher education. Objectively, from the described and other

problems of the functioning of higher education, its management there are many different, including controversial, points of view, which require more detailed analytical comprehension.

**Analysis of recent research.** Issues related to the global aspects of the development of higher education in the modern world, public administration of such education, are of great interest to domestic and foreign researchers — historians, philosophers, sociologists, political scientists, psychologists, educators, representatives of other branches of knowledge. The most notable among them are the works of such domestic scientists as V. Andrushchenko, V. Bebyk, O. Valevskyi, M. Holovatyi, V. Zhuravskyi, V. Kremen, V. Lugovyi, V. Rutkevych, Yu. Surmin, and others.

Among the large number of foreign scholars there is an opportunity to appreciate the works of: E. Durkheim,

P. Bourdieu, K. Jennis (USA), D. Floude, J. Coleman (England), V. Adamskyi, Z. Kveshynskyi, I. Bi-aletskyi (Poland), L. Kohan, M. Rutkevych, L. Rubina, V. Turchenko, V. Shubkin, F. Filipova, O. Yakuba (Russian Federation) and others.

There are many diverse special scientific publications that form the basis of this article. Among them there are two: Valevskyi O. *Methodological Principles of the Analysis of State Policy. Philosophical thought.* – 2000. – № 5. – P. 62–63; Andrushchenko V. P., Soloviov V. L. *Educational Policy (Review of the Agenda)* K.: “MP “Lesia”. – 2010. – 404 p. As O. Valevskyi writes, “the subject of the analysis of educational policy is the search of ways of optimal realization of interests of entities of political action in the sphere of education – state bodies, higher educational institutions, civil society institutions, business” (p. 62).

Among the foreign authors on such an issue is the work of Raymers F. and McGinnal N. “*Competent Dialogue: Using Research to Create a World Educational Policy.* – Lviv : Litopys, 2004”.

In order to analyse the world and national trends in the development of education, including higher education, we took into account the works of V. Andrushchenko [11], V. Astahova [2], A. Verbytskyi [3], K. Volokitin [7], M. Holovaty [9], T. Huzik [6], L. Karpets [7], D. Matros [8], I. Naidionov [10], Yu. Surmin [13], T. Shcherbakova [4], and others.

Among the large number of special works related to globalization, national transformational processes in

the field of higher education, management of it, we refer to the works of K. V. Korsak “*World Higher Education. Comparison and recognition of foreign qualifications and diplomas / Ed. prof. G. V. Shchokin: Monograph. K.: IAPM. 1998; Hershunskyi B. S. “Philosophy of Education for the XXI: Textbook for self-education. Edition 2, revised and supplemented. M.: Pedagogical Society of Russia, 2002. 321 p.”; “Course of lectures on sociology of education: Textbook for higher education institutions” / People’s Ukrainian Academy. – K.: PUA Publishing House, 2003. – 424 p. etc.*

Even a retrospective analysis of literature on a given issue gives grounds to argue that the valuable conceptual-generalizing works on the problem of radical transformations in higher education and, at the same time, their “challenges” to radical change, and the improvement of public administration of higher education are still lacking. This attempt is to somewhat compensate for such a gap, to share the author’s own point of view.

**The objective of the study.** The article examines the conceptual foundations of the development of higher education in the XXI century under the conditions of globalization, information, communication processes in order to prove that they are the ones that cause the radical change of models and mechanisms of public administration of higher education. We proceed from the fact that when developing the model of public administration of higher education at the national level, one must take into account the specifics of the socio-economic development of the country, the specific require-

ments regarding the nature and requirements for educational and professional training of a specialist, the need to build education on innovation principles, processes related to mobility of specialists with higher education.

**Results.** With all the obviousness of the essence nature and content, a phenomenon of “education” in general has many, often quite different explanations. We consider that back in 1998 the Russian “Sociological Encyclopaedic Dictionary” gave a very specific and original definition of the phenomenon of “education”. It is as follows: “Education is: 1) a social institution that carries out the functions of training and incorporating an individual into various spheres of society’s life; 2) universal value throughout life; a set of systematic knowledge and the skills acquired by the individual independently or in the process of studying in educational institutions; 3) one of the indicators of the social status of the individual and the reproduction of the social structure of society” [1, c. 610]. This definition is successful and generally accepted, since it provides: the essence of education, its purpose, functions performed by education in relation to man and society. The essence, purpose and content of higher education should answer the question – why, what for, for what purpose higher education should prepare a person for life theoretically and practically right now, in the XXI century. A specialist in the modern labour market must meet the following basic requirements: 1) education and the availability of appropriate intellectual traits; 2) skills of interpersonal communication (sociability); 3) business qualities (professionalism):

– education. It is not just about the presence of a certain amount of knowledge but about the analytics of thinking, the flexibility of mind, the ability to perceive the new, the ability of constructive thinking, innovation [2–4];

– sociability. Ability not only to formulate own thoughts, but also to communicate with others, to cooperate with them in the theoretical and practical terms [5; 6];

– professionalism. In addition to knowledge of the case, it needs also appropriate, inherent in a particular kind of action, skills and is related to business, organization, ability to quickly respond to different situations, etc. [7; 8].

A significant number of specialists from various fields of knowledge now speak about the fact that in education, especially in higher education, in the 21<sup>st</sup> century a particular revolutionary process began. Yu. Surmin, a well-known Ukrainian expert in public administration, believed that the main features of such a revolution were:

1. The transformation of education into the main source of wealth of society. This is the place, they say, because it is human capital that becomes the main wealth of post-industrial societies. In the economy, according to the scientist, the so-called “extra value”, which is provided by knowledge, information, intelligence, plays a very significant role. Actually, knowledge itself becomes a product.

2. Countries of the world are moving from the current issue of specialists to the “production” of their small “series” or even individually. At the same time, the more important quality of education is its flexibility, the ability to “re-equipping”. This situation applies

both to education on the whole, and to its specialist product. Education is becoming more human-centric.

3. We have a transition from the assimilation of information to the formation of qualities that are extremely necessary for the creative activity of the individual. An important task of education in this case is the preparation of a creative thinker, an innovative person with a great potential and ability to continuous self-development and self-improvement.

4. A continuous computerization of training, which drastically changed the whole education system, training a specialist, is observed. There appeared fundamentally new, progressive technologies of learning that essentially predetermined the role of both teacher and student in the learning process.

5. There is an increase in the overall role of education in society, the expansion of its scale and, simultaneously, the strengthening of the impact of education on all spheres of functioning of society, on the comprehensive process of socialization of a person (personality) throughout his/her life.

6. There is an increase in society's expenditures on education, studies, with the simultaneous growth of the return on it. In this circumstance, education becomes one of the most profitable spheres of social life, becoming in many ways an independent and self-sufficient factor of social development.

7. As never before, education concentrates many progressive innovations, forms an innovative, developing human capital, and therefore becomes a powerful source of constant renewal and multiplication of such capital. Countries with better education also

have relevant leadership positions at the world level in all spheres of life.

8. The multiplicity, multi-variance of education as a social phenomenon, the multi-level of education grow, the possibilities of choosing educational systems and stages of the process of learning expand considerably.

9. The humanization of education, its orientation towards a particular person, its predispositions, abilities, and talent are quite noticeable. Education becomes more targeted, becoming human oriented.

10. In many cases, one ensures the continuity of education, which a person will receive not once in a lifetime, but as a form of education for continuing education (throughout life). In addition, with the help of an intensive information environment, a person gets opportunities for a permanent and powerful update of his/her knowledge within a rather short time. The periods of intense productive activity of a person are increasingly confined to the periods of his/her training, professional retraining, advanced training.

11. The significant technification of education based on the widespread use of a variety of electronics and computer equipment is important. As a result, there are great opportunities for the development of various forms of distance, home-based education [6, p. 318].

This is not just about the corresponding structural, meaningful changes in education, but the fundamental transition from classical education to the so-called post-classical, which is often referred to as the revolution in education.

In general, when one talks about the revolution in the education system,

one takes into account the cultural, technological, informational and other changes inherent in the globalization process that began to develop especially after the end of the Second World War and accelerated too much in the last decades of the twentieth century.

A great deal of attention to the development of education systems is a global process, and therefore experts from UNESCO, the World Bank, the Council of Europe and scholars from many countries study how extension of the coverage of young people in secondary and higher education, and consequently the increase in the average duration of training for new generations, influences the increase of gross national product (GNP) and human potential of countries. Thus, different authors and analysts are not unanimous in terms of GDP growth, but the positive impact of the expansion of secondary and higher education on economic indicators of the countries is undeniable, as evidenced by the rapid progress of development not only of the countries of Eastern and Southern Asia, but also of Europe and other continents. One should study this question, however, even more deeply. We also take into account the fact that under the conditions of global integration, global processes, science and education play a great coordinating, unifying role. The fact is that global society involves the unity of the basic principles of organization of training, retraining and professional development of personnel in order to implement common standards of training specialists, to ensure their global mobility through equal conditions for training, internships and employment in any country of the

world for all, independently from nationality.

In this case, we also substantiate the thesis that the globalized world largely uses directly education and science for integration, unifying processes in the relations between countries, states. It is necessary to create the most favourable conditions for student mobility, to give him/her the opportunity to study in different countries in the chosen specialty. Here it is worth mentioning the following thesis as well. The well-known American economist, R. Barro, managed to analyse the influence of the educational complex itself on the development of more than 100 countries at the end of the 21<sup>st</sup> century. At the same time, he substantiated the idea that the increase in the absolute duration of youth education influenced to a lesser extent directly the economic and social progress of the countries than the improvement of the study of natural sciences and mathematics. Apparently, therefore, the countries of the European Union jointly decided to intensify the programs of the development of natural and mathematical education, to stimulate the choice of young people of exact sciences for study at universities, to expand the training of young scientists in the most promising fields — nano-science, high technologies, computer science, etc.

Despite the importance of the support and development of exact sciences, it is more expedient, not to absolutize the value of any one indicator of the education system, but to develop such a system as a whole, designed to provide professional competence and bring to the labour market all representatives of new generations. At the

same time, it is also necessary to optimize the structure of the educational system and to increase the duration of studies in secondary and high schools, although there is no clear view in this regard.

The main trends in the development of modern education in general and higher education directly are the following:

- expansion of the network of educational systems in order to ensure the right to education for all those wishing (the possibility and equal chances for every person to get education in an educational institution of any type, regardless of national and racial affiliation);

- formation of continuous education (education for all life), accompanying a person in the process of his personal business, professional life;

- a clearly expressed process of substantial democratization of the educational system, the sequence of its degrees and levels, the provision of maximum autonomy for educational institutions, the development of student self-government;

- significant influence of globalization, integration and other processes and socio-economic, political factors on education (cultural and educational monopoly of certain ethnic minorities, paid forms of training, etc.), etc.

In the above mentioned and other progressive circumstances, higher education is:

- a dominant condition for the progressive development of any society. It was and remains an integral part of the social policy of any state. An explanation of this component gives an understanding of the essence, purpose

of social policy. This is: “the creation of conditions for meeting the social needs and interests of people, support, protection, correction and rehabilitation of individual citizens and social groups, as well as the development (socialization) of a person” [9, p. 615].

- as the dominant component of the productive, spiritual life of society, education as a whole, and higher education, above all, — performs three main functions: a) human-oriented (providing a certain level of knowledge of the person (personality), literacy, formation of the corresponding state of the emotional-volitional sphere of a person, his/her behavioural orientations, readiness to perform various social roles, b) technological — providing a “base of life”, forming skills and abilities of labour, public, economic, professional and other human activities; c) humanistic — the comprehensive education of a person, the formation of high morality, culture, understanding the priorities of universal values (life, work, person himself/herself, nature), etc.

The unity of such functions is direct and complex, since radical changes in the system of higher education in the last decades of the twentieth century were caused by:

- a huge and noticeable demographic explosion of the late 40s of the twentieth century, which caused an increase of, for example, students almost three times, essentially influencing migration processes, which in turn requires an unprecedented student mobility;

- a global increase of scientific and other information, which in turn affected the scale of production mobility (the emergence of new professions, specializations), etc.



In the second half of the twentieth century, UNESCO formulated the main ideas for the development of education, which until now have been and remain the dominant in many, especially developed, countries of the world. They are:

- integration. Education, educational systems not only of individual countries, continents but also of the planet Earth as a whole, can develop positively only by borrowing the best assets, integrating into one another;

- humanization. Education should serve humane development of mankind, ensure the fulfilment of its best hopes;

- differentiation. In all the unity, the integration, domestic education systems must necessarily take into account national aspects (history, culture, traditions, etc.);

- individualization. Education should be as much as possible focused on the personality (natural abilities, talent, psychology, etc.);

- democratization. This is a broad and multifaceted process, including democratization in the management of education in general, higher education directly [10, p. 54].

Ukrainian philosopher V. Andrushchenko, political scientist M. Holovaty, sociologist O. Balakirev and many other representatives of various social sciences emphasize that particular thesis that modern man has and should have a spiritual core, which is provided exclusively by education. A modern person, as V. Andrushchenko says, is spiritual and the core of his/her life is spiritual [11, p. 6], and L. Karpets argues that “today it becomes increasingly clear that the classical model of education is an important prerequisite for the formation of an economic ap-

proach to the study of human behaviour and needs a fundamental revision, since it no longer meets the requirements that are put forward to education by modern society and production” [12, p. 173].

In the National Doctrine of the Development of Education in Ukraine among the priority directions of such development are highlighted:

- personal orientation of education (its human-centricity);

- continuous improvement of the quality of education, updating its contents and forms of organization of educational process in accordance with real needs of society;

- development of systems of continuous education (education throughout life);

- close combination of education and science, the development of distance education;

- constant introduction of new information technologies [13].

Revolutionary changes in the system of higher education in the world and in Ukraine, in particular, are largely due to the modern informatization of societies, the introduction of the most advanced information technologies in education. Back in 1998, the Verkhovna Rada of Ukraine adopted the Law of Ukraine “On the National Program of Informatization”, in which, in a separate subsection, formulated tasks on informatization of education. It is assumed that the use of information technology in education should envisage four main levels: a) to accompany traditional pedagogical tasks; b) in connection with the need to solve pedagogical problems that arose during the informatization of societies; c) as a technological basis for

supporting a new paradigm of education [14, p. 52].

In the world, a lot of very different, specific educational models developed and implemented, among which several of the following can be identified:

- a model of education as a state-departmental structure. In this case, the state authorities consider the education as a somewhat specific and independent area among other public spheres, exercising public administration of this process, largely adhering to the departmental principle;

- a model of so-called “developmental education” (V. Davydov, V. Kremen, V. Fliakov, etc.). Education is considered as a system of comprehensive training, professional training, personality development;

- a traditional model of education (Zh. Kraplia, Zh. Manso, Ch. Fin, etc.). It states that the main function of education is the transfer to the younger generation of universal elements of culture;

- a phenomenological model of education (A. Combs, A. Maslow, K. Rogers). One tries to study and organize the education with the maximum consideration of social, individual psychological and other personality traits;

- a rationalistic model of education (P. Bloom, R. Gannier, B. Skinner, etc.). It is about the maximum subordination of education, preparation of a person to specific living conditions and activities in accordance with the level and status, the nature of social development;

- not an institutional model of education (P. Goodman, F. Klein, L. Bernard, etc.). It refers to the education acquired by a person actually outside the educational institution, indepen-

dently, with the help of the Internet, distance education, etc. [15].

The above-mentioned education models are not “clear”, rather, we have a symbiosis of several models. At the same time, if we talk about the most basic signs of modernization of higher education, then they conventionally can be divided into two main, dominant – technological and methodological. In the first case, it is about technologies of education, and in the second – on the methodological aspects of teaching and learning.

**Conclusion.** Summing up the consideration of the identified relevant application problem, we can make the following fundamental conclusions.

1. The revolutionary changes and transformation in higher education are global and nationally singled out, referring to the specifics of such education (history, origins, traditions, current status, etc.). At the intersection of these two aspects, there is a modernization of higher education, including the formation of a fundamentally new model of public administration of higher education.

2. There are three essential, basic features of modern education in general, including higher education, that are really felt in the process of modernization of modern societies. First: education is becoming more and more mass, accessible, getting rid of signs of elitism. Second: the fundamental change is the universal, general civilization purpose of education. At the forefront is the compulsory education, its continuity. The third feature is related to the change in the technology itself, professional training (introduction of new technologies, information systems, etc.).

3. The overwhelming majority of researchers in various aspects of educational development converge on the fact that modern education, as never before, requires state regulation of its development. S. G. Stetsenko writes in particular, "The state is regulating this sphere with agencies and organizations that make up the system of administrative and legal regulation in the field of education" [16, p. 410]. He also classifies these administration entities as the executive-managing and advisory bodies. If one talks about such education authorities in modern Ukraine, the first group includes the Parliament, the President of Ukraine, the Cabinet of Ministers of Ukraine, Ministry of Education and Science of Ukraine, HAC (former), local administrations and the various local self-government bodies. The second group are Board of the MESU, various public councils under the MESU, and Community boards, Pan-Ukrainian Congress of Educators (last 15 years it is not held in Ukraine), the General Meeting of Educators in regions of Ukraine, in some higher educational institutions, pedagogical councils of educational institutions, etc.

It should be noted that the presence of the above-mentioned administrative structures in the field of education, its management varies in different countries. Even the central government education body is the ministry, part of some ministry (for example – the Ministry of Education, Youth and Sports), State Committee etc.

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## SCIENTIFIC BACKGROUND OF THE STATE AND PROBLEMS OF DEVELOPMENT OF INTERNATIONAL INSTITUTIONAL PRINCIPLES FROM THE QUESTIONS OF DEVELOPMENT OF MECHANISMS OF PUBLIC ADMINISTRATION BY TRANSPLANTOLOGY

**Abstract.** Transplantation is proven to be the most important method of treatment that is used when other methods are ineffective. Accordingly, the state, which cares for its citizens, is obliged to create mechanisms of state administration of transplantology, a basis for the normal functioning of social relations, including those related to transplantation. The state through the authorities must ensure the right to a healthy life, as well as guarantee the observance of the rights to protect human dignity. It is determined that modern medical science in the developed countries of the world is gaining tremendous growth in development, and all because of the fact that the health issue is particularly acute in society. Legislation is an important link in building and regulating social relations, but it is only part of a mechanism that functions in society. The basic institutional foundations for the development of mechanisms of state administration of transplantology in the European community are defined. Diedden concluded that it was the state's ac-



tions to ensure such patient rights as a free choice of doctor; receiving medical aid; timely and adequate awareness; consent or refusal of the patient from treatment; the attitude of the doctor to the medical and personal information entrusted to him as confidential; patient's right to a decent death; on spiritual or moral support or on its deviations. The opinion is based on the fact that when developing the mechanisms of state administration of transplantology in the European community, much attention is being paid to informing the population. Information – positive or negative – plays an important role in the public to the donation of organs. When planning such information and ways of its dissemination, the assistance of professionals – experts in communication – is needed. Government support is needed in all countries involved in transplantology. We believe that an indicator of the efficiency of public administration in the field of transplantation of European countries is that the most important principles of organization of the transplant service are considered by them to be the perfect training of the erudite, knowledgeable specialists, the mandatory development of research training programs, the inclusion of the fundamentals of donor and transplantation in the lawyer training program, observance of the principles of international cooperation, formation of the school of national transplantology.

**Keywords:** public administration in the field of transplantation, principles of international co-operation, European community, patient's refusal of treatment.

## **НАУКОВЕ ОБҐРУНТУВАННЯ СТАНУ ТА ПРОБЛЕМ РОЗВИТКУ МІЖНАРОДНИХ ІНСТИТУЦІОНАЛЬНИХ ЗАСАД З ПИТАНЬ РОЗРОБКИ МЕХАНІЗМІВ ДЕРЖАВНОГО УПРАВЛІННЯ ТРАНСПЛАНТОЛОГІЄЮ**

**Анотація.** Доведено, що трансплантологія є надважливим методом лікування, який застосовується тоді, коли інші методи неефективні. Відповідно, держава, яка дбає про своїх громадян, зобов'язана створити механізми державного управління трансплантологією, базу для нормального функціонування суспільних відносин, у тому числі тих, що стосуються трансплантації. Держава через органи влади має забезпечувати право на здорове життя, а також гарантувати додержання прав із захисту людської гідності. Визначено, що сучасна медична наука в розвинутих країнах світу набирає колосальних обертів у розвитку, а все тому, що в суспільстві особливо гостро стоїть питання охорони здоров'я. Законодавство є важливою ланкою в побудові та врегулюванні суспільних відносин, але це лише частина механізму, який функціонує в суспільстві. Визначено основні інституціональні засади розробки механізмів державного управління трансплантологією у європейському співтоваристві. Визначено, що саме держава своїми діями має забезпечити такі права пацієнта: вільний вибір лікаря; отримання лікарської допомоги; вчасна та адекватна інформованість; згода чи відмова пацієнта від лікування; ставлення лікаря до медичної та особистої інформації, що довірена йому, як до конфіденційної; право пацієнта на гідну смерть; на духовну чи моральну підтримку або на її відхилення. Обґрунтовано думку, що при роз-



робці механізмів державного управління трансплантологією у європейській спільноті велика увага привертається інформуванню населення. Інформація — позитивна чи негативна — грає важливу роль у ставленні громадськості до донорства органів. При плануванні варіантів такої інформації і шляхів її розповсюдження необхідна допомога професіоналів — експертів по комунікації. Підкреслено, що країнам, які зайнялися трансплантологією, необхідна підтримка уряду. Показником ефективності державного управління в галузі трансплантології європейських країн є і те, що найважливішими принципами організації служби трансплантації вони вважають бездоганну професійну підготовку ерудованих, обізнаних спеціалістів, обов'язковий розвиток програм навчання наукових досліджень, включення основ донорства та трансплантації у програму навчання юристів, дотримання принципів міжнародної кооперації, формування школи національної трансплантології.

**Ключові слова:** державне управління в галузі трансплантології, принципи міжнародної кооперації, європейське співтовариство, відмова пацієнта від лікування.

## **НАУЧНОЕ ОБОСНОВАНИЕ СОСТОЯНИЯ И ПРОБЛЕМ РАЗВИТИЯ МЕЖДУНАРОДНЫХ ИНСТИТУЦИОНАЛЬНЫХ ОСНОВ ПО РАЗРАБОТКЕ МЕХАНИЗМОВ ГОСУДАРСТВЕННОГО УПРАВЛЕНИЯ ТРАНСПЛАНТОЛОГИЕЙ**

**Аннотация.** Доказано, что трансплантология является важнейшим методом лечения, который применяется тогда, когда другие методы неэффективны. Соответственно, государство, которое заботится о своих гражданах, обязано создать механизмы государственного управления трансплантологией, базу для нормального функционирования общественных отношений, в том числе касающихся трансплантации. Государство через органы власти должна обеспечивать право на здоровую жизнь, а также гарантировать соблюдение прав по защите человеческого достоинства. Определено, что современная медицинская наука в развитых странах мира набирает колоссальные обороты в развитии, а все потому, что в обществе особенно остро стоит вопрос охраны здоровья. Законодательство является важным звеном в построении и урегулировании общественных отношений, но это лишь часть механизма, который функционирует в обществе. Определены основные институциональные основы разработки механизмов государственного управления трансплантологией в европейском сообществе. Пришли к выводу, что именно государство своими действиями должно обеспечить такие права пациента как свободный выбор врача; получения врачебной помощи; своевременная и адекватная информированность; согласие или отказ пациента от лечения; отношение врача к медицинской и личной информации, доверенное ему, как к конфиденциальной; право пациента на достойную смерть; на духовную или моральную поддержку или на ее отклонение. Обосновано мнение о том, что при разработке механизмов государственного управления трансплантологией в европейском сообществе большое внимание отводится информированию населения. Ин-

формация — положительная или отрицательная — играет важную роль относительно мнения общественности к донорству органов. При планировании вариантов такой информации и путей ее распространения необходима помощь профессионалов — экспертов по коммуникации. Подчеркнуто, что государством, которые занялись трансплантологией, необходима поддержка правительства. Показателем эффективности государственного управления в области трансплантологии европейских стран является и то, что важнейшими принципами организации службы трансплантации они считают безупречную профессиональную подготовку эрудированных, знающих специалистов, обязательное развитие программ обучения научных исследований, включение основ донорства и трансплантации в программу обучения юристов, соблюдение принципов международной кооперации, формирование школы национальной трансплантологии.

**Ключевые слова:** государственное управление в области трансплантологии, принципы международной кооперации, европейское сообщество, отказ пациента от лечения.

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**Problem statement.** The urgent need of the European countries in the field of healthcare is an introduction of new technologies for improvement and development of the industry. Organ transplantation is one of these current and important tendencies in improving the delivery of health services, a new step in modern health care and a huge step in health care for people. This is clearly demonstrated by the fact that in the world a large number of people living with transplanted organs. More than a million transplant operations were done in the world at the end of the second millennium.

**Analysis of recent researches and publications.** Specialists from all over the world are focusing more and more on finding ways to improve the health system. However, we cannot fully analyse the work of scientists because of the lack of a thorough comprehensive study on the development of international institutional foundations on the

development of mechanisms for the management of transplantology in the European countries.

The organs transplantation control was preceded by the invention of the vascular suture by A. Carrel (1902), the discovery of the blood groups by K. Landsteiner (1900), A. Decastello and A. Sturli (1902). The mentioned scientific discoveries have become the impetus for the emergence of qualitatively new relations that were in need of regulation.

**The purpose of the research** is to reveal the peculiarities of the state and problems of the development of international institutional foundations on the development of mechanisms for public administration of transplantology.

**Presentation of the main material.** It is impossible to ensure proper protection of life and health of citizens without proper state administration in matters concerning organ and tissue

transplantation. In order to prevent all kinds of abuses in organ transplantation procedures and to regulate procedures and processes involving transplantology. State governance in the European countries is carried out in such a way that the development of transplantology management mechanisms. It is based on the basic principles that define guarantees and ensure the protection of public relations in the field of transplantation. We consider the main international institutional principles that the European community is guided in developing mechanisms for state control of transplantology. We can distinguish in 5 stages their formation and development:

#### Stage I: 1981–1987

At this stage, the Lisbon Declaration on Patient Rights was adopted. It has become one of the first international institutional foundations that guided the state through transplant management. According to it, management mechanisms were developed that were aimed at regulating the actions of doctors, namely, to fulfil their obligations in the interests of the patient. At the same time, they should act in conscience, taking into account the legal, ethical and practical norms of the country where they practice. At this stage, state regulation is carried out within the framework of the Lisbon Declaration, which aims to support the fundamental rights and freedoms that must be owned by patients. By analysing the aforementioned and fundamental principles of this declaration, which in the future became international principles for the development of mechanisms for the management of transplantology in the European community, we can con-

clude that it is the State itself to ensure the patient's rights such as: free choice of physician; receiving medical aid; timely and adequate awareness; consent or refusal of the patient from treatment; the attitude of the physician to the medical and personal information that is entrusted to him as confidential; right of the patient to a decent death; and on spiritual or moral support or on its rejection [1].

#### Stage II: 1987–1991

This stage of development is characterized by the presence of not only the Lisbon Declaration, but also the adoption of guidelines for transplantation. In the 1987, the 40<sup>th</sup> Session of the World Health Assembly, having been concerned about the trafficking of human organs for profit, launched an initiative focused on the preparation of the first WHO guidelines on transplantation, which was approved by the Assembly in 1991 in resolution WHA44.25 [2]. Accordingly, the development of mechanisms for state governance in the field of organ transplantation was carried out on the basis of both documents.

#### Stage III: 1991–1997

The third stage of the formation and development of international institutional foundations is marked by the Convention on Human Rights and Biomedicine of 1997 [3]. The Chapters VI and VII available therefor determine the actions of States concerning transplantation issues. After analysing it, we can highlight the aspects in which countries are required to create appropriate mechanisms for managing transplantology. Namely, the creation of such mechanisms requires the followings:

(a) Provision of state guarantees in cases where organs and tissues for their

transplantation are withdrawn from living donors. Such actions are allowed only for the purpose of treatment of the patient and under the condition that a suitable organ cannot be obtained from the corpse and it is recognized that it is not possible to conduct alternative treatment with comparable efficacy;

(b) Obtaining a clearly expressed and specific agreement on the donation. Therefore, the state must provide mechanisms for obtaining such consent either in writing or at the appropriate official instance;

(c) Ensuring the rules prohibiting the removal of any organs or tissue from people who are not able to give an agreement on the donation;

(d) Ensuring that the state complies with the law in exceptional cases. Such cases include the removal of regenerative tissues from people who are not able to consent to this. When permission for such seizure is to be carried out strict supervision of the observance of special conditions, indicated as mandatory for execution in such cases; and

(e) Compliance with the conditions for the execution of appropriate procedures, in cases where the withdrawn parts of the human body for medical interventions are stored and used for purposes other than those for which they were withdrawn.

In particular, it is noted that transplantation is not allowed, in the case of another method of treatment. Transplantation is allowed only if there is no other way that would have yielded a similar result. Thus, according to the Convention, the countries had to regulate and ensure the inadmissibility of receiving material remuneration. Ana-

tomical parts cannot be bought or sold, and they just cannot lead to financial benefits for the person they have been deleted or to third parties, whether natural or legal person, such as, for example, hospital. In addition, in accordance with this regulation, which, in our opinion does not stop the person from whom the organ or the tissue was taken, the State had to regulate the question of obtaining compensation, which, although not part of remuneration, however, compensates for this man it costs or loss of income (for example, as a result of hospitalization).

#### Stage IV: 1997–2002

In order to develop transplantology, as well as to improve existing provisions, an additional protocol was adopted to the Convention on Human Rights and Biomedicine. It should be noted that the provisions of this Additional Protocol apply not to all types of organs and tissues. Thus, new provisions on tissues apply to blood-forming germ cells. However, the application of this Protocol does not apply to reproductive organs and tissues, embryonic organs, blood and blood derivatives. States should ensure that the organs and tissues, if necessary, are distributed exclusively to patients, as indicated in the official letter of expectation. It was also the responsibility of the countries to ensure compliance with the conditions for the removal of organ or tissue from living donors, which is possible only after obtaining from him an informed and explicit consent for this. This person has the right to withdraw his consent. Regarding the deceased persons acting as donors, a rule should be provided that the anatomical parts cannot be removed from the deceased

person, if he/she is not recognized dead in accordance with the law. Doctors involved in witnesses' deaths are not allowed to participate directly in the removal of anatomical parts in a deceased person and in any subsequent transplantation procedures. The anatomical parts cannot be removed from the deceased persons until consent is given in accordance with the law or the permit for such removal is not received. Accordingly, such removal was prohibited in the case of an existing objection to the deceased in the life of the removal of organs. In the course of medical intervention, the removal of anatomical parts to the body of the deceased person should be treated with respect and take all reasonable measures to preserve the immutable appearance of the body of the deceased person. As we see, both the Convention and the Protocol contain provisions for the prohibition of the use of the human body and its anatomical parts in order to enrich and not hinder payments that do not materially benefit, in particular:

- Compensations for loss of earnings and other legal expenses of living donors caused by removal of organs or related to medical examination is allowed;

- Payment of compensation for legal fees for legal medical or related services incurred due to transplantation is allowed;

- Payments of compensations are allowed in case of unforeseen losses incurred by a living person as a result of removal of organs.

Almost the most important task for the countries was to ensure the inadmissibility of trade in organs and tissues [4].

#### Stage V: 2002–2010

The guidelines that were approved by the Assembly in 1991 have had a major impact on the code of conduct and practice in this profession, on public policy throughout the world for almost two decades. But, following the consultation process that took several years, the World Health Assembly adopted on the resolution WHA63.22 on May 21, 2010, on the basis of which it approved an updated version of the WHO Guidelines and identified progress towards optimizing donor practices and transplant practices. Accordingly, the main institutional framework for developing mechanisms for the management of transplantology in the European community should be based on:

- Adherence to the Guidelines for the Transplantation of Human Anatomical Parts and to ensure, where appropriate, their compliance with their own policies, laws and legislation on donation and transplantation;

- Promoting systems for disinterested, on a voluntary basis and free donation and increasing awareness and explaining to the public the benefits of the voluntary free software anatomical body parts from deceased and living donors;

- Preventing the pursuit of material gain in the conclusion of body parts transactions, organ transplantation and transplant tourism, including by encouraging health professionals to notify the relevant authorities when they become aware of such practices, in accordance with national capacity and legislation;

- Promoting a system of transparent, equitable distribution of organs, cells and tissues based on clinical cri-

teria and ethical standards, as well as equitable access to transplantation services in accordance with national capacities, which is the basis for community support of voluntary donation;

- Enhancing the safety and efficiency of donor and transplantation, contributing to the use of international best practices;

- Strengthening national and multinational bodies and/or capacity to oversee, organize and coordinate donation and transplantation, with particular emphasis on maximizing donation from deceased donors and protecting the health and well-being of living donors through appropriate health and long-term care services;

- Collaborating on data collection, including adverse events and reactions, on practice, safety, quality, efficacy, epidemiology and ethical aspects of donation and transplantation; and

- Encouraging the implementation of globally harmonized labelling systems for cells, tissues and human organs as such to facilitate the national and international tracking of human material for transplantation [5].

In addition to the main international principles, the modern state policy of highly developed countries for the development of mechanisms of state administration of transplantology is based on the principles of improving and attracting innovative technologies in transplantology. Scientists have developed a 3D printer capable of producing organs, tissues and bones that can theoretically be implanted in the human body. We can agree with the opinion of the researchers that this technology requires ‘further development’, however, the logical conclusion of the develop-

ment of 3D-bio-printing should be the creation of complete organs, bones and tissues, which will significantly reduce the waiting time for transplants for those who need it, and even allow to replace healthy human organs for their improved version. But today and in the near future, tens of thousands of people who are waiting for organ transplants can only hope that they will be next in the transplant lists and that the operation will be successful [6]. Now, a new perspective is opened before humanity: it is possible to ‘print’ on the printer any human body, to create from it an engineering structure enriched with stem cells of the patient, and to get the perfect prosthesis. In any case, such human organs as the liver, kidneys, heart and lungs have not yet been able to grow any regenerative surgeon. However, countries such as the United States, Sweden, Spain and Israel already have access to the bio-printing so-called ‘simple organs’ at the level of clinical trials and special programs. The American government is constantly investing in similar programs, except Wake Forest, which collaborates with the Pentagon, in order to reproduce the work of the liver, heart and lungs. Massachusetts Institute of Technology also receives significant amounts [7] for it. From the foregoing, we can conclude that the health of the nation is so relevant for the modern developed countries, that, in addition to providing citizens with qualifying medical assistance. The countries take on permanent participation in innovative projects aimed at improving the provision of medical services and health care in general.

**Conclusions.** We have been improved the scientific substantiation



of the state and problems of the development of international institutional foundations on the development of mechanisms of state control of transplantology by distinguishing the 5 stages of their formation too. Moreover, we can emphasize that each of the stages of development brought new opportunities and guarantees the development of transplantology in the world. The result of such development of each country has already depended on the coherent and effective management within the countries themselves.

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## **A MODEL OF DELEGATION OF LEADERSHIP BETWEEN THE STATE AUTHORITY AND THE CIVIL SOCIETY**

**Abstract.** This article introduces the model of delegation of leadership between the state authority (SA) and the civil society (CS) in order to make state governance effective in conditions of the complex and dynamic environment. The model has to help to identify the degree of involvement of the SA and the CS

in leadership of the state according to complexity, uncertainty and dynamics of changes of the environment and the state (system).

Participation of the SA and the CS in state leadership is critical to make the system smart and effective. It requires proper applying of leadership power, changing of leadership styles, and, eventually, the organizational structure based on the situation. The changeable environment requires adaptation of the system and/or shaping of the environment in order to establish equilibrium between the system and the environment. It is possible to do through proper participation of the SA and the CS in the decision-making process (DMP). Together they have to identify roots of the problem, analyze it and make decisions to adapt the system and/or influence the environment by various synchronized and coordinated activities based on synergy effect.

In the changeable environment, a level of participation of the SA and the CS in the state leadership should be flexible. Complete decentralization or centralization with identified rules and regulations may not allow delegating leadership properly between the SA and the CS in order to make the system effective. Moreover, even right combination of the SA and the CS may not provide success because of lack of readiness for their cooperation. It can depend on national culture, a government system, willingness of people to be involved in the leadership process, and other features. Also often only a smaller part of population is active and ready for innovations and change. To collect and educate these people require efforts based on devotion to national values, beliefs, and altruism. However, in a transition period these notions are also changeable and may not present a real “national fundament”. All reasons above force finding a practical approach when, where and how to divide leadership power between the SA and the CS in the changeable environment.

**Keywords:** leadership, state authority, civil society, system, environment, equilibrium, coefficient, thinking, effectiveness.

## **МОДЕЛЬ ДЕЛЕГУВАННЯ КЕРІВНИЦТВА МІЖ ДЕРЖАВНОЮ ВЛАДОЮ ТА ГРОМАДЯНСЬКИМ СУСПІЛЬСТВОМ**

**Анотація.** Представлено модель делегування керівництва між державною владою (ДВ) та громадянським суспільством (ГС), щоб зробити державне управління ефективним в умовах складного та динамічного середовища. Ця модель сприятиме виявленню ступеня залучення ДВ та ГС до керівництва держави відповідно до складності, невизначеності та динаміки змін середовища та держави (системи).

Участь ДВ та ГС у керівництві державою є критичною, щоб зробити систему розумною та ефективною. Це вимагає належного застосування лідерської сили, зміни стилів керівництва та, нарешті, організаційної структури, засновуючись на ситуації. Змінне середовище вимагає адаптації системи та/або формування середовища для встановлення рівноваги між системою та середовищем. Це можливо завдяки належній участі ДВ та ГС у процесі прийняття рішень (ППР). Разом вони повинні визначити коріння проблеми,

аналізувати її та виробляти рішення щоб адаптувати систему та/або вплинути на середовище різними синхронними та узгодженими діями на основі синергетичного ефекту.

У змінному середовищі рівень участі ДВ та ГС у керівництві державою має бути гнучким. Повна децентралізація або централізація з визначеними правилами та положеннями може не дозволити належно делегувати керівництво між ДВ та ГС, щоб зробити систему ефективною. Навіть правильна комбінація ДВ та ГС не може забезпечити успіх через відсутність готовності до їх співпраці. Це може залежати від національної культури, системи держави, бажання людей брати участь у процесі керівництва та інших особливостей. Часто лише менша частина населення активна і готова до інновацій та змін. Щоб зібрати та навчити цих людей, потрібні зусилля, що базуються на відданості національним цінностям, переконанням та альтруїзмі. Проте в перехідний період ці поняття також є змінними і можуть не представляти реальний “національний фундамент”.

Усі наведені причини зумовлюють пошук практичного підходу, коли, де і як розділяти лідерську владу між ДВ та ГС у змінному середовищі.

**Ключові слова:** лідерство, державна влада, громадянське суспільство, система, середовище, рівновага, коефіцієнт, мислення, ефективність.

## **МОДЕЛЬ ДЕЛЕГИРОВАНИЯ РУКОВОДСТВА МЕЖДУ ГОСУДАРСТВЕННОЙ ВЛАСТЬЮ И ГРАЖДАНСКИМ ОБЩЕСТВОМ**

**Аннотация.** Представлена модель делегирования руководства между государственной властью (ГВ) и гражданским обществом (ГО), чтобы сделать государственное управление эффективным в условиях сложной и динамичной среды. Эта модель должна способствовать выявлению степени привлечения ГВ и ГО к руководству государства в соответствии со сложностью, неопределенностью и динамикой изменения среды и государства (системы).

Участие ГВ и ГО в руководстве государством является критическим, чтобы сделать систему разумной и эффективной. Это требует надлежащего применения лидерской силы, изменения стилей руководства и, наконец, организационной структуры, основываясь на ситуации. Изменяющаяся среда требует адаптации системы и/или формирования среды для установления равновесия между системой и средой. Это возможно благодаря надлежащему участию ГВ и ГО в процессе принятия решений (ППР). Вместе они должны определить корни проблемы, анализировать ее и вырабатывать решения, чтобы адаптировать систему и / или повлиять на среду различными синхронизованными и согласованными действиями на основе синергетического эффекта.

В изменяющейся среде уровень участия ГВ и ГО в руководстве государством должно быть гибким. Полная децентрализация или централизация с определенными правилами и положениями может не позволить должным делегировать руководство между ГВ и ГО, чтобы сделать систему эффектив-

ной. Правильная комбинация ГВ и ГО не может обеспечить успех из-за отсутствия готовности к их сотрудничеству. Это может зависеть от национальной культуры, системы государства, желания людей участвовать в процессе руководства и других особенностей. Часто лишь меньшая часть населения активна и готова к инновациям и изменениям. Чтобы собрать и научить этих людей, нужны усилия, основанные на преданности национальным ценностям, убеждениях и альтруизме. Однако в переходный период эти понятия также являются переменными и могут не представлять реальный “национальный фундамент”.

Все перечисленные причины обуславливают поиск практического подхода, когда, где и как разделять лидерскую власть между ГВ и ГО в изменяющейся среде.

**Ключевые слова:** лидерство, государственная власть, гражданское общество, система, среда, равновесие, коэффициент, мышление, эффективность.

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**Target setting.** Technological development, globalization, increased communication, growing difference between national and corporate interests can make the environment complex, dynamic and unpredictable. These conditions force seeking new leadership approaches to maintain system adaptable, agile, and effective. This problem requires researching in the context of when, whom and how the state power should be delegated.

**Analysis of the recent research and publications.** Continuous debates on numerous reforms, propositions of governance models, and focus on decentralization have not answered the question how to lead the state effectively [2, p. 5]. In the rapid changeable environment so called “new public management” emerged in the 1980s and early 1990s as “not a reform of the traditional public administration, but a transformation of the public sector and its relationship with government and society” [3, p. 135].

Combination of the SA and the CS, as two main leadership parts of the system, is decisive in order to provide effective governance in the complex and dynamic environment. The SA associates with all official organizations and agencies that shaped by law. The CS presents different nongovernmental, nonprofit public local, national and international organizations, private firms and groups. Inter organizational relations between the network of providers and those who govern them are critical [4].

Decentralization can be considered as a delegation of leadership power from the SA to the CS. It can facilitate building “good governance” [5] that should work effectively in the complex environment. However, decentralization does not mean always increase of system effectiveness especially in conditions of low readiness of cooperation between the SA and the CS. Also for complex societies, “centralization and control emerge as circumstances require” [6,



p. 37–38]. Nevertheless, absolute centralize leadership may be destructive in the changeable environment. Therefore, to find a harmony between the SA and the CS in complex societies may require promoting asymmetrical and balanced decentralization that “should not be seen as a win-lose or one-sided relation” [7, p. 25]. Moreover, change of the environment requires adaptation of the society. However, human factor is naturally stable and its change takes efforts and time. Thus, under conditions mentioned above distribution of leadership power between the SA and the CS is critical in order to lead the system effectively in the complex and dynamic environment.

**The purpose of the article** is to create a leadership model for the system to operate in the complex and changeable environment based on proper delegation of leadership power between the SA and the CS. Many Western countries have found their ways to satisfy people and maintain national interests. A proposed leadership model is critical for the system because a long-term search of a governance model in the transitional phase can decrease effectiveness of the system or even destroy it.

**The statement of basic materials.** Applying of philosophy of public administration may help to understand the essence of effective governance. “Public administration as a process is a unique phenomenon that has significant differences in different countries of the world... Each individual state, like every individual, is a unique social phenomenon” [8]. Even in the democratic European administrative space “we need to maintain a broad range and diversity of models” [9, p. 8]. Therefore,

the most important not a fixed public administrative model, but an approach how to lead the system. A model of the delegation of leadership power between the SA and the CS should be flexible because of the changeable environment and features of different countries and regions that based on beliefs, values cultures, and religions. Consequently, it defines participation of the SA and the CS in the decision-making process (DMP) that have to establish system balance as satisfaction of human needs.

The needs can be divided into physiological needs, safety needs, love and belongingness needs, esteem needs, and self-actualization needs [10]. Deficiency needs are biological needs arising from being deprived of something. Growth needs (social) arise as a desire of individual growth. The needs are subjective and depend on a particular person. They develop throughout life and have a temporary attachment. In addition, any one satisfied need creates a new one. This gave the economics a reason to formulate the law of growth needs. It expresses the objective need for the growth of human needs (quantitatively and qualitatively) with the social and economic progress of the society.

To analyze relationships between the SA and the CS is important to review theories that describe the origin of the state and explain contradictions between them. According to the conflict theory, the state appeared because of the needs of individuals and a society. Integration theories explain that the state arose because of the needs of society and not the ambitions of individuals or subgroups [11, p. 15].

Coordination and direction of different parts of complex societies by the

government [6, p. 34] may create tensions between the SA and the CS. The state is based on “divided interests, on domination and exploitation, on coercion, and is primarily a stage for power struggles” [11, p. 16–17]. The state serves to maintain the privilege position of the SA that is mainly based on “the exploitation and economic degradation of the masses” [12, p. 181–2]. Moreover, the governing body that provides goods or services has coercive power that is “an inevitable covariable of an essential benefit” [13, p. 83].

Satisfaction of needs forms a set of interests and influences human behavior. Needs expand, multiply and complicate, and change not only quantitatively, but also qualitatively. Needs generate motives such as unplanned motives, low (wishes, desires, and aspirations), and high (interest, ideal, orientation) motives. Motivation is a collection of motives that determine the behavior of the individual. Initiation of the need of change is based on knowledge that can convince and force people for change.

A difference between expectations and achievements can define satisfaction. This notion is relative and may look different for people. In spite of this, it is possible to assume that there is a certain condition when the system is balanced and people are satisfied. To define this condition can help to create a universal model that will determine a required level of delegation of leadership power between the SA and the CS in any environment and for any system.

It is possible to apply leadership theories and rules to describe relationships between the SA and the CS like two leadership subjects — a leader and subordinates. The SA may have politically

ambitious people who can satisfy own ambitions more than needs of others. Members of the CS are bigger in number but not so consolidated, active, motivated, and politically directed as the SA. Together, the SA and the CS should operate through the DMP in order to maintain national interests and satisfy people by influencing the system and/or the environment.

System adaptation and/or shaping of the environment are two possible ways to maintain equilibrium between changeable the system and the environment. The degree of their combination proposes an approach to restore equilibrium based on available ways and means. In many cases, adaptation may be a primary to make the system effective in spite of mental and structural models that are created based on not always topical past experience.

To analyze the problem of the effective governance is important to see the system and the environment as a single whole that generates development and life. Like two competitive poles, they exist in their combination, influence on each other, compete, and resist changing in order to preserve their physical and mental structures. Eventually, the system and the environment strive to decrease conflict between each other through establishing of equilibrium. In fact, this process is endless. Established equilibrium has to balance the system and provide its maximum effectiveness because the system does not spend additional energy to resist to the environment.

Resistance is a result of system reaction to the environmental change to secure its balance. The system protects own “center of gravity” as one of

“primary sources of moral or physical strength, power and resistance” [14, p. IX], in order to be secured from any change. Establishment of a new equilibrium encompasses strategic, operational, and tactical levels as a system process of development. This process includes different planned activities to satisfy the system and the environment or establish equilibrium between them through the DMP based on balance of ends, ways and means in the framework of the edge risk or possible permissible risk (EWM+R) [15, p. 87]. Ends can be revised in order to maintain balance in the framework EWM+R and save system from destruction.

Constraints and quantity of variety are connected. The balanced participation of the CS in leadership may provide a required variety to deal with resistance of the system when change is required. “It is a relation between two sets, and occurs when the variety that exists under one condition is less than the variety that exists under another” [16, p. 127]. Delegation of leadership from the SA to the CS can satisfy this condition.

Changes in the system are critical to maintain its balance. Technological and economic development, globalization, and individual growth make the system and the environment complex and changeable. The problem is to monitor change of elements of the system and the environment, cooperate, and create a puzzle with “a nice picture”. Change is natural because it is a source of energy that based on human physical and social domains. A human social domain is based on social rules of life that should provide balance of the system in a certain period. Rules are part of the system

and their change requires applying information, knowledge, and wisdom as the highest decision-making level based on intuition, experience, and human satisfaction.

Change of one of elements of a social system may require change of others. One spiritual whole links people. “The whole is at a state of equilibrium if and only if each part is at a state of equilibrium in the conditions provided by the other part” [16, p. 83]. It is possible to suppose that equilibrium of the human system is more connected with psychological side when all parts, as a whole, share the same beliefs and values. It means the main effort can be directed to cultivate similar values and beliefs that are critical in the DMP.

Philosophically the notion of “all-in-one space” may present a combination of opposing the SA and the CS. It can explain the idea of leadership. “The spiritual principle determines the whole material world with all its forms and, therefore, is itself free from these forms. It is free of space and time; the beginning of immediate existence and the logical essence – will and idea – are united in it inseparably; it is unconditionally a single and together universal being, a whole spirit...” [17, p. 142]. This spirit can reflect national identity, values, and beliefs. Low readiness of the CS to take part in the state leadership process and lack of wish of the SA to delegate power to the CS [18] can show absence of one whole in Ukraine.

To maintain the system effective in the complex and dynamic environment requires building a model of a learning organization [19, p. 3–4] that studies itself, the environment, and urgently makes corrections based on

realistic feedback. This organization is agile, adaptable, and resilient enough to achieve an established goal. Members of this organization can equally take part in the DMP and implement decisions. Similar, cooperation between the SA and CS facilitates effective decision-making that allows properly adapting the system and influencing the environment. The CS opens the system through continuous feedback, learning, and creating conditions for critical, creative and system thinking. This leadership model allows minimizing influence of human biases and traps [20] on the DMP.

The CS, “public governance”, decentralization and democracy are inevitable notions of a prosperous society that can resolve problems quickly. However, only 32 % of Ukrainian population is ready to take part in problem solving of their community [18, p. 13]. Also, only 12 % of population knows well about decentralization [18, p. 11]. The majority of population (67 %) does not feel real changes because of decentralization [18, p. 14–15].

The CS can influence political ambitions and directions of system development, but a low level of participation of the CS decreases effectiveness of the governance. In Ukraine it happens because of essential features in interactions between the SA and the CS such as:

- 1) lack of understanding of the mechanism of participation and a place of the CS in the governance in spite of wish of the CS to take part in political discussions and reform implementation;
- 2) the SC does not trust to the SA;
- 3) the SA is not ready to delegate an authority to the CS;

4) lack of communication between the SA and the CS.

Ukraine has a paradox: the CS is ready to participate in governance, but does not understand the role and ways of participation in the leadership process. Also, because the Ukrainian society does not trust to the politicians there is a tendency of decreasing of interest to the state policy from the CS (58 % to 52 %) and increased number of indifferent people to politics from 41 % to 47 % [21, p. 7]. Thus, as a result of a growing gap between the CS and the SA the system does not get realistic feedback and loses effectiveness.

The majority of Ukrainian population (60 % in 2015 and 64 % in 2016) continues to consider the necessary reform of local self-government, but only 24 % of them consider it to be absolutely necessary [21, p. 7]. It means the CS is ready to take part in the politics of Ukraine and the SA has to delegate a part of its power to it. Also, the overwhelming majority of the population, who at least knows about reform (61 %), believes that it goes slowly. Thus, reforms are not effective and the DMP goes wrong. It is possible to explain by breaks in feedback because of lack of involvement of the CS in the DMP. People do not feel themselves as members of one team. It decreases their wish to participate and be responsible for the process of state building. At the same time, 55 % of populations consider the need of correction of the Constitution [21, p. 10]. In addition, consciousness and knowledge of the CS about cooperation with the SA in the framework of a democratic system are low.

According to the “Shadow Report” of the laboratory of legitimate initiatives

[22], the reform of the Ukrainian public administration (UPA) shows that there are some success and also problems in reform implementation. In general, the UPA is not a learning organization yet. In conditions of changeable and dynamic environment, the UPA as a system is not effective and cannot compete with developed European or American public administration models.

It does not mean the UPA on the wrong way of its development. It is just a process of searching and testing of an appropriate leadership model and its structure for Ukraine. But, there are obvious gaps in the work because of lack of system approach to understand the problem. There are no consolidated political leadership, a long-term strategic goal, and a gap between the DMP and the planning process, a weak legislation system in support of the reform in PA, weak communication lines, lack of professionals, a not enough level of computerization, weak feedback, and an assessment mechanism. All above make the UPA not effective. Thus, it is possible to observe that the UPA as a system is weak and cannot work effectively and maintain national interests properly especially in competitive conditions of a complex and changeable environment.

Applying of the notion of “entropy” can explain relationships between the system and the environment in order to build a model of effective leadership. Entropy can be considered as a characteristic of diversity of the system, since it is determined by the probabilities of realization of states and reaches its maximum on a uniform distribution (the maximum variety is when any state can be realized with equal probability),

and the minimum — when any one state is realized with probability equal to 1. Then the control consists in such a transformation of the set of states, as a result of which the probabilities of some (undesirable) controlled states decrease, and the probabilities of other (desirable) states increase, which ensures a lowering of the entropy. According to the law of Requisite Variety [16], this can be achieved by increasing of the diversity of the system that leads, under the condition of unequivocal leadership. Thus, to deal with increased complexity requires a diverse system under condition of one leadership. The CS can provide diversity and the SA — one leadership.

An open system has a tendency to decrease its entropy because of interaction with the environment and, therefore, to improve decision-making. Depending on the level of initial entropy and effectiveness of the decision-making approach entropy decreases in time [23]. The external environment has a certain level of residual entropy or undetermined information that is required for the DMP. The start of the DMP corresponds to the high level of informational entropy.

In conditions of the complex and dynamic environment flexible leadership can facilitate building a learning organization that is open for adaptation through an increased level of entropy. This organization has the highest level of democracy based on “public governance” and decentralization when everyone has an equal voice. It facilitates developing knowledge and, therefore, an ability to revise obsolete ideas and perceptions because knowledge proves the need of change.

“Public governance” presents a participative type of leadership based on democracy. However, uncontrolled democracy can create anarchy when the system can lose its functionality. Environmental change influences the system and, eventually, changes its structure. In this case, an achievement of a certain critical level can require centralized (authoritative) type of leadership in order to make rapid vital decisions to save system functionality and accomplish a mission. Thus, the leadership process is flexible and depends on the environment.

The author supposes that to lead the system effectively means to create a learning organization that will maintain equilibrium between the system and the environment and achieve established goals. To lead the system properly requires quick reaction to change based on feedback, influence on political ambitions, speed of the DMP, and decision implementation. It is possible to achieve by a flexible delegation of leadership power between the CS and the SA. It may require structural change, revising of values, beliefs, and obsolete mental models [24] because in the new environment they do not support effective decisions anymore. Study and knowledge should force people for change through their participation in the DMP.

A coefficient of dynamic equilibrium (Keq) defines a level of equilibrium between the system and the environment [25, p. 8]. In its turn, it can determine a degree of delegation of leadership power between the SA and the CS in order to improve the DMP to maintain system balance. It should correspond to the optimal coefficient of dynamic equilibrium

Keq opt [24, p. 216] that provides maximum achievable system effectiveness in conditions of changeable environment.

The SA presents and mainly protects an existed governance system. The CS changes the system in order to satisfy human needs. Together they have to promote national interests. Degree of participation of the SA and the CS in leadership process can differ for regions or districts of one country because of features of values, beliefs, perceptions, culture, traditions, rules, norms, geographic and economic conditions, dialects, and other.

If equilibrium is destroyed because of different reasons, the situation becomes chaotic and the system starts looking for a new structure (order). It is like “a puzzle” when a decision-maker should collect parts of the puzzle in a right way and create “a picture” that should satisfy the system and the environment. It is a kind of bargaining and negotiation through using of different ways and means to get the best possible result for each side. There is the best combination of the negotiation. However, because the system and the environment are changeable to maintain this combination requires continuous leading the system based on decision-making.

The system fluctuates under environmental influence. If fluctuation of the system corresponds to fluctuation of the environment, they can produce resonance and a synergy effect. Also, a physical system can have as many resonant frequencies as it has degrees of freedom. It may require understanding each other through system openness and communication. To create resonance may mean change of something. Resonance can be a force for change



that produces a new system structure through destruction of an obsolete one. It is a result of high frequency of fluctuation between the system and the environment or their “mutual agreement” to be on the same “wave” and understand each other.

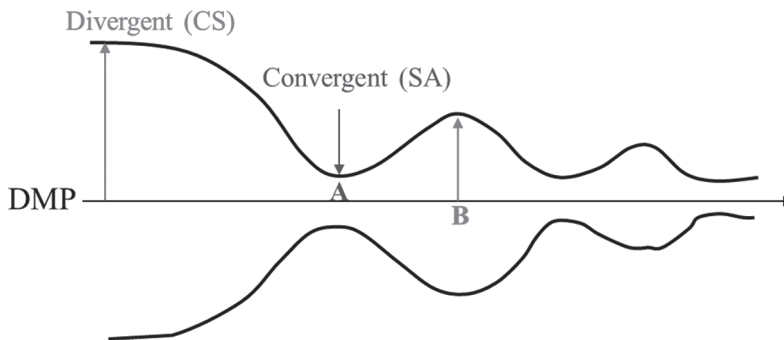
Delay in system reaction to the environmental change ( $\Delta T$ ) [26, p. 179] can define its effectiveness. It may create a conflict as a lack of step-by-step or “soft” adaptation based on system openness and realistic feedback. Proper participation of the SA and the CS in the DMP can decrease  $\Delta T$ . Solving of growing conflict may require increased frequency of fluctuation of the SA ( $F_{sa}$ ) and the CS ( $F_{cs}$ ). Interaction between the SA and the CS, as a product of convergent and divergent processes [27] (fig. 1) should generate required decisions to solve the problem.

Points A and B (fig. 1, 2) show divergent and convergent processes. At the start of the DMP, the amplitude of fluctuation of functions  $F_{sa}$  and  $F_{cs}$  is high. To the end of the DMP convergent and divergent processes come closer and eventually the decision is made in the point of their convergence.

A level of participation of members of the system in negative and positive feedbacks may define system adaptability. The convergent process reflects negative feedback, as critical thinking in the DMP, and the divergent process – positive feedback, as creative thinking. System thinking should combine paradoxically different the SA with the CS. In general, it is a leadership process with a certain level of delegation of power to each other.

In conditions of changeable environment  $K_{eq}$  is equal to a level of delegation of leadership power and  $K_{eq} = f(F_{sa}, F_{cs})$ . Thus, collaboration between SA and CS based on knowledge can be critical for timely response to environmental change. It may be a key notion to build a model of a learning organization that allows finding “a new order from the chaos” without conflicts. Hence, based on this it is possible to create a leadership model that can be applied to any governance levels: a parliament with opposing parties, regions, local communities with different interests and other.

The CS has certain ambitions and growth needs. Their realization means achievement of the  $K_{eq\ opt}$ , but on the new



**Fig. 1. Divergent and convergent interactions in the DMP between the SA and the CS**  
 Source: created by the author.

level of development. It is a continuous process of system development when a next growth can break equilibrium between the system and the environment again. Frequency of fluctuation of the system ( $F_s$ ) and the environment ( $F_{env}$ ) may be limited. When they will achieve a certain possible maximum the system can be changed in order to restore equilibrium again or to achieve  $K_{eq\ opt}$ .

Assessment of the system can help to determine  $K_{eq\ opt}$ . A measure of effectiveness (MOE) answers the question – does the system do right things? A measure of performance (MOP) answers the question – does the system do it properly [28, p. 15–2]? MOE, as a level of realization of national (regional) values and beliefs, the future vision, and MOP, as a level of life, income, prosperity, security, may determine  $K_{eq\ opt}$ . The SA and the CS establish MOE and MOP as human satisfaction based on realization of their wishes, beliefs, values, and maintaining of other national interests. If there is no satisfaction the decision is wrong. MOE and MOP should support this condition. For example, if established MOE and MOP do not provide a desired and realistic level of life, people can consider them as wrong one.

MOE and MOP can differ for systems because of variety of reasons. MOE depends on the environment, state of the system (stable, unstable), position of the system in the framework of “time-space-force”, mutual influence between the system and the environment. MOP depends on trust, unity of efforts, common interests, patriotism, openness, and other. The level of human satisfaction ( $Lhs$ ), as a difference between expectations and results, can de-

fine  $K_{eq\ opt}$  for the system. Human satisfaction is a relative notion that is based on national traits, culture, perceptions, mentality, and other. In any case, it defines optimal equilibrium between the system and the environment:  $K_{eq\ opt} = f(Lhs)$ . The Lhs can be assessed by MOE and MOP with value indicators.

Satisfaction of the SA and the CS may define balance of the system. It is possible to suppose that  $K_{eq\ opt}$  is constant for any system and conditions because it is a characteristic of its balance. For instance, regions of one country are different because of environment (geographical location, climate, economical orientation, neighbors) and own characteristics (religions, language dialects, traditions, and rules), but to be balanced a regional community has to establish  $K_{eq\ opt}$ . Also the system can achieve  $K_{eq\ crt}$ ,  $K_{eq\ min}$ , and  $K_{eq\ max}$  in which the system can decrease its effectiveness and achieve bifurcation points (changes). The model of delegation of leadership power has to facilitate successful leading the system based on four key points:  $K_{eq\ min}$ ,  $K_{eq\ crt}$ ,  $K_{eq\ opt}$ , and  $K_{eq\ max}$  [26, p. 180].

The leadership model includes the SA with state agencies and the CS with different non-state organizations. Ideally, all players have to work together in order to get a synergy effect. A leader should lead and synchronize them. The SA and the CS are parts of the leadership process. The SA should feel the CS and the CS should understand the SA and national interests. Both have to work together because of one goal – to maintain/improve a level of life (national interests). The SA and the CS are parts of one system that has to react quickly to any change in the system

and/or in the environment. To do this the system should act with its certain frequency of fluctuation ( $F_s$ ) to the environmental fluctuation ( $F_{env}$ ). The SA and the CS fluctuate in a certain degree ( $F_{sa}$ ,  $F_{cs}$ ) and together present fluctuation of the system ( $F_s$ ).

Frequency of fluctuation  $F_s$  ( $F_{sa}$ ,  $F_{cs}$ ) and  $F_{env}$  can define an approach for problem-solving. Based on  $F_{sa}$  the SA should change leadership power, play with leadership styles, and eventually change system structure [1, p. 72].  $F_{cs}$  is more connected with  $F_{env}$ . The CS has to react to the environmental change through the SA. If  $F_{env}$  is high, the CS should play a critical role in dealing with a change of the environment based on decentralization. It is a cycle process of reaction on change of the Env  $\rightarrow$  the CS  $\rightarrow$  the SA.

It is possible to assume that functions of the SA and the CS have a deviation form and a certain normal line (fig. 2). The normal line is connected with system balance and effectiveness. Proper use of the combination of the SA and the CS may shift a normal line of the system to another level in order to respond to the environmental change. A normal line can correspond to a certain system structure.

Normal (optimal) leadership of the system (Snorm) means a level of combination of the SA and the CS in the given environment that should provide required system effectiveness and correspond to Keq opt when the system is balanced and effective. Snorm may shift to an authoritarian type of leadership (S1) when the SA is dominant or a democratic type (S2) when the CS plays primary role (fig. 2). Different positions of the leadership model can depend on the environment and speed of its change. It is possible to assume that sum of power of the SA and CS is equal to 1 (SA + CS = 1).

To lead the level of participation between the SA and the CS is decisive in order to react properly to changeable environment. However, both sides should balance and maintain the system on the level of Snorm. This level provides the most effective system functionality. It is a position that should be lead until the system with a current structure and technological development does not become obsolete. It corresponds to a change of the system structure as a third level of leadership approach [1, p. 72]. A new Snorm with new S1 and S2 means a shift of the system on the new technological and structural levels.

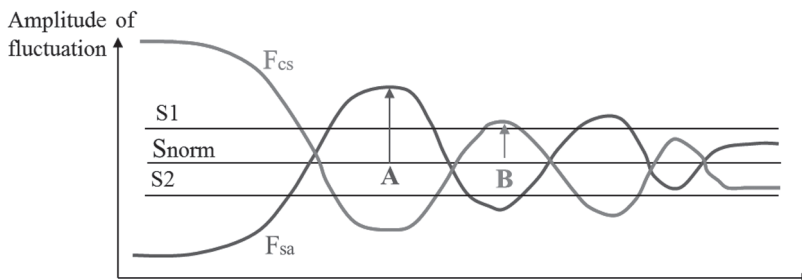


Fig. 2. Balance of leadership power between the SA and the CS  
Source: created by the author.

An optimal combination between participations of the SA and the CS can provide maximum possible system effectiveness. It may be based on environmental and system conditions such as a geopolitical location, economic, culture, national perceptions, and others. Introduction of the notion of the level of involvement of SA ( $L_{sa}$ ) and the CS ( $L_{cs}$ ) in the state leadership process can help to analyze governance effectiveness.

The SA presents a centralized power and the CS – decentralized one. The proportion of their mutual involvement can be defined by the participative coefficient – Cp. Thus,  $Cp = L_{cs}/L_{sa}$ . If  $Cp \rightarrow 1$  the system is democratic and theoretically when  $Cp = 1$  there is no leader at all. If  $Cp \rightarrow 0$  an authoritarian leader dominates. It is possible to accept that under condition  $0,5 \leq Cp < 1$  the system is democratic and when  $0 < Cp < 0,5$  the system is the authoritarian one.

A necessity to open the system for adaptation and control it at the same time creates a paradox. In this situation a primary role can belong to leadership and understanding where, when, and who should lead the system. Thus, the task is to maintain  $K_{eq\ opt}$  based on proper Cp that should be flexible and, therefore, different. It means establishment of long-term decentralization or centralization does not provide high system effectiveness.

The best Cp has to provide maximum system effectiveness when  $K_{eq} = K_{eq\ opt}$ . This condition defines the level of required Cp for the system in the current environment. Thus, Cp depends on the environment and  $K_{eq}$  in a certain moment. Consequently, a level of

system effectiveness ( $L_{sef}$ ) is a function of  $K_{eq\ opt}$  and  $K_{eq\ opt}$  is a function of Cp. Thus,  $L_{sef} = f(K_{eq\ opt}(f(Cp)))$ .

Therefore, “Public governance” is not pure participation of the CS when  $Cp = 1$  when there is no SA at all ( $L_{sa} = 0$ ). Actually, it is an ideal model of a learning organization that adapts to the environment continuously. On one hand, a system, can change or disappear during adaptation. On the other hand, it can help to keep the system under strong environmental influence. If the task is to save the system functionality, the SA and the CS, both, have to take part in the governance process based on secured beliefs, values, ideology, and patriotism. If the task is to adapt the system, beliefs and values may be revised.

The SA and the CS have to take part in the DMP in order to make a decision that will satisfy regional and national interests. The leadership purpose is to establish Cp based on the situation or favorable moment in the framework of “time, space, and force”. The task is to maintain  $K_{eq\ opt}$  that will provide functionality of the system by timely implementation of change. A right Cp has to balance EWM+R in the DMP. Regulation of Cp is flexible process that requires qualified leaders on local, regional, and governmental levels.

To make the governance effective can require:

For the CS:

1) to create/improve a model of participation of the CS in state decision-making;

2) to explain the importance of participation of the CS in the leadership process and attract the CS as an equal member in this process;

For the SA:

3) to be ready to delegate a part of its authority to the CS;

4) to open communication lines with the CS and deserve trust from the CS by positive results;

5) to determine a level of participation of the SA and delegation of authority to satisfy the CS and establish system balance (maintain national interests).

Awareness of the situation, openness of the system and estimation of results can determine an ability of the system for change. Shift a group mentality to individual values increases a role of a person. For instance, the Soviet mentality protects a collective and decreases the individual role. The wish of people to lead defines a level of delegation of leadership power between the SA and the CS. Thus, a new democratic governance model can be based on change of human perception, mentality and culture through explanation of importance of participation of the CS in governance.

The SA may be not ready to delegate its authority to the CS and, in its turn, the CS does not have enough knowledge and understanding how to use it properly. Also, one of the problems is lack of trust between the SA and the CS because they do not look equal. A social culture may define these relationships. Obsolete mental models do not allow establishing a new cultural format in order to adapt the system in time.

To change proportion of participation of the SA and the CS in leadership is difficult because of system inertia. A proper social archetype may provide  $K_{eq\ opt}$  as a continuation of a previous archetype, but on the new level of deve-

lopment. The national social archetype is formed based on geopolitical location of the system. Change of the environment forces adapting the system and neighbor systems and their archetypes. It is a system complex change. It means transformation of all types of social archetypes in order to provide equilibrium of the space as a combination of the system with the environment when

$$K_{eq} \rightarrow K_{eq\ opt}.$$

A social archetype should facilitate the readiness of the CS to take part in the leadership and the DMP. A new type of social archetype should be developed through the process of learning of the environment and the system. Thus, a system ability to learn ( $S_{atl}$ ) can be a characteristic of the system that also defines its effectiveness.  $S_{atl}$  defines how smart the system is and  $Cp$  because the system determines when, who, and where should influence the system in order to maintain  $K_{eq\ opt}$ . The  $S_{atl}$  defines how close the system is to the model of a learning organization. The level of participation of the CS in leadership, system openness, and feedback may define  $S_{atl}$ . The social archetype, organizational culture, a structure, and a leader can define these characteristic of the system. Thus,  $L_{sef} = f(K_{eq\ opt}(Cp, S_{atl}))$ .

To increase  $S_{atl}$  means to educate the system, both, the SA and the CS, by using different approaches such as media, development of high standards, innovations, courses, building a model of "whole of government", increased individual responsibility through creation of space of leadership participation through social nets, applying of new computer programs, and web nets. It creates a culture of a learning organization with immediate feedback, correc-

tions, and adaptation. Moreover, the system should love learning. It means the leadership and members of the system have to enjoy this process and be creative with vision and openness for innovations. In spite of delegation of leadership power, the leader remains critical.

Also,  $C_p$  can correspond to a certain combination of convergent and divergent processes in thinking based on change and complexity of the environment and the system. For instance, a complex situation requires divergent process or increased  $C_p$ . Lack of trust between the SA and the CS creates misunderstanding. To find a common language and an appropriate model of their relationships is matter of leadership based on social archetype, national and organizational culture. It forms a state leadership model that can increase or decrease  $S_{at}$ .

Knowledge and education for the CS can improve social consciousness to take part in state governance. Education centers, institutions, media, courses for the SA and the CS can increase their cooperation; governance effectiveness based on honesty and transparency. It makes the system survivable and competitive based on creativity, knowledge, abilities and skills of each member of the society. Ideally, it can create a synergy effect of development of the community based on one spirit, freedom, mutual support and a desire to work together.

To make the system effective requires its timely change. The most difficult is to change mental models that influence decisions. They are stable, long-life concepts that are based on beliefs and values. An ability to refuse from accepted norms in conditions of changeable envi-

ronment is critical. People should revise mental models and, in many cases, refuse using previous experience. For example, an American state as a business system provides a stress-free approach to change norms because they do not support system effectiveness anymore. Everything is directed to maintain system effectiveness (interior and exterior state policies).

To change beliefs and values in Ukraine may be more difficult because of traditional conservative culture, mentality, and a closed enough state system. In spite of this, technological innovations facilitate changing of the environment and development of the system. It forces changing norms, behavior, and communication. In communication social groups adapt own vocabulary, emotions, gestures, appearance in order to be in equilibrium with the modern globalized international space. It is like creating a new common language. This process can influence on perceptions, values, and beliefs.

Furthermore, under an open informational space, e-governance and e-government [29] create conditions for e-democracy. "E-Governance is the use of information and communication technologies to support good governance" [30]. It makes the system open and adaptable through the process of learning. It influences relationships between the SA and the CS and decentralize the system. Also, a real leader may be replaced a virtual one who can be formed by the SA and the CS in the Internet space through the social communication networks.

Leadership process is a matter of system effectiveness based on balance between min and max limits in order



to open or close the system in a certain degree. It means to keep the system on the edge of order and disorder for adaptation with saving system functionality. State leadership should apply proper leadership power, change leadership styles and system structure. In other words, if a region requires a centralized power and a strong leader or decentralized power it should be recognized and implemented in the framework of the system and also subsystems (regions). In spite of this, in case on increased complexity of the environment the SA and the CS should be ready for cooperation based on delegation of leadership power in right time and in right place.

The model of delegation of state leadership power between the SA and CS (fig. 3) presents an algorithm to lead the system based on two conditions: 1) to maintain system balance based on providing of equilibrium between the

system and the environment (to maintain  $K_{eq\ opt}$ ) and 2) to achieve established goals of the system. If one of these conditions is not satisfied the leader based on three conditions [1)  $K_{eq} \rightarrow K_{eq\ min}$ ; 2)  $K_{eq} \rightarrow K_{eq\ crt}$ ; 3)  $K_{eq} \rightarrow K_{eq\ max}$ ] has to delegate leadership power between the SA and the CS, change leadership power, styles, a structure of the system, and always increase  $S_{att}$ . Also, to balance ends, ways, and means in the framework of possible permissible risk is critical to lead the system successfully. Achievement by the system  $K_{eq\ opt}$ , as a key notion of the algorithm, can be determined by social satisfaction based on MOE and MOP.

**Conclusions.** The proposed model for delegation of leadership between the SA and the CS can help increase the efficiency of public administration. To make the governance effective need to satisfy two conditions (figure 3) in the

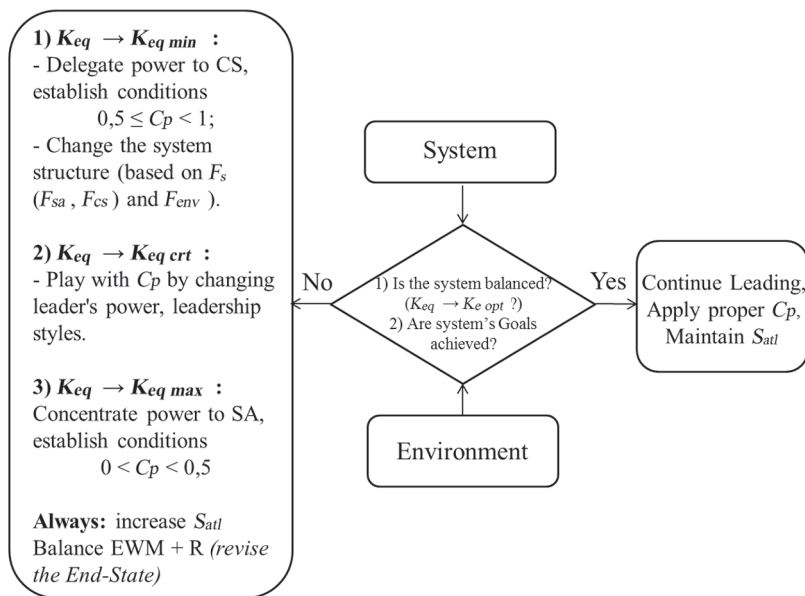


Fig. 3. A model of delegation of state leadership power  
 Source: created by the author.

notional framework of the coefficient of dynamic equilibrium —  $[K_{eq\ min} - K_{eq\ crt} - K_{eq\ opt} - K_{eq\ max}]$ . At first, it requires clear understanding of the system, the environment, the problem, and goals of the system. Second, the DMP requires participation both, the SA and the CS, but a fixed level of centralization or decentralization as a prescript rule may not be effective. The level of participation in the state leadership ( $Cp$ ) and decentralization can depend on the conditions. Third, a state, as a system, should be similar to a model of a learning organization with flexible leadership based on mutual understanding between the SA and the CS. It means the system has to understand the need, time and degree of delegation of state power between the SA and the CS. In its turn, they should be actively involved in the PA to open the system enough through feedback and continuous communication based on clear announced and adapted to the environment national values, beliefs, unity of efforts and goals.

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## **RISK-MANAGEMENT AS AN INSTRUMENT OF THE PUBLIC REGULATION OF RISK ASSESSMENT IN CONSTRUCTION AND OPERATION OF BUILDINGS**

**Abstract.** The urgency of the article lies in the need of improving the mechanisms of public regulation of economic relations in the country. To date, there are many internationally recognized quantitative, descriptive, and imitative approaches to the managing the risk of an investment project in the real sector. Their choice requires taking into account the peculiarities of public regulation of the construction industry on the basis of risk management. Methods of risk assessment are considered in the works of domestic and foreign scientists, in particular such as S. Bolotin [3], N. Blanas, C. Syraculis and H. Pandemmenou [19], V. Koshchelev [8], O. Kruzhilko [9], T. Morozova [11], I. Ptukhina [12], A. Snirov [13], S. Shulzhenko [14], S. Hendrickson [16]. The peculiarities of public regulation of the activity of the construction industry actors and a comprehensive understanding of all the advantages and disadvantages of various methods of risk assessment in construction are still insufficiently worked out. The main task of the investor's risk analysis is to construct the correct model (presentation) of the project, which is used to make a decision to finance the construction of a particular object. The basic groups of methods for analyzing the risk of financing a

project by an investor can easily be determined by the key subject of consideration – this may be either a scheme of financial flows that arise from its financing, or a project itself as a socio-economic phenomenon. The use of risk management in the management of investment and construction projects serves as a modern tool for the public regulation and risk management of construction companies.

**Keywords:** public regulation in the field of construction, risk management, risk assessment methods, investment and construction projects.

## **РИЗИК-МЕНЕДЖМЕНТ ЯК ІНСТРУМЕНТАРІЙ ДЕРЖАВНОГО РЕГУЛЮВАННЯ ОЦІНКИ РИЗИКІВ ПРИ БУДІВНИЦТВІ ТА ЕКСПЛУАТАЦІЇ СПОРУД**

**Анотація.** Визначено актуальність і необхідність удосконалення механізмів державного регулювання економічних відносин у країні. На сьогодні існує безліч апробованих світовим досвідом кількісних, описових, імітаційних підходів до управління ризиком інвестиційного проекту в реальному секторі. Їх вибір потребує врахування особливостей державного регулювання будівельної галузі на засадах ризик-менеджменту. Методи оцінки ризиків розглядаються у працях вітчизняних і зарубіжних вчених, зокрема таких, як: С. Болотін [3], Н. Бланас, К. Сіракуліс та Х. Пандемменоу [19], В. Кошелєв [8], О. Кружилко [9], Т. Морозова [11], І. Птухіна [12], А. Шниров [13], С. Шульженко [14], С. Хендріксон [16]. Зазначено, що недостатньо опрацьованими залишаються особливості державного регулювання діяльності суб'єктів будівельної галузі та комплексне розуміння усіх переваг і недоліків різних методів оцінки ризиків у будівництві. Обґрунтовано, що основним завданням аналізу ризику інвестором є побудова коректної моделі (подання) проекту, яка використовується для прийняття рішення про фінансування спорудження того чи іншого об'єкта. Базові групи методів аналізу ризику фінансування проекту інвестором легко визначити по ключовому предмету розгляду – це може бути або схема фінансових потоків, що виникають при його фінансуванні, або власне проект як соціально-економічний феномен. Зроблено висновок, що використання ризик-менеджменту в управлінні інвестиційно-будівельними проектами виступає сучасним інструментарієм механізму державного регулювання та управління ризиками організацій будівельного комплексу.

**Ключові слова:** державне регулювання у сфері будівництва, ризик-менеджмент, методи оцінки ризиків, інвестиційно-будівельні проекти.

## **РИСК-МЕНЕДЖМЕНТ КАК ИНСТРУМЕНТАРИЙ ГОСУДАРСТВЕННОГО РЕГУЛИРОВАНИЯ ОЦЕНКИ РИСКОВ ПРИ СТРОИТЕЛЬСТВЕ И ЭКСПЛУАТАЦИИ СООРУЖЕНИЙ**

**Аннотация.** Определена актуальность и необходимость совершенствования механизмов государственного регулирования экономических отношений в стране. На сегодня существует множество апробированных мировым опытом количественных, описательных, имитационных подходов к управ-

лению риском инвестиционного проекта в реальном секторе. Их выбор требует учета особенностей государственного регулирования строительной отрасли на основе риск-менеджмента. Методы оценки рисков рассматриваются в трудах отечественных и зарубежных ученых, в частности таких, как: С. Болотин [3], Н. Бланас, К. Сиракулис и Х. Пандеммену [19], В. Кошелев [8], А. Кружилка [9], Т. Морозова [11], И. Птухин [12], А. Шныров [13], С. Шульженко [14], С. Хендриксон [16]. Отмечено, что недостаточно проработанными остаются особенности государственного регулирования деятельности субъектов строительной отрасли и комплексное понимание всех преимуществ и недостатков различных методов оценки рисков в строительстве. Обосновано, что основной задачей анализа риска инвестором является построение корректной модели (представления) проекта, которая используется для принятия решения о финансировании строительства того или иного объекта. Базовые группы методов анализа риска финансирования проекта инвестором легко определить по ключевому предмету рассмотрения — это может быть либо схема финансовых потоков, возникающих при его финансировании, или собственно проект как социально-экономический феномен. Конкретизировано, что использование риск-менеджмента в управлении инвестиционно-строительными проектами выступает современным инструментарием механизма государственного регулирования и управления рисками организаций строительного комплекса.

**Ключевые слова:** государственное регулирование в сфере строительства, риск-менеджмент, методы оценки рисков, инвестиционно-строительные проекты.

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**Target setting.** is analysis of the use of risk management in the management of investment and construction projects as a modern tool of state regulation in the field of construction through clarification of the suitability of risk assessment methods for use in the construction and operation of facilities (based on ISO 31010-2011). In the conditions of imperfection of mechanisms of state regulation of economic relations in the country, organizations of all types and sizes face internal and external factors and influences, because of which it is impossible to determine how and when they will be able to achieve their goals. Although there are many proven by

international experience quantitative, descriptive, imitative approaches to the management of risk of the investment project in the real sector, but in practice the whole range of methods is not used widely. Often it is limited to the basic ranking of the riskiness of various projects and rules of the assignment of projects to particular risk categories.

When working with simple projects this methodology is justified, but with the growing complexity of projects, risk management is impossible without the involvement of a more detailed development. And this requires the account of features of state regulation of the construction industry and a compre-

hensive understanding of all of the advantages and disadvantages of different methods of risk assessment in construction. Therefore, in practice, such effective management tool as risk management is increasingly used.

**Actual scientific researches and issues analysis.** Through considerable uncertainties in investment in Ukrainian construction industry risk analysis plays an important role in pre-investment studies of firms operating in the Ukrainian market. Risk assessment techniques are discussed in the works of Ukrainian and foreign scientists, such as S. Bolotin [3], N. Blanas, K. Sirakulis, H. Pandemmenu [19] V. Koshelev [8], O. Kruzhylyko [9], T. Morozova [11], I. Ptukhina [12], A. Shnyrov [13], P. Shulzhenko [14], S. Hendrickson [16]. Issues of state regulation of risk assessment for construction and operation of facilities, risk management and the concept of risk management are the subject of research of such scientists as I. Azarov [1], K. Basenko [2], F. Vigbin [20], I. Vlasenko [4], O. Voskoboynik [5], N. Jill and B. Tesar [17], A. Kalashnikov [7], V. Melko [10].

**The statement of basic materials.** Currently, the Ukrainian economy is in a situation where the economy itself – the basic production assets, outdated technology, technical and technological system of construction projects is a source of risks of accidents and disasters. Objectively and fundamentally insurmountable uncertainty that occurs when making state-management, organizational, economic and design of the system-technical decisions leads to the fact that the risk of such decisions is never zero. Risk is inherent in every project, every process and every deci-

sion at all stages of the project life cycle. Therefore, the risk needs to be managed at each stage, and this is possible only under the condition of the integration of risk management into the management of construction and investment projects and the construction industry as a whole.

The process of risk management begins with identification. During the process organizations undertake communication and consulting with stakeholders, analyze risks and controls that modify it to ensure that further risk treatment is not necessary.

State regulation in this sphere has solid international normative basis. In particular, the standard (ISO 31010-2011) was developed, which describes in detail a systematic and logical risk management process. While all organizations manage risk to some degree, this Standard establishes certain principles under which risk management becomes more effective.

The mechanism of state regulation of risk insurance in the construction industry is also developed. As noted by V. Melko, world practice has developed two principle approaches to state regulation of risk in construction: **continental** (Germany, France, Italy, Spain, Sweden) and **Anglo-American** (USA, UK, Canada, Australia). The continental system is based on strict legislative regulation of activity of subjects of the market, the laws and codes in details regulate all aspects of activity of subjects of the construction sector and systematic monitoring of compliance with laws when conducting insurance operations. The continental model of state regulation is characterized by such forms as verification of implementation

of business plans, oversight of ongoing operations, regular inspections of insurance companies. In the Anglo-American system the majority of the parties of economic life are not codified. The legislation defines only the most general terms, the legal framework of state regulation of economic activities, without detailed regulation. Under this legal system a liberal model of state regulation is built, which focuses on the financial condition of companies based on consideration of their reports; [10, p. 47].

The above mentioned standard ISO 31010-2011 considers risk as the effect of uncertainty on achieving the objectives of the organization. The system of state regulation and enterprise risk management-building complex, according to K. Basenko, includes:

“1) the current regulatory, legal, programmatic, informational, logistical, staffing, organizational culture, within which the functioning of any system of controls is performed;

2) object management – risk, risky and economic investments and socio-risky relations arising in the process of risk implementation;

3) subject of management – a special group of people (a structural subdivision: Department, service, or Risk Manager, Financial Manager, etc.) that carries out purposeful functioning of object of management through various techniques and methods of managerial influence” [2, p. 57].

The researcher from Odessa I. Azarova, according to popular in foreign countries approach Construction Risk Management System (CRMS) offers the process of identifying risks to be

considered as a sequence of six stages [1, p. 12]:

1. identification of uncertainties;
2. preparation of the preliminary checklist;
3. scenario of consequences;
4. reflection of risk;
5. systematic list of risks;
6. total risk.

The risk assessment may be performed with different degree of depth and detail using one or more methods of different level of complexity. The assessment form and its underlying data should be consistent with the risk criteria established when determining the application.

When choosing a risk assessment method one should consider that the method should:

– respond to this situation and the organization;

– provide results in a form that promotes awareness of risk and methods of its processing;

– ensure traceability, reproducibility and verification of process and results [8].

Thus, the primary task of a risk analysis by the investor is building a valid model (representation) of the project, which is used for making decisions about financing the construction of an object. Basic groups of methods of risk analysis of the project financing by the investor can be easily determined according to the key consideration – it may be either the scheme of financial flows, difficulties in its financing, or the actual project as a socio-economic phenomenon.

The state provides oversight and regulation of construction activities in the country, the state control in this

field lies with the Ministry of Regional Development, construction and housing and communal services of Ukraine, the Cabinet of Ministers of Ukraine directs and coordinates the activities of other Central Executive Authorities, in particular the State architectural and construction inspection of Ukraine, which is monitoring compliance with legal requirements, building codes, standards and regulations in construction. The Ministry of Regional Development carries out monitoring of risks during the construction and operation of facilities and puts forward legislative and other normative-legal submissions on the improvement of state regulation in the field of construction.

It should be noted that the processes of the construction has characteristics defining the species, the degree of influence of risk factors, as well as a set of methods and diagnostic tools. Construction risks appear as the result of the construction of and cause deviations of progress from plan targets. The types of risks encountered in project implementation are various. In general they can be divided into internal and external. The main external risks are natural, economic, technical, and administrative risks. These include in particular risks of force majeure, changes in the political environment, currency exchange rates, inflation, changes in interest rates.

Internal risks are subdivided into resource risks, they are classified by the types of resources consumed in the construction process, the loss of which can occur at different stages of construction, and partner risks, including contractual, object, risks of interaction between the contractors of the supply

chain and risks of stream processes' management. Partner risks include the risks of shortage of raw materials and components, supply of substandard materials and components, violation of delivery dates, lack of funding. Technological risks in construction include preconstruction (technical specifications, layout, construction, testing and commissioning) and postconstruction (operation and maintenance of their serviceability).

The attention of bodies of state regulation of construction activities is paid to this special group of internal risks that characterize public product character of building activities, as the risk of possible failure. Accounting for the actual risk of failure (inability to use an object or its component part on a functional purpose) is a basis for differentiating between the degree and methods of state regulation in relation to construction projects.

Since the external risks are not easily influenced, the main focus is on the management of internal risks [9].

Based on the nature and objectives of management of construction and investment projects, to assess and manage the risk of design and construction, as well as financial relations arising in the course of resource provision for construction projects a system of risk management is used. Identification of the features of application of risk management in investment and design construction requires the analysis of algorithms of risk assessment and management. It should be noted that the developed to date total risk management approaches do not consider the specifics of their application in specific sectors of the economy, and in particu-



lar in investment-construction sphere. The problem of evaluation of uncertainty and risk in managing construction and investment projects to date has not received proper solution. This is largely due to the fact that risk assessment methods that are used in the feasibility study of objects of construction and reconstruction, do not fully take into account the specifics of construction activities and operation characteristics of construction projects. The main disadvantage of methods of determining issues of risk management in investment and construction activities, include: the lack, as a rule, of quantitative measurements and therefore assess the degree of uncertainty and risk of the basic conditions for the implementation of construction projects; the random nature of the definition (without holding the appropriate qualitative and quantitative analysis) of possible changes in the parameters of investment projects during their implementation; the absence of any substantiation of expediency of use in the given conditions of a method to assess the impact of risk factors on the parameters of the investment project in the construction activities; the use of only monoparametric approach to risk assessment, despite often available in practice interdependence of the basic parameters of investment and construction projects; the absence of any recommendations for monitoring risks in the process of implementation of investment construction projects.

In this regard it is necessary to consider that the entire risk management process (see Figure) in the course of realization of investment construction of the project should be defined as a sequence of organizational-technical

and economic decisions and actions aimed at regulating the probability of successful implementation of the project. Thus, it is necessary for the successful implementation of the project to be implemented within the planned time and within the defined budget and with appropriate quality, which ensures the necessary level of safety of a construction project during its construction and further safe operation of structures.

Risk analysis allows decision-making in risky situations to determine the trends of future uncertainties [2]. There are various risk assessment methodologies, each of which has both positive and negative aspects (see table).

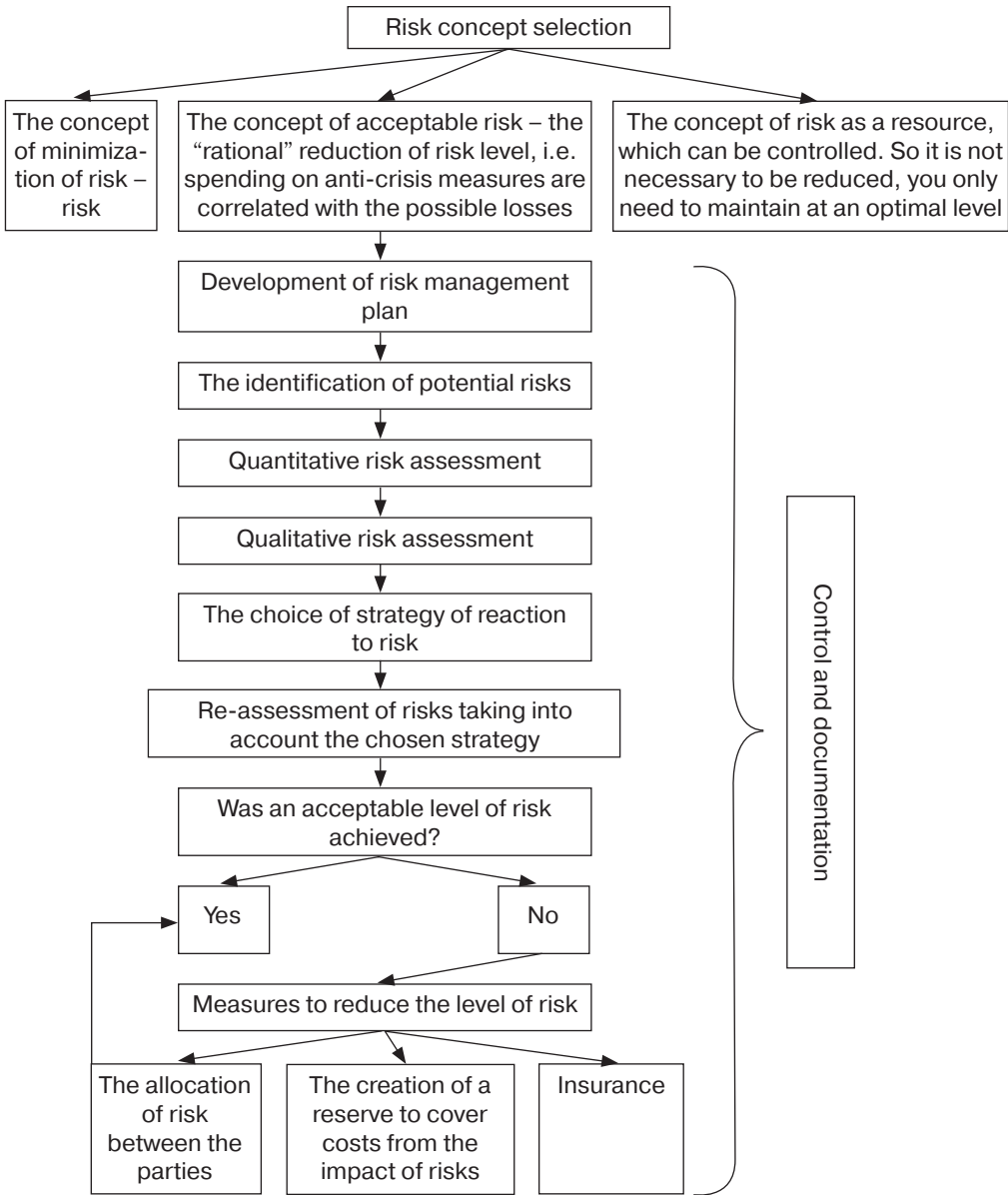
We can distinguish four large groups of methods of risk assessment, in particular:

1. Theoretical financial methods — the assessment of the required provision in case of failure of the project (the amount of the provision can be reliably estimated), the amount of estimated damages and lost profits that may the investor suffer.

2. Modification of the abstract methods — computer modeling of the project that allows to calculate the exact financial flows. However, the impact of all, especially of specific factors cannot be taken into account.

3. Expert methods — description of the risk with expert assessments. They include general quantitative or ranked assessment of the riskiness of the project, and a description and ranking aspects of the project that are sources of risk.

4. Modifications of the expert's methods — trying to bring expert opinions to more abstract with financial



**General algorithm of risk management of investment construction project**

\* Compiled by the authors.

performance. There one can use, for example, the cumulative build rates, the allocation of groups of the least risky projects on the basis of a list of objects of potential funding.

The sensitivity analysis allows to assess the influence of various factors on

key indicators of project implementation. For housing such factors include changes in input prices, stable performance of technical means, ensuring the continuity of construction materials provision, quality of execution of obligations by contractors. In the process

### The advantages and disadvantages of the main groups of methods of risk analysis

<b>Group of methods</b>	<b>The basic principle of development</b>	<b>Advantages</b>	<b>Disadvantages</b>
Abstract financial methods	Evaluation a sufficient amount of additional collateral that a potential investor should have	If there is sufficient collateral the risk of participation in the project minimizes	The range of available types of provision in Ukraine is very limited, assessment of the quality of collateral is also a challenge
Modification of financial practices	The value of the real cash flows of projects for a potential investor	Benefits and risks of participation in different projects can be easily compared	Consideration of all aspects of risk a priori is not possible
Expert methods	Systematization of the views of specialists on the implementation of similar projects	Using these methods it is possible to more fully cover all project risks	Expert views of different experts are difficult to correlate with existing financial terminology
Modification of expert methods	The replacement of the expert evaluations with certain values of the financial variables on the basis of existing practices	Ideally it is possible to get financial risk assessment, which is based on the representation of a wide range of specialists	The influence of aspects of risk on the income of a particular investor usually cannot be standardized and normalized

\*Compiled by the authors.

of analysis marginal values of risk factors are estimated. Overall, sensitivity analysis helps to identify the factors that carry the maximum influence on the project results, and to choose the most risk-resistant variant of implementation of the project [13]. However, this technique is not amenable to correlation analysis of the relationship and interdependence between the indicators and fails to explore the possibility of alternative solutions.

By analyzing the probable distribution one analyze the risk with the time, but there is a negative side – the subjectivity of the obtained values of return and probability of implementation.

The simulation model allows to analyze, to estimate the variants of the decision, and simultaneously take into account several risk factors. A weak-

ness of this methodology is that in a risk situation it is difficult to find alternative solutions, but if an analysis is made concerning to the the situation, which is unique, then it is difficult to apply this technique.

Using the risk assessment methodology based on expert method, and also the analysis of the credit quality, one can find substantial and medium risks probability of occurrence, but the results will be subjective.

Thanks to the model based on the Markov chains application, one can define the behavior of the production system at any period remote from the initial one. The drawbacks of it are mathematical difficulties when building the transition matrix in the analysis of economic objects, as well as complex selection of reliable information.

The technique based on an integrated measure of risk takes into account the most important factors of all production activity of the enterprise allows to analyze the impact of the factor indicators on the resulting one in their interdependence and to identify the factors that affect the risk most [3].

In our view, for risk assessment to differentiate the regulatory influence of the state in the construction and operation of buildings and structures, this methodology is the most appropriate because it allows to comprehensively evaluate the risk of their possible failure, which is determined depending on the potential danger to the health and lives of people who permanently or periodically are located at the facility or outside; the amount of potential economic losses; the loss of cultural heritage; the termination of functioning of objects of engineering and transport infrastructure. A particular disadvantage of using this method is some generality and averaging of approaches that insufficiently reflects the specific features of projects and the dynamics of change of risks throughout their life cycle.

However, it should be noted that in the management of construction and investment projects there are some general approaches that allow us to determine the sequence of actions in the study of risk in the investment and construction sphere:

1) the risk that has the greatest importance for the project is highlighted;

2) the cost overruns are calculated, taking into account the probability of occurrence of an unfavorable situation in the implementation of the investment construction project;

3) a set of organizational-technical and economic measures is developed providing for the reduction of the probability of a risk event;

4) the additional costs of the implementation of anti-risk measures is calculated

5) a comparison of costs needed for implementation of the proposed activities with possible cost overruns due to the onset of a risk situation is performed;

6) the decision on implementation or rejection of anti-risk measures is taken;

7) next in importance to the risk is selected, for which the process of mapping the likelihood and impact of risk events with cost measures to reduce them is repeated [2].

Existing methods of risk assessment in the design, construction, reconstruction, repair and maintenance of buildings and structures require further development. This is especially true for the management of investment risk in construction activities. The reason is the volatile prices of building materials and construction, transportation and operation of construction vehicles, machinery and equipment, transportation of workers to construction projects, travel expenses when performing work in other regions and at remote sites. New types of costs appear (payment for land, new types of taxes and fees, different types of insurance, the costs of obtaining the initial data, technical conditions and approvals, interest on loans, etc.). All of this suggests that the probabilistic nature of building production requires the development of management theory for construction and

investment projects in conditions of risk.

**Conclusions.** Thus, the use of risk management in the management of investment and construction projects is the modern tool of the mechanism of state regulation and risk management of construction industry organizations. According to the international standard ISO 31010-2011, risk assessment during the risk management is carried out with varying degrees of depth and detail and using one or more methods of different level of complexity. However, applying any method, it is always necessary to consider both its positive and negative sides.

Now in modern Ukraine there are some limitations to using traditional methods of risk analysis, which requires the improvement of state regulation of the construction industry in general and the risk management organizations of the construction complex in particular. Among the issues that require government resolution, it is possible to call rather narrow range of types of provision, problems of assessing the quality of collateral, the impossibility of accounting for all available aspects of risk, the ratio of the expert concepts and financial terminology, standardization and regulation of the impact of aspects of risk for a particular investor. To compensate for deficiencies in the abstract financial and expert risk assessment methods in the construction it is possible to consider an extended list of risk factors that affect participation in the project of a particular investor, more precise use of the expertise and qualitative assessments in taking administrative, project, financial, technological decisions.

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## **MODERN POTENTIAL OF THE STATE REGULATION OF THE ACTIVITY OF COMBATING CORRUPTION AND ORGANIZED SUSTAINABILITY**

**Abstract.** The article analyzes the state of scientific developments and international research in the field of state regulation of the fight against corruption and organized crime. The main determinants of the phenomenon of corruption and factors of the formation of organized crime are considered in the light of modern advances in the fields of philosophy, sociology and law. An attempt was made to systematize the main features of the regulation of the fight against corruption and organized crime, which differ in aggregating the corruption ratings offered by the Global Competitiveness Index. The state of the legislative base, the positive and negative dynamics of the state regulation mechanisms of the fight against corruption and organized crime activity are analyzed. The problems of implementation of the State Anti-Corruption Strategy Implementation Program, which is a reliable political document, but does not have a separate budget, are considered, and at the same time anti-corruption institutions have significant budget allocations, and support of donors also helps to implement.

The state and sources of the origin of organized crime in Ukraine are analyzed. Based on data published in domestic and international studies on anti-corruption and organized crime, it has been established that eradicating corruption is an important aspect of the fight against organized crime. Therefore, the fight against corruption should be comprehensive.

Considering the components of anticorruption policy, we conclude that the most important task for Ukraine now is to ensure the stability of the institutional structure and strengthen anti-corruption efforts that constantly undermine the ruling elite, the activation of public institutions, their participation in international monitoring and the monitoring mission of the institutes of anticorruption policy in Ukraine.

**Keywords:** corruption, mechanisms of counteraction to corruption, counteraction to corruption, anti-corruption legislation, NABU, public control.

### **СУЧАСНИЙ ПОТЕНЦІАЛ ДЕРЖАВНОГО РЕГУЛЮВАННЯ ДІЯЛЬНОСТІ БОРОТЬБИ З КОРУПЦІЄЮ ТА ОРГАНІЗОВАНОЮ ЗЛОЧИННІСТЮ**

**Анотація.** Проаналізовано стан наукових напрацювань та міжнародних досліджень у сфері державного регулювання діяльності боротьби з корупцією та організованою злочинністю. Розглянуто основні детермінанти феномену корупції та чинники формування організованої злочинності з урахуванням сучасних досягнень у галузях філософії, соціології та права. Зроблено спробу систематизувати основні ознаки регулювання діяльності боротьби з корупцією та організованою злочинністю, що відрізняються агрегуванням рейтингів корупційності, що пропонуються Індексом глобальної конкурентоспроможності. Проаналізовано стан законодавчої бази, позитивну і негативну динаміку впровадження проголошених в державі реформ та механізмів державного регулювання діяльності боротьби з корупцією та організованою злочинністю. Акцентовано увагу на тому, що попри позитивні зрушення у регулюванні діяльності боротьби з корупцією та організованою злочинністю існує ряд проблем, які потребують контролю як з боку держави, так і громадськості. Розглянуто проблеми виконання Державної програми з реалізації антикорупційної стратегії, яка є надійним політичним документом, однак не має окремого бюджету, а разом з тим антикорупційні установи мають значні бюджетні асигнування, а підтримка донорів також допомагає реалізації.

Проаналізовано стан та джерела зародження організованої злочинності в Україні. Спираючись на дані, оприлюднені у вітчизняних та міжнародних дослідженнях, присвячених діяльності по боротьбі з корупцією та організованою злочинністю, встановлено, що важливим аспектом боротьби з організованою злочинністю є викорінення корупції. Тому боротьба з корупцією повинна бути всеохоплюючою.

Розглянувши складові антикорупційної політики, дійдемо висновку, що найважливішим завданням для України зараз є забезпечення стабільності інституційної структури та посилення антикорупційних зусиль, які постійно

підриває правляча еліта, активізації інститутів громадськості, їх участі у міжнародних моніторингах та наглядовій місії за інститутами антикорупційної політики в Україні.

**Ключові слова:** корупція, механізми протидії корупції, протидія корупції, антикорупційне законодавство, НАБУ, громадський контроль.

## **СОВРЕМЕННЫЙ ПОТЕНЦИАЛ ГОСУДАРСТВЕННОГО РЕГУЛИРОВАНИЯ ДЕЯТЕЛЬНОСТИ БОРЬБЫ С КОРРУПЦИЕЙ И ОРГАНИЗОВАННОЙ ПРЕСТУПНОСТЬЮ**

**Аннотация.** Проанализировано состояние научных работ и международных исследований в сфере государственного регулирования деятельности по борьбе с коррупцией и организованной преступностью. Рассмотрены основные детерминанты феномена коррупции и факторы формирования организованной преступности с учетом современных достижений в области философии, социологии и права. Сделана попытка систематизировать основные признаки регулирования деятельности по борьбе с коррупцией и организованной преступностью, отличающиеся агрегированием рейтингов коррупционности, предлагаемых Индексу глобальной конкурентоспособности. Проанализировано состояние законодательной базы, положительная и отрицательная динамика механизмов государственного регулирования деятельности по борьбе с коррупцией и организованной преступностью. Акцентировано внимание на том, что несмотря на положительные сдвиги в регулировании деятельности по борьбе с коррупцией и организованной преступностью существует ряд проблем, требующих контроля, как со стороны государства, так и со стороны общественности. Рассмотрены проблемы выполнения Государственной программы по реализации антикоррупционной стратегии, которая является надежным политическим документом, однако не имеет отдельного бюджета, но вместе с тем антикоррупционные учреждения имеют значительные бюджетные ассигнования, помогает реализации и поддержка доноров.

Проанализировано состояние и источники зарождения организованной преступности в Украине. Ссылаясь на данные, обнародованные в отечественных и международных исследованиях, посвященных деятельности по борьбе с коррупцией и организованной преступностью, установлено, что важным аспектом борьбы с организованной преступностью является искоренение коррупции. Поэтому борьба с коррупцией должна быть всеобъемлющей.

Рассмотрев составляющие антикоррупционной политики, приходим к выводу, что важнейшей задачей для Украины сейчас является обеспечение стабильности институциональной структуры и усиление антикоррупционных усилий, постоянно подрывает правящая элита, активизации институтов общественности, их участия в международных мониторингах и наблюдательной миссии за институтами антикоррупционной политики в Украине.

**Ключевые слова:** коррупция, механизмы противодействия коррупции, противодействие коррупции, антикоррупционное законодательство, НАБУ, общественный контроль.

**Thesis statement.** Under the conditions of the modern development of the Ukrainian economy, the influence of corruption on the rule of law in the state becomes ever more and more significant, which leads to a restriction of the rights and legitimate interests of individuals and legal entities, a decrease in the efficiency of the system of public administration, the development of monopolization in the economy, and, as a consequence, a serious damage caused to the moral principles of society. At the same time, the patterns characterizing the essence of corruption and organized crime, its occurrence and development, necessitate the use of specialized mechanisms for its prevention.

Despite the achievements, the level of corruption in Ukraine remains very high. Fighting corruption, especially against high-level officials, meets great resistance, and trust in the Government in recent years has further diminished. However, the most important task for Ukraine now is to ensure the stability of the institutional structure and to strengthen the anti-corruption efforts that constantly the ruling elite undermines. Recent measures to prevent anti-corruption activities are alarming. There is a need to ensure conditions for the open and full participation of civil society in the development and monitoring of anti-corruption policy.

**Analysis of recent research.** The mechanisms of state regulation of the fight against corruption and organized crime are one of the most discussed topics among statesmen and scholars in many countries of the world. Ukraine started to introduce anti-corruption measures in 2014, and at the present stage, the scientific and theoretical sub-

stantiation of modern approaches to the definition of the nature of corruption and public-management activities in the fight against it and organized crime is reflected in the works of such domestic and foreign scholars as E. Demskyi, A. Kazdim, G. Kokhan, Yu. Kuzuvkov, E. Lohinov, M. Melnyk, R. Senin, A. Sukharenko, O. Tereshchuk.

**Objective of the article** is to analyse the state of scientific developments and international research in the field of state regulation of the fight against corruption and organized crime, and to identify the main determinants and factors of the phenomenon of corruption taking into account current advances in the fields of philosophy, sociology and law.

**Results.** Following the Revolution of Dignity, which was largely provoked by endemic corruption in Ukraine, with a view to creating an anti-corruption system in Ukraine, a whole range of legislative measures was developed and implemented. Adopted on October 14, 2014, a package of anti-corruption laws (so-called anti-corruption reform), developed with the participation of the public and international non-governmental organizations, was accompanied by its adoption by adequate and democratically-minded public control. These are the laws of Ukraine aimed at fighting crime and corruption: “On the Principles of State Anti-Corruption Policy in Ukraine (Anticorruption Strategy) for 2014–2017” № 1699VII [1]; “On the National Anti-Corruption Bureau of Ukraine” № 1698VII [2]; “On Prevention of Corruption” № 1700VII (entered into force on April 26, 2015) [3]; “On Amendments to Certain Legislative Acts of Ukraine



on Defining the Final Beneficiaries of Legal Entities and Public Figures” № 1701VII [3].

In addition, by the Decree of the President of Ukraine № 808/2014 of October 14, 2014, the National Council on Anti-Corruption Policy was created as an advisory body under the President of Ukraine [5], the activities of which are aimed at the full and effective implementation of its constitutional powers in this field. Separate mechanisms for fighting crime and corruption are regulated by the Laws “On Prosecutor’s Office” № 1697VII (entered into force on July 15, 2015) [6], “On Amendments to the Criminal and Criminal Procedural Codes of Ukraine Regarding the Inevitability of Punishment for Certain Crimes against the Foundations of National Security and Corruption crimes” (law on absentee sentencing) [7], “On Prevention and Counteraction of the Legalization (Laundering) of the Proceeds from Crime, Terrorist Financing and Financing of the Proliferation of Weapons of Mass Destruction” (entered into force on February 6, 2015) [8], “On amendments to some legislative acts of Ukraine concerning support of the National Anti-Corruption Bureau of Ukraine and the National Agency for the Prevention of Corruption” as of February 12, 2015 [9].

The unprecedented transparency achieved in some industries with the use of modern tools is another key aspect of current anti-corruption reforms in Ukraine, which includes the disclosure of information on electronic assets, electronic purchases, the opening of public registers and the provision of a wide range of data sets in the format of open data.

It should be noted that the participation of public institutions in promoting anti-corruption reforms is extremely important, and the international community supports anticorruption in Ukraine. The formation of the legislative, political and institutional framework for fighting and preventing corruption through the implementation of various transparency initiatives are the main achievements in Ukraine. However, there is a need for adjusting and maintaining this direction.

In our opinion, Ukraine has not yet firmly established itself on the path of sustainable anti-corruption reform, but, of course, is on the right path. However, the political will of the Government to truly fight corruption is seriously questioned. Endurance, perseverance and full definition of the anti-corruption struggle of Ukrainian society as a whole will be crucial in the coming years.

The state program on the implementation of anticorruption strategy is a reliable political document. It does not have a separate budget, but anti-corruption institutions have significant budget allocations, and donor support also helps with its implementation. Reports on the implementation of the State Program and the Strategy have recently been adopted. However, the Government or the Parliament do not systematically monitor progress according to the law. Two-thirds of the State Program measures were implemented. The outstanding actions are mainly related to raising awareness of the fight against corruption. We must state that the implementation of the State Program was the most difficult when it came to the interests of the President and the ruling elite.

Thus, with some delays, Ukraine began its activities on coordinating and preventing anticorruption policy by creating a National Agency for the Prevention of Corruption (NAPC). With a broad mandate, significant budget and staffing capability, NAPC is an important institution that can play an important role in the anticorruption infrastructure of Ukraine. However, the agency is currently facing serious problems ranging from attempts to manipulate the choice of its members, to abandon the legislation necessary for its functioning, to political interference in its work. Significant achievements are the creation and financing of NAPC in a short period of time and ensuring its functioning in most of its functions. It should be noted that further measures are needed to strengthen the units and officials in the fight against corruption, their role and to ensure their effective coordination, assistance and methodological guidance of the NAPC.

At the same time, the National Council on Anti-Corruption Policy (National Council) was established and several meetings were held. However, it does not have government support and remains passive, which in turn affects the overall performance of the State Program. Notable is the lack of coordination and interaction between the National Council and the NAPC.

The Parliament of Ukraine plays an important role in anti-corruption policy, and the functioning Anti-Corruption Committee demonstrates robust activity.

Turning to the question of the participation of public institutions in monitoring and control of the implementation of the State Program, we

note the following. Recently, the Civil Council under NAPC was created, but its work and effectiveness have not yet been verified. Public organizations conducted an alternative monitoring and published shadow reports. According to released data, Ukraine is invited to complete the development of measures that are still under consideration and to develop a new anti-corruption strategy with broad and significant stakeholder involvement based on an analysis of the implementation of previous policy documents, existing surveys and assessments of the situation with corruption in the country. The methodology of a standardized survey on corruption and the first study conducted on its basis is a desirable development step.

Despite the obvious positive developments, the corruption of Ukrainian officials provokes the development of organized crime. These two concepts are inextricably linked. The purpose of organized crime communities is to obtain maximum income, enrichment in particularly large amounts. Therefore, organized crime communities are as a rule not interested in small and random "sources of income" [10, p. 112].

Ukrainian criminologists note: "Organized crime is characterized by a clear definition of perspective directions of development of the economy sectors, business structures and the speed of response to changes in economic, social and political conditions" [11, p. 76].

The escalation of organized crime in the world today is one of the main threats to global security. The seriousness of this phenomenon was also discussed in the UN Congress on Crime Prevention and Criminal Justice. Ac-

ording to its participants, the processes of globalization and integration created new opportunities for criminal organizations that use them to expand their activities. They began to more freely use the legal economy to conceal their actions, to quickly launder incomes. Applying the latest information technologies, they have the opportunity to maintain communication and coordinate their actions, despite the state borders [12, p. 37].

Organized criminal activity, especially in the economic sphere, is practically completely globalized. Mechanisms for the collection of proceeds in a criminal way are increasingly becoming interregional and international, realized in the territory of several countries at once [13, p.36].

Globalization exposed new forms of transnational crime, for example, illegal migration. According to experts from the UNO, illegal migration brings about 7 billion USD annually in gross income. Illegal migration destabilizes the situation in general in the state [14, p. 81].

An important aspect of the fight against organized crime is the elimination of corruption. Therefore, the fight against corruption should be comprehensive. According to the General Prosecutor's Office for 2017, the rates of organized crime increased by 1.6 times in Ukraine [1].

Specialists of the World Economic Forum [15] compiled the rating of the impact of organized crime on business in the countries of the world. Ukraine with an overall score of 3,9 ranked 113<sup>th</sup> in the list of 137 countries. The states of South, Latin America and Africa are next to our country in the ranking. Sal-

vador, Honduras and Venezuela are at the end of the ranking.

Proceeding from the current criminal situation, the legislation on the fight against organized crime has been constantly improved. A number of changes were made in the legislation: the Law of Ukraine "On the Organizational and Legal Foundations of Fighting Organized Crime" [16], as amended on January 5, 2017. The National Police of Ukraine announced the creation of a new department to fight organized crime. However, these steps are inadequate and require further legislative regulation and control by the public.

**Conclusion and prospects of further research.** We must state the fact that organized crime is one of the most serious problems of modern society. The activities of organized criminal groups are immediately directed against the foundations of statehood and public safety and in the overwhelming majority of them are generated by corrupt factors. Proceeding from this, the following is necessary:

1. To identify and to analyse new forms of organized crime, as well as to formulate goals and priority directions of law-enforcement activity.

2. The state policy on fighting organized crime at different levels should be the same regardless of the regional component, especially in the context of decentralization.

3. The state authorities should carry out economic and logistical maintenance of law-enforcement activity, develop informational-analytical and research policy in the field of counter-action organized crime.

5. Strengthening the international legal framework for the fight against

organized crime should be through the unification of the norms of the national legislation of the states in this area.

We also offer the main directions of involving non-governmental organizations in the implementation of measures to prevent corruption and to fight against organized crime:

- analysis of the situation and recommendations to the authorities and civil society organizations;
- creation of new institutions: centres of civic education, centres of public policy;
- construction of anti-corruption networks;
- control over access to information;
- support for independent media;
- impact on power to ensure its transparency (first of all, transparent budget, transparent electoral process, transparent procedures);
- public participation in the process of preparing, adopting and controlling the execution of power decisions through public councils, public expertise;
- introduction of codes of corporate ethics for businessmen and authorities;
- public legislative expertise and legislation monitoring;
- legal assistance and protection;
- implementation of the institution of the regional ombudsman.

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## STEP AT NATO MEETING

**Abstract.** The article notes that the Russian occupation of the Crimea, the de-stabilization of eastern Ukraine and the provocations that Russia arranges in the airspace of the EU member states, undermined the security system established after the Cold War. There is a threat of military attack and occupation of Europe. At the same time, armed smugglers are transporting a large number of illegal migrants across the Mediterranean Sea and jihadists are constantly committing new terrorist attacks. It is proved that in Europe only the Ukrainian army has experience in conducting military operations with Russian troops, so it may be useful for a new defense association. Therefore, the political and military leadership of the country would benefit from proposing a military partnership for defense cooperation with EU member states to the Permanent Structured Cooperation on Security and Defense (PESCO), as Georgia has already done.

It has been characterized that, unlike the previous framework law, which was mainly declarative and consisted of only 12 articles, the adopted Law “On National Security of Ukraine” provides for a more precise regulation of the actions of the Ukrainian state to counter external and internal aggression. Determined exhaustive list and competence of state authorities and military formations responsible for this. These bodies form the security and defense sector.

In addition, the law was conceived as a framework, therefore, to realize the full potential of the law, work on other bills is required that will clarify and develop the ideas of the law on national security. To do this, you must adopt or amend the six laws. This is a new law on the SBU, the law on the creation of a committee of the Verkhovna Rada to control the SBU and intelligence agencies, the law on intelligence activities, the law on transparency of procurement in the field of security and defense, and amendments to the law on state secrets.

**Keywords:** national security, state administration, President of Ukraine, Security Service of Ukraine, Permanent structured cooperation on security and defense issues.

## КРОК НАЗУСТРІЧ НАТО

**Анотація.** Зазначено, що російська окупація Криму, дестабілізація східної України і провокації, які Росія влаштовує в повітряному просторі країн – учасниць ЄС, підірвали систему безпеки, встановлену після Холодної війни. Існує загроза військової атаки і окупації території Європи. Водночас озброєні контрабандисти переправляють велику кількість нелегальних мігрантів через Середземне море і джихадисти постійно здійснюють нові теракти. Доведено, що в Європі лише українська армія має досвід ведення бойових дій з російськими військами, тому вона може бути корисною для нового оборонного об'єднання. Тож політичне та військове керівництво країни отримало б користь запропонувавши Постійному структурованому співробітництву з питань безпеки та оборони (PESCO) військово партнерство для співпраці у сфері оборони з країнами – членами ЄС, як це вже зробила Грузія.

Схарактеризовано, що на відміну від попереднього рамкового закону, який носив переважно декларативний характер і складався лише з 12 статей, ухвалений Закон України “Про національну безпеку України” забезпечує більш чітке регулювання дій Української держави з протидії зовнішній і внутрішній агресії. Визначено вичерпний перелік та компетенцію державних органів та військових формувань, які за це відповідальні. Ці органи формують сектор безпеки і оборони.

Крім того, закон замислювався як рамковий, тому для реалізації всього потенціалу закону потрібна робота над іншими законопроектами, які будуть уточнювати і розвивати ідеї закону про нацбезпеку. Для цього необхідно прийняти або внести зміни в шість законів. Йдеться про нові закони: про СБУ; про створення комітету ВРУ для контролю над СБУ і органами розвідки; про розвідувальну діяльність; про прозорість закупівель в сфері безпеки і оборони; і внесення змін до закону про державну таємницю.

**Ключові слова:** національна безпека, державне управління, Президент України, Служба Безпеки України, Постійне структуроване співробітництво з питань безпеки та оборони.

## ШАГ НАВСТРЕЧУ НАТО

**Аннотация.** Отмечено, что российская оккупация Крыма, дестабилизация восточной Украины и провокации, которые Россия устраивает в воздушном пространстве стран – участниц ЕС, взорвали систему безопасности, установленную после Холодной войны. Существует угроза военной атаки и оккупации территории Европы. В то же время вооруженные контрабандисты переправляют большое количество нелегальных мигрантов через Средиземное море и джихадисты постоянно совершают новые теракты. Доказано, что в Европе только украинская армия имеет опыт ведения боевых действий с российскими войсками, поэтому она может быть полезной для нового оборонного объединения. Поэтому политическое и военное руководство страны получило бы пользу предложив Постоянному структурированном сотрудничеству по вопросам безопасности и обороны (PESCO) военное партнерство для сотрудничества в сфере обороны со странами – членами ЕС, как это уже сделала Грузия.

Охарактеризованы, что в отличие от предыдущего рамочного закона, который носил преимущественно декларативный характер и состоял всего из 12 статей, принят Закон Украины “О национальной безопасности Украины” обеспечивает более четкое регулирование действий Украинского государства по противодействию внешней и внутренней агрессии. Определен исчерпывающий перечень и компетенцию государственных органов и воинских формирований, которые за это ответственны. Эти органы формируют сектор безопасности и обороны.

Кроме того, закон задумывался как рамочный, поэтому для реализации всего потенциала закона нужна работа над другими законопроектами, которые будут уточнять и развивать идеи закона о нацбезопасности. Для этого необходимо принять или внести изменения в шесть законов. Речь идет о новых законах: о СБУ; о создании комитета ВРУ для контроля над СБУ и органами разведки; о разведывательной деятельности; о прозрачности закупок в сфере безопасности и обороны; и внесение изменений в закон о государственной тайне.

**Ключевые слова:** национальная безопасность, государственное управление, Президент Украины, Служба безопасности Украины, Постоянное структурированное сотрудничество по вопросам безопасности и обороны.

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**Thesis statement.** The war in eastern Ukraine and the occupation of part of its territory, which began in 2014, led the state authorities to reform the defence sector. Without an updated legislative framework, it is impossible.

It is quite logical and natural that the law on national security, written during a real war and with the help of foreign advisers, will be different from the laws on the same security and defence of the country in the early 2000s (although the old ones were simply rewritten from the previous laws of 90s).

On April 5, 2018, the Verkhovna Rada adopted in the first reading the presidential bill № 8068 “On National Security of Ukraine”. On June 19, the Committee of the Verkhovna Rada of Ukraine on National Security and Defence recommended the parliament to adopt the bill as a whole. A total of 427 amendments were submitted to the bill, 311 of which the committee rejected.

On June 21, the Verkhovna Rada adopted the Law “On National Security of Ukraine” (№ 8068), 248 deputies voted for this decision. The law defines the principles of state policy in the areas of national security and defence. Among the fundamental national interests of Ukraine are the following: Ukraine’s integration into the European political, economic, security legal space; acquiring membership in the European Union and in the North Atlantic Treaty Organization; the development of equal, mutually beneficial relations with other states. According to its creators, the document introduces novelties that bring Ukraine closer to NATO standards.

During a speech on the occasion of the Constitution Day (June 28, 2018), the President of Ukraine P. Poroshenko said that in the near future he would initiate amendments to the Ukrainian Constitution, which should consolidate Ukraine’s aspirations for membership in the EU and NATO. According to the

president, “European and Euro-Atlantic integration clearly correspond to the national interests of Ukraine”, and they are supported by the majority of Ukrainian citizens [1].

**Analysis of recent research.** In recent periodical and scientific literature, a large number of publications appeared on Ukraine’s accession to NATO. We have previously provided a thorough analysis of the history of Ukraine-NATO relations and the reform of the Armed Forces of Ukraine in accordance with NATO standards [2, 3]. In the periodicals, the interesting results of the population survey concerning the accession to NATO are presented [4]. But until now there is no professional analysis of the new law “On National Security of Ukraine” on the restructuring of the Ukrainian army and novelties that bring Ukraine closer to NATO standards.

**The objective of the study** is to give a brief description of the new Permanent Structured Cooperation (PESCO) program in the field of defence of the EU member states and the possibilities of Ukraine’s military partnership for defence cooperation with the EU member states; to characterize the competitiveness of the Ukrainian Armed Forces in Europe and in the world; to give a brief analysis of the new law “On National Security of Ukraine” which opens new opportunities for closer cooperation with NATO.

**Results.** Bloody conflicts on the border with the EU made the security problem a weakness in the European integration project. According to experts, the reason for such a situation is the reduction of EU spending on the army. In addition, there is no unity and trust

between the participating countries, they assess the risks differently. All this creates obstacles in building a single security strategy.

Therefore, the EU decided to take resolute, specific steps and improve the military cooperation apparatus by establishing by 2025 a full-fledged defence alliance that will exist in parallel with NATO. Of course, one of the reasons for the creation of the EU defence initiative was the unpredictable security policy of the new US president, the fear that the United States would abandon its commitments to NATO, and the desire for greater EU autonomy in European security matters.

In early December 2017, the EU Council decided to launch the Permanent Structured Cooperation program (PESCO) – permanent structured cooperation of the EU member states in the Defence Field. The program will allow jointly to withstand military threats from Russia and to strengthen the defence capability of the European Union. In general, 25 of the 28 EU members joined the new defence alliance.

Today, PESCO employs 17 projects on military training and combat capabilities development, crisis response, troop-contributing, maritime security and response to cyber-threats. The official list of cooperation types, which includes 50 security and defence projects. In addition, the member states of the new EU defence initiative undertook a number of commitments, one of which is an increase in defence budgets. US President Donald Trump also insisted that NATO nations increase their defence spending to 2 % of GDP. Over the past four years, the armed forces of

Ukraine have not only reborn, but have become one of the most effective armies in Europe [5].

The rating of Global Firepower has published the latest results of its research, according to which in 2018 the military forces of Ukraine took 29<sup>th</sup> place among the strongest armies of the world, rising one position in comparison with the last year. The GFP rating is considered one of the most famous in the world. It is comprised of specialists from the oldest British St. Andrew University (St. Andrews University), founded in the early 1410s in Scotland to study information on the armed forces of different countries.

This year, experts analysed the armies of 136 states, using for this more than 50 factors reflecting the development of economy, industry, the availability of labour force, natural resources, diversity of armed forces. Nuclear-weapon states or NATO members received bonus scores.

In the past few years, the United States, Russia and China made the top three leaders. India is ranked fourth. With regard to Ukraine, our neighbours in the rating are the Czech Republic (30<sup>th</sup>) and Greece (28<sup>th</sup>). According to GFP, 182,000 people are serving in the Ukrainian army (the Defence Ministry announced about 250,000), and the Ukrainian defence budget was almost 4,9 USD. However, as you know, the defence budget of Ukraine includes expenditures on the maintenance of all security forces, and not just the armed forces.

In previous years, Ukraine has taken higher positions in GFP. For example, in 2014 we were in the 21<sup>st</sup> place, and in 2015 – in the 25<sup>th</sup> place. The reason for

this was the sharp decrease in the number of tanks and aircraft. So in 2014, according to GFP, we had 4112 tanks and 400 military aircraft, and in 2015 – already 2809 and 222 respectively. Such a decrease can be explained by active military actions in the Donbass. However, higher positions in comparison with 2018 do not mean that the Ukrainian army was better four years ago.

But with the help of such ratings it is impossible to objectively assess the true capabilities of the military forces. The true assessment can only be a combat experience. And in this respect, the AFU is the only European army that has experience of confrontation with one of the strongest armies in the world [6].

According to the authoritative “Rating of Military Power” according to the version of Global Firepower, today the armed forces of Ukraine are the 8th largest army in Europe. The first place in the ranking of the strongest armies of Europe is still held by France, the army of the United Kingdom occupies the second position.

The index is determined on the basis of 55 factors, including quantitative and qualitative indicators of the personal component and army, level of financing, military reserve, population, logistics, geographical position of the country and even the availability of natural resources. However, the main criterion for this authoritative rating is the human factor. Thus, according to Global Firepower, today 44 million people live in Ukraine [7].

By Decree № 21 of February 2, 2018, the President of Ukraine Petro Poroshenko approved the decision of the National Security and Defence

Council of January 17, 2017 on the introduction of the Law “On National Security of Ukraine” to the Verkhovna Rada [8]. The bill was developed in close cooperation with experts from NATO, the United States and the European Union in order to harmonize the Ukrainian legislative framework with the standards of the North Atlantic Alliance. The bill sets itself the task of Ukraine’s membership in both the European Union and the North Atlantic Treaty, which should be an unconditional guarantee of the security, sovereignty and territorial integrity of the state. A few days before the adoption of the law, June 15, 2018, the advisers of the International Advisory Group of NATO countries met with representatives of the Verkhovna Rada of Ukraine. At this meeting, the Western partners pointed to amendments that need to be put into the bill by June 22. Among these key requirements are the transparency of financing of the defence sector, the division of powers between the Chief of the General Staff and the Commander-in-Chief of the Armed Forces of Ukraine (AFU). All these key requirements were supported by voting in the Verkhovna Rada. On June 21, the Verkhovna Rada adopted the Law “On National Security of Ukraine” (№ 8068) [9].

Unlike the previous framework law, which was mainly declarative and consisted of only 12 articles, the adopted Law “On National Security of Ukraine” provides for a more precise regulation of the actions of the Ukrainian State to counter external and internal aggression. An exhaustive list and competence of state authorities and military formations responsible for this are de-



terminated. These bodies form the security and defence sector.

The law contains five sections. Section I defines the terms used in the Law.

Section II establishes legal principles of state policy in the field of national security and defence, fundamental national interests of Ukraine, including ensuring state sovereignty and territorial integrity, integration of Ukraine into the European political, economic, legal space, membership in the European Union and in the North Atlantic Treaty Organization.

The threats to the national security of Ukraine and the relevant priorities of the state policy in the fields of national security and defence are defined in the National Security Strategy of Ukraine, the Strategy of military security of Ukraine, the Strategy of cybersecurity of Ukraine, other documents on national security and defence, which are approved by the National Security and Defence Council of Ukraine and are approved by Decrees of the President of Ukraine.

Section III defines the principles and mechanisms of civil democratic control, powers to exercise such control of legislative, executive and judicial power, local self-government bodies and civil society.

Section IV defines the composition of the security and defence sector and the legal status of the main bodies that are part of it, as well as management and coordination in the field of national security.

According to the Law, the security and defence sector of Ukraine consists of four interconnected components: security forces; defence forces; defence industrial complex; citizens and public as-

sociations that voluntarily participate in ensuring national security. Functions and powers of the components of the security and defence sector are determined by the legislation of Ukraine.

Section V regulates planning in the field of national security and defence, defines the basic documents of long-term planning, in particular the National Security Strategy of Ukraine, the Strategy of Military Security of Ukraine, the Strategy of Public Safety and Civil Protection of Ukraine, the Strategy of Development of the Defence Industry of Ukraine, the Strategy of Cybersecurity of Ukraine, the National Intelligence Program, as well as the procedure for their formation and implementation in the documents of the medium and short-term planning.

The rules of law, prepared in close cooperation with experts from NATO and the EU, determine not only the rights but also the specific responsibilities of the highest state bodies in the field of national security management. In particular, the terms and procedure for the preparation of strategic documents, according to which the army, the police and special services should develop, shall be established. There are clear requirements for their content. The public will be able to control how the declared intentions of the authorities have been implemented.

The new law stipulates that the expenditures for financing the security and defence sector of Ukraine should amount to at least 5 percent of GDP, with at least 3 percent to finance the defence forces.

The new law provides for the transfer of great power into the hands of the

president in a martial law. Also, the law sets out a new system for ensuring the national security and authority of each of its subjects. As the law says, the division of the security forces and defence forces in Ukraine for the first time is introduced. Security forces are mainly law enforcement agencies, as well as intelligence, whose purpose is to protect the national security of Ukraine. This is the Ministry of Internal Affairs and the SSU. Defence forces are the Armed Forces of Ukraine, the main task of which is the defence of the state from external threats (Article 1).

The leadership in the field of national security is carried out by the president, who is the supreme commander-in-chief. He submits to the Verkhovna Rada a statement on the declaration of war and decides on the use of armed forces in the event of military aggression against Ukraine.

In addition, the President announces the full or partial mobilization, agrees upon a decision on the introduction of a martial law in Ukraine or in some of its areas in the event of a threat of attack, a danger to state independence. In particular, it clarifies the powers of the President regarding the strategic control of the National Guards through the General Staff of the AFU during the martial law.

Given the ongoing hostilities in eastern Ukraine and the threat of expanding aggression of Russia, it is difficult to overestimate the importance of introducing NATO standards into the military command structure. The rules of the law replace inherited from the USSR overly centralized command line, which did not allow local com-

manders to respond in a timely manner to changes in the situation, changing it to the NATO model.

In accordance with the law, the concept of a civilian defence minister is introduced for the first time in Ukraine (Article 15). His duty is the military-political and administrative leadership of the Armed Forces of Ukraine. Civilians should also be deputy defence ministers. Thus, the leaders of the ministry will be responsible only for resource management, military personnel policy and comprehensive meeting the needs of the Armed Forces.

In this case, the military leadership of the Pan-Ukrainian Armed Forces is the duty of the Commander-in-Chief (Article 16), which is appointed by the President of Ukraine at the request of the Minister of Defence. The Commander-in-Chief leads the troops through the Staff, commander of which subordinates him.

Before that, all the responsibilities for the preparation of the Ukrainian Armed Forces and their application were combined with one person - it was the Chief of the General Staff (hereinafter — GS). Today, General of Ukraine Viktor Muzhenko, the General Staff and the command of the branches of the troops are responsible for preparing units of the Armed Forces, as well as for planning and conducting military operations.

The new law on national security should facilitate the duties of the Chief of the General Staff. It stipulates that the chief of the GS and the commanders of the branches of the forces will be responsible only for the preparation of the units of the Armed Forces on the basis of the resources and personnel for

which the Ministry of Defence is responsible.

The commander-in-chief, to whom Joint Force Commander and Chief of the Joint Operational Staff will be accountable, will be responsible for planning and conducting operations based on prepared units of the AFU to be transferred to his command.

The responsibility for the training of troops is assigned to the Commanders of the branches of the troops (Land, Air Force, and Navy), as well as to the equal by the status Commander of the Air Assault Force and the Commander of the Special Operations Forces. Their powers regarding the choice of military equipment and armaments for subordinate commanders of troops, ways of their training will increase.

Such a structure fully meets the requirements of NATO and should improve the management of troops in Ukraine. If everything goes well, then after 5 years Ukraine can apply for NATO membership.

The second key requirement of the Allies of Ukraine is the transparency of the Ministry of Defence's finances. The law first introduces the concept of civilian control over the country's defence budget. According to the law, citizens can control finances both personally through the Commissioner for Human Rights and through public associations (Article 10).

The law achieved the maximum transparency of the defence budget, which will be limited only by the Law "On State Secrets". In our country, the defence budget is 160 billion UAH. Of these, only one tenth part, about 16 billion, will be classified. This is a state defence order, disclosure of this

information can put the country under attack.

The state secret will be only information with the corresponding stamp. At the same time, the information marked "for official use" and "for internal use" will become accessible to citizens and journalists. Thus, citizens of Ukraine will have the opportunity to control the security and defence sector on the basis of the mechanisms and practices that are in the NATO countries. But without amending the Law on State Secrets (which is not provided for in the Final and Transitional Provisions of the Law), although the new version broadens citizens' access to defence information, it does not solve the problem.

In addition, the law also introduces the notion of civilian control over the security and defence sector. It gives the Verkhovna Rada a large range of security and defence sector control instruments. A separate committee of the Verkhovna Rada, which will be in charge of the SSU and intelligence, will be created. The composition and functions of this Verkhovna Rada Committee will be more detailed in a special law to be adopted in the next six months after the entry into force of the law on national security.

Also, the Verkhovna Rada rejected the suggestion to consolidate in a new basic law the creation of a special defence and industrial complex (DIC) responsible for the formation and maintenance of state defence and industrial policy in the system of central executive power. Nowadays, in accordance with the current law of Ukraine, the state-owned enterprise "Ukroboronprom", created in 2010, provides management

of state-owned items in the defence industry. At the same time under the current conditions, according to the military department, the private sector of the defence industry, which now has more than 100 defence companies, provides about 50 percent of the state defence order.

A separate place in the security sector belongs to the National Guard. In accordance with the law, the National Guard is a military formation with law enforcement functions (Article 18). Among these functions are the provision of state security and protection of the state border of Ukraine, the cessation of terrorist activities, the activities of illegal militarized or armed groups, organized crime groups and organizations.

In peacetime, the National Guard together with the police and the SSU is part of the security forces, and in wartime it passes from the Security Forces to the Defence Forces by a decree of the President. During the war, the strategic leadership of the National Guard is exercised by the President of Ukraine through the General Staff of the Armed Forces of Ukraine. Such a revision of the rule of law was voiced at the meeting of deputies and international partners.

The Security Service of Ukraine is envisioned to provide state security: countering intelligence and subversion activities against Ukraine; the fight against terrorism; counter-intelligence protection of state sovereignty, constitutional order and territorial integrity, defence and scientific and technical potential, cybersecurity, economic and information security of the state, objects of critical infrastructure; protection of state secrets.

The head of the SSU is appointed and dismissed from office by the Verkhovna Rada at the request of the President of Ukraine. It was established that the SSU is a state body of special purpose with law enforcement functions, which ensures the state security of Ukraine. There were a lot of comments from the deputies and public associations about the powers of the SSU. The parliamentarians of certain fractions demanded that this service be deprived of its not inherent functions in the sphere of economy and the fight against corruption, since, in their words, these powers already exist in the newly established law enforcement agencies (NABU, SAP, SIB), and the Security Service now uses them for their own selfish purposes. But the Verkhovna Rada did not support these changes.

According to the law, the Office of the State Protection of Ukraine is subordinated to the president and under the parliament control. The head of the OSP is appointed and dismissed from office by the president. [10]

**Conclusion and prospects for further research.** The adopted law will allow the President of Ukraine more effectively represent the interests of our state on the Brussels Summit of NATO on July 11–13, 2018. Now it is possible to ask questions not only about expanding cooperation, but also about a new format of cooperation such as the Enhanced Opportunities Partnership.

NATO's Brussels Summit has accepted declarative but rather important decisions for Ukraine. They did not invite Ukraine to the Enforcement Partnership – France and the Netherlands opposed such a step, considering it premature.

However, NATO countries recognized the Ukrainian aspiration to become a member of the bloc, and also reaffirmed the decision of the Bucharest summit decades ago on the open door of the Alliance. Despite the fact that it is not about any official status (which gives a plan of action for membership in NATO), this decision is also important. In any case, for the last 4 years, the Alliance has been consistently, albeit not rapidly, rapprochement with Ukraine. And the prospect of such a rapprochement can be seen on the example of Georgia. The Alliance declared that the Georgians are moving towards NATO membership and will also receive an action plan for membership in NATO.

With this, the new law can not be accepted as the end of the process of reforming the security and defence sector. Many of its key parts will enter into force only in 2019 and 2021. For example, a civilian defence minister will appear in Ukraine next year, and the division of powers in the General Staff is postponed until 2021. But one way or another, the law on national security gives a start and a basis for further work. This is definitely a big step in the right direction, which makes us closer to NATO.

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## **THEORETICAL ASPECTS OF MANAGEMENT OF DEVELOPMENT OF SOCIAL INFRASTRUCTURE IN THE REGION**

**Abstract.** The article summarizes the theoretical and methodological aspects of the development of social infrastructure in the region, identifies the main stages of its development, types and characteristics of the system, which together form the basis for further methodological research and determine the importance of social infrastructure for the socio-economic development of the regions of Ukraine.

Trends in the development of social infrastructure intensified until the middle of the XX century, as a consequence of the formation of a market economy. Within the framework of the scientific and technical revolution, there was a need, firstly, to increase the quality parameters of the personnel at the expense of intelligence, promotion of healthy lifestyles, deformation of the motives of work, which involved the formation of various sectors of social infrastructure; secondly, in the areas of social infrastructure, a new material and technical base was created, which provided high efficiency of its functioning; third, the development of material production sectors was accompanied by a significant reduction in social disparities.

Creation, development and support of infrastructure, including social, in Ukraine, as well as in the world – the task of the state. Effective functioning and development of the social infrastructure of the regions is possible only with comprehensive and integrated state support. In the article it is found out that the main tasks of management of processes of creation of social infrastructure in Ukraine in modern conditions are: to correspond to dynamics of changes in economic system and in due time to react to new factors of influence; to carry out the analysis of theoretical laws of formation of social infrastructure; to assess the state of national infrastructure in General and social infrastructure in particular and what has happened in Ukraine in recent years, reducing the factors of infrastructure growth; to show the role of social infrastructure as a fundamental basis in the construction of a modern city; to find ways to create a social infrastructure adequate to the transformations that occur within the country; to identify patterns that affect the change of existing standards of formation and modernization of social infrastructure.

**Keywords:** state, management, infrastructure, social infrastructure, management of social infrastructure, objects of social infrastructure, tasks of management of processes of creation of social infrastructure.

## **ТЕОРЕТИЧНІ АСПЕКТИ УПРАВЛІННЯ РОЗВИТКОМ СОЦІАЛЬНОЇ ІНФРАСТРУКТУРИ РЕГІОНУ**

**Анотація.** Узагальнено теоретичні та методологічні аспекти розвитку соціальної інфраструктури регіону, виявлені основні етапи її розвитку, типи і характеристики системи, які разом утворюють основу для подальших методологічних досліджень і визначають значущість соціальної інфраструктури для соціально-економічного розвитку регіонів України.

Тенденції розвитку соціальної інфраструктури активізувалися до середини ХХ ст., як наслідок формування ринкової економіки. У рамках науково-технічної революції виникла потреба, по-перше, збільшення якісних параметрів кадрового складу за рахунок інтелекту, пропаганди здорового способу життя, деформації мотивів праці, що передбачало формування різних галузей соціальної інфраструктури; по-друге, у сферах соціальної інфраструктури була створена нова матеріально-технічна база, яка забезпечувала високу ефективність її функціонування; по-третє, розвиток галузей матеріального виробництва супроводжувався значним скороченням соціальних диспропорцій.

Створення, розвиток і підтримка інфраструктури, у тому числі і соціальної, в Україні, як і в усьому світі — завдання держави. Ефективне функціонування і розвиток соціальної інфраструктури регіонів можливий тільки за умови всебічної та комплексної державної підтримки. Обґрунтовано, що головними завданнями управління процесами створення соціальної інфраструктури в Україні в сучасних умовах є такі: відповідати динаміці змін у господарській системі і своєчасно реагувати на нові фактори впливу; здійснювати аналіз теоретичних закономірностей формування соціальної інфраструктури; оцінювати стан національної інфраструктури в цілому та соціальної інфраструктури, зокрема і те, що сталося в Україні за останній період зниження факторів зростання інфраструктури; показати роль соціальної інфраструктури як фундаментальної основи в конструюванні сучасного міста; знайти шляхи створення соціальної інфраструктури, адекватної перетворенням, що відбуваються всередині країни; виявити закономірності, які впливають на зміну існуючих стандартів формування та модернізації соціальної інфраструктури.

**Ключові слова:** держава, управління, інфраструктура, соціальна інфраструктура, управління створенням соціальної інфраструктури, об'єкти соціальної інфраструктури, задачі управління процесами створення соціальної інфраструктури.

## **ТЕОРЕТИЧЕСКИЕ АСПЕКТЫ УПРАВЛЕНИЯ РАЗВИТИЕМ СОЦИАЛЬНОЙ ИНФРАСТРУКТУРЫ РЕГИОНА**

**Аннотация.** Обобщены теоретические и методологические аспекты развития социальной инфраструктуры региона, выявлены основные этапы ее

развития, типы и характеристики системы, которые вместе образуют основу для дальнейших методологических исследований и определяют значимость социальной инфраструктуры для социально-экономического развития регионов Украины.

Тенденции развития социальной инфраструктуры активизировались до середины XX в., как следствие формирования рыночной экономики. В рамках научно-технической революции возникла потребность, во-первых, увеличение качественных параметров кадрового состава за счет интеллекта, пропаганды здорового образа жизни, деформации мотивов труда, что предполагало формирование различных отраслей социальной инфраструктуры; во-вторых, в сферах социальной инфраструктуры была создана новая материально-техническая база, которая обеспечивала высокую эффективность ее функционирования; в-третьих, развитие отраслей материального производства сопровождалось значительным сокращением социальных диспропорций.

Создание, развитие и поддержка инфраструктуры, в том числе и социальной, в Украине, как и во всем мире — задача государства. Эффективное функционирование и развитие социальной инфраструктуры регионов возможен только при условии всесторонней и комплексной государственной поддержки. Обосновано, что главными задачами управления процессами создания социальной инфраструктуры в Украине в современных условиях являются такие: соответствовать динамике изменений в хозяйственной системе и своевременно реагировать на новые факторы влияния; проводить анализ теоретических закономерностей формирования социальной инфраструктуры; оценивать состояние национальной инфраструктуры в целом и социальной инфраструктуры в частности и то, что произошло в Украине за последнее время снижение факторов роста инфраструктуры; показать роль социальной инфраструктуры как фундаментальной основы в конструировании современного города; найти пути создания социальной инфраструктуры, адекватной преобразованиям, что происходят внутри страны; выявить закономерности, которые влияют на изменение существующих стандартов формирования и модернизации социальной инфраструктуры.

**Ключевые слова:** государство, управление, инфраструктура, социальная инфраструктура, управление созданием социальной инфраструктуры, объекты социальной инфраструктуры, задачи управления процессами создания социальной инфраструктуры.

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**Problem statement.** The processes of globalization, characterized by the transformation of the global economic trends of a socially oriented market economy, which requires in-depth study of the objective laws of social development to create new mechanisms to increase the quality of life of the population. Social infrastructure occupies one of the most important places

in the economy of any state, as well as in the economies of individual regions. Currently, sociologists, economists, political scientists around the world agree that the health of the population, its level of education and skills are among the leading factors of economic growth. Investing today in the development of social infrastructure, through which the population receives the necessary material and social benefits, a set of social rights and guarantees, the state is preparing the foundation for its socio-economic well-being in the future.

**Analysis of recent research and publications.** Problems of management of development of social infrastructure of the region are covered in the works of both foreign and domestic scientists. A significant contribution to the study of the influence of the state on the social and economic relations was made by such scientists P. Bieliienkyi [6], M. Butko [2], A. Vsyliiev [3], B. Danylyshyn [4], N. Ivanova [2], S. Kyrychenko [11], L. Kovalska [9], M. Komarov [10], V. Krasovskiy [8], S. Ishchuk [7], T. Kulinich [7], V. Krupin [7], [9], S. Tkach [7], A. Tkach [12], etc. The ideas and provisions set out in the works of these authors served as the basis for the further development of social infrastructure. However, despite numerous studies, they have a general scientific meaning and are characterized by a more descriptive nature.

**Formulation of the aims of the article.** The purpose of this article is to study the main theoretical aspects of management of social infrastructure development in the region in Ukraine.

**Presentation of the main material of the study.** Trends in the development of social infrastructure intensified

until the middle of the XX century, as a consequence of the formation of a market economy. Within the framework of the scientific and technical revolution, there was a need, firstly, to increase the quality parameters of the personnel at the expense of intelligence, promotion of healthy lifestyles, deformation of the motives of work, which involved the formation of various sectors of social infrastructure; secondly, in the areas of social infrastructure, a new material and technical base was created, which provided high efficiency of its functioning; third, the development of material production sectors was accompanied by a significant reduction in social disparities.

Scientific approaches to the definition of problems of life as a society as a whole, and a single individual were determined before this phenomenon was framed in a separate category of concepts.

The term “infrastructure” appeared in science in the 40-ies of XX century, and in 50-ies of the twentieth century when scientists began using it to explain economic processes. The concept of “infrastructure” in the general context provides for sectoral management, serving industrial and agricultural production [3, p. 64].

As a result, the spread of this term occurred both in the framework of economic teachings, and later in the framework of the teachings of society. A specific characteristic in the definition of approaches to the interpretation of this concept was not only the material and technical support, but also the assessment of quality parameters of life of the population in terms of meeting their needs. Thus, P. Rosenstein-Rodan con-

siders infrastructure as a systematized environment conducive to the favorable development of the private sector in the sectoral structure of the economy, the main purpose of which is to meet the needs of the population [12, p. 62].

D. Galbraith put forward the view that the development of economic imbalance is in direct dependence on public consumption, as the entire resource base is fully consumed in the production of consumer goods, and not leave enough resources to meet public needs and infrastructure [2, p. 91].

The interdependence of economic interests and objective laws in the structuring of infrastructure elements, primarily provide for the activities of human labor. Further, the formation of infrastructure echoed with the increase in the level of availability of consumer conditions as a single individual (employee) and his family.

In Russian economic science at the turn of 60–70-years of XX century, the problems, including the formation of environmental, industrial and social infrastructure have intensified, since at the beginning of the 80-ies of the twentieth century the term “market infrastructure” comes in the practice that defines the subsystem of the sphere of circulation [7, p. 57]. The specific variability of infrastructure leads to the conclusion that within the framework of modernization there are new forms of structures that subsequently form new types of relevant infrastructure.

Separating infrastructure subsystems by the scale of formation, it should be noted that economic structures are the constituent elements of each system and act as systems themselves, as they have the appropriate infrastructure.

Let us dwell on the regional infrastructure, which is associated with all kinds of social reproduction. In the structure of this complex the processes associated with material production, and the diversity of spheres of human activity, including the social sphere are concentrated. Negative factors hindering the formation and development of regional infrastructure have a negative impact on the dynamics of the economy of the region as a whole.

Over time, the opinion on the elements of the regional infrastructure evolved from a complex of military structures to the underlying national economy — public subsidiary of capital, which is conducive to sustainable industrial and socio-economic development of the territories [4, p. 75].

By form of ownership infrastructure is divided into: state, municipal, private and mixed. As a subject of public infrastructure the authorities and organizations of the state and regional level act, the property of individuals and legal entities is a private infrastructure, a mixed one provides for public-private partnership.

Regional infrastructure in modern reality is represented by a multi-level organizational and economic system, including: production, social, network, institutional and life support infrastructure.

L. Kovalska gives the following definition of social infrastructure as such, which is a subsystem of the economy, which creates and implements social infrastructure benefits — general conditions of operation of the society as a subject of economic decision-making throughout the economy and the object of formation of the endogenous



rules of decision-making (institutions), that is represented by a set of organizations and facilities of housing, cultural-household, commercial and medical purposes [6, p. 68].

Creation, development and support of infrastructure, including social, in Ukraine, as well as in the world is the task of the state. Effective functioning and development of the social infrastructure of the regions is possible only with comprehensive and integrated state support. Program-target planning is such a tool of state support.

Another mechanism of support and development of social infrastructure in the regions is the mechanism of public-private partnership (PPP). The experience of Western countries with developed economies shows that the state cannot solve large projects on its own without outside investment and business support.

Regions have great prospects for the development of PPP, if the state provides guarantees for a minimum profit from the project, and banking institutions and insurance companies reduce investment risks. This will attract not only large but also small firms. For example, business begins to actively develop in the fields of infrastructure construction, education and health, but with sufficient participation of the state or in the form of budget resources or preferential terms for investments [1, p. 82].

The main tasks of management of processes of creation of social infrastructure in Ukraine in modern conditions are as follows:

1. To correspond to the dynamics of changes in the economic system and respond to new factors of influence.

2. To conduct the analysis of theoretical regularities of formation of social infrastructure.

3. To assess the state of national infrastructure in general and social infrastructure in particular and what has happened in Ukraine in recent years, the reduction of factors of infrastructure growth.

4. To show the role of social infrastructure as a fundamental basis in the construction of a modern city.

5. To find ways to create a social infrastructure adequate to the changes that are taking place within the country.

6. To identify patterns that affect the change in existing standards of formation and modernization of social infrastructure.

7. To adapt new standards in the Ukrainian climatic, geographic, and economic features.

The result of solving the above tasks should be: evaluation, standards, evidence-based programs, model of social infrastructure and scientific and conceptual conclusions and recommendations.

A special place in the management system is played by the analysis. Economic analysis is a general methodology, a way of solving problems as a management function involves the assessment of internal and external factors of the situation, trends of development of production processes, the possible reserves of increasing the effectiveness of social infrastructure [10, p. 56].

Thus, we can conclude that for the harmonious development of the social infrastructure it is reasonably necessary to have increase of capacity (introduction of new places in kindergartens,

schools, increase the number of beds and the like) [5, p. 43].

The main role in the system of regional infrastructure is given to social infrastructure, which, based on its specific structure, which includes a set of quantitative and qualitative parameters of social well-being, determines the regional social structure.

The analysis of social infrastructure is based on the following set of methods:

1. System; this method considers the object as a system with all its components – subsystems, reveals the relationship between them, and determines the degree of influence of the environment on the object;

2. Situational; this method involves the analysis of any situation, using typical research processes;

3. Dialectical; it represents the base of special research methods: necessary and random, abstract and concrete, crushing and combining General and particular, main and concrete, statics and dynamics

4. Reflexive; this method as a home base involves the analysis of systematized and available information about internal and external environment of the object [10, p. 251].

As the social infrastructure of the region one should consider an industry complex (education, culture and art, health, physical education and sports), whose function is to ensure sustainable regional socio-economic development, improve the quality of life of the population and contribute to the rational organization of activities.

The main elements of the regional social infrastructure include the following types of resources:

- capital structures, buildings, equipment, etc.);

- non-financial (information support, personnel services, etc);

- organizational and managerial (planning, organization, control, functioning, etc.) [11, p. 52].

It should be noted that organizational and managerial resources act as a link between capital and non-financial elements of social infrastructure.

The social infrastructure of the region is separated by the main system characteristics: consistency; functionality, dynamism.

The main function of the social infrastructure is the provision of various non-productive services that meet the vital needs of the population, which are:

- protection and improvement of public health;

- satisfaction of the conditions for the reproduction of a population of power;

- formation of conditions for progressive dynamics of demographic processes;

- implementation of the principle of accessibility of social infrastructure services throughout the region, means of smoothing territorial imbalances in the socio-economic development of the region;

- development of the basic conditions for the full realization of the abilities of each individual by means of the structuring of consumer values [9, p. 37].

Elements of social infrastructure should be structured on the basis of the following criteria: industry structure, composition, nature of objects, level of development of consumer value.

According to the sectoral structure the social infrastructure is determined by the branches of education, culture and sports, health, physical education and sports.

The corporate level of social infrastructure is aimed at the employees of the companies, and the territorial level is focused on the properties of life of the population of the region as a whole.

The social infrastructure is divided into “hard” and “soft”. A “hard” one includes structures, buildings, that is, all that is the material basis for the implementation of socio-economic activities. “Soft” one includes non-financial and organizational management resources that are associated with the provision of services and in most cases difficult to define and measurable, often described by subjective characteristics.

From the point of view of providing services to the consumer, the social infrastructure includes the following elements:

1. Universal services (medical services, educational services, sports, leisure activities);

2. Objects that are designed to provide services throughout the life cycle from birth to the end of life act as targeted services (kindergartens, educational institutions, pension funds);

3. Services for people with special needs and disabilities. In this context, dynamism is defined by processes such as modernization and transformation. Modernization processes, as a result of which there is an accumulation of quantitative transformations of elements and relationships between them, then flow into the transformation processes.

According to the cycle of functioning, social infrastructures are divided

by maturity into: developing countries, developed countries and “output” elements. At each stage of the cycle there may be different states, which are characterized by a certain set of parameters, the functioning of which depends on the dynamics of the phenomenon. As a result, this fact allows to split subclasses: dominant, stagnant, crisis, depressive and such that social infrastructure is being transformed.

The level of development distinguishes the infrastructure that is behind the previous system and the new one that is being formed. In the development of infrastructure there are slow and consistent changes, adaptation, but there can be a sharp change of “gradual breaks”, which are the result of socio-economic crises of the economic system.

#### **Conclusions from this study and prospects for further exploration.**

Analysis of the system characteristics of the social infrastructure of the region allows to determine its features:

1. Social infrastructure sectors complement each other, some infrastructure cannot be replaced by others, they coexist only in a complex, interactive environment.

2. As a product of social infrastructure a service that does not create a new product, and are the result of work, which adds new value to the value of the already created product should be considered.

3. Social infrastructure services are not transferred, they are provided only to the population of the region, they can not be imported, they are not subject to storage, accumulation or reservation.

4. The demand for social infrastructure services is individual. In some

periods of life, a person needs services for the upbringing of children, after that – the need for higher professional education, for some – the need for sports, for others – the need for culture. At the same time, there are people with disabilities, as well as special needs related to traditions and ethnic relations. Consequently, social infrastructure cannot be viewed in isolation from the values and orientations of individuals, groups and associations.

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## **PUBLIC MANAGEMENT: SCIENTIFIC AND SUBSTANTIVE DISCOURSE**

**Abstract.** The article is devoted to the scientific discourse on the essence of public administration as a model of management of the affairs of society, which should be continued in the future to create the basis for the legislative consolidation of the term ‘public administration’ in Ukraine.

It should be noted that the concept of ‘public administration’ is not fixed in the Ukrainian legislation. At the same time, this research has once again confirmed that the concept of ‘public management’ is already in the scientific circulation. In the process of reforming public administration in Ukraine, certain steps were taken to establish and develop public administration. In addition, we note that ‘Public Management and Public Administration’ are included in the list of fields of knowledge and specialties for which higher education graduates are trained.

At present, evolutionary processes of public management formation are taking place in Ukraine, but practically management of the affairs of Ukrainian society is still carried out through administration, and some elements of management



take place only. This concerns both functional and organizational structures and almost unmodern relations between them, as well as the absence of other management mechanisms inherent in management.

Governance of the country as a social and economic system requires the involvement of representatives of the whole civil society in the process of making managerial decisions. Thus, governance at the state level acquires the features of publicity, and the development of the theory and practice of state governance creates grounds for awareness of the leading role of public administration in a social evolutionary context.

It was established that the transition to public administration is connected with the 'denationalization of management': the deconcentration and decentralization of functions and powers between the subjects of management; an increase in the subjects of management; and applying best management practices. We proposed state governance, which is carried out through administration, to denote as 'public administration'. When applied, the elements of management, even at the transitional stage of development of society from administration to management as 'public management'. Administration and management are varieties of management, its evolutionary levels.

**Keywords:** discourse, governance, public administration, democracy, public management.

### **ПУБЛІЧНЕ УПРАВЛІННЯ: НАУКОВО-СУТНІСНИЙ ДИСКУРС**

**Анотація.** Визначено сутність публічного управління як моделі управління справами суспільства для створення підґрунтя законодавчого закріплення терміна "публічне управління" в Україні.

Зауважимо, що в українському законодавстві не закріплено поняття "публічне управління". Водночас цим дослідженням ще раз підтверджено, що поняття "публічне управління" вже у науковому обігу. У процесі реформування державного управління в Україні також здійснено певні кроки до становлення й розвитку публічного управління. Крім цього, зауважимо, що до переліку галузей знань і спеціальностей, за якими здійснюється підготовка здобувачів вищої освіти, внесено "Публічне управління та адміністрування".

Наразі в Україні відбуваються еволюційні процеси формування публічного управління, але практично управління справами українського суспільства все ще здійснюється через адміністрування, лише окремі елементи менеджменту мають місце. Це стосується як функціонально-організаційних структур, так і майже немодернізованих зв'язків між ними, а також відсутності інших механізмів, притаманних менеджменту.

Управління країною як соціально-економічною системою потребує залучення до процесу прийняття управлінських рішень представників всього громадянського суспільства. Таким чином управління на рівні держави набуває рис публічності, а розвиток теорії та практики державного управління

створює підстави для усвідомлення провідної ролі публічного управління в суспільному еволюційному контексті.

Установлено, що перехід до публічного управління пов'язаний з “роздержавленням управління”: деконцентрацією й децентралізацією функцій й повноважень між суб'єктами управління; збільшенням суб'єктів управління; застосуванням кращих практик менеджменту. Запропоновано державне управління, яке здійснюється через адміністрування, позначати як Public administration. При застосуванні, елементів менеджменту, навіть на перехідному етапі розвитку суспільства від адміністрування до менеджменту — “Public management”. Адміністрування й менеджмент є різновидами управління, його еволюційними рівнями.

**Ключові слова:** дискурс, управління, державне управління, демократія, публічне управління.

## ПУБЛИЧНОЕ УПРАВЛЕНИЕ: НАУЧНО-СУЩНОСТНЫЙ ДИСКУРС

**Аннотация.** Обозначена сущность публичного управления как модели управления делами общества для создания основы законодательного закрепления в Украине термина “публичное управление”.

Отмечено, что в украинском законодательстве не закреплено понятие “публичное управление”. В то же время этим исследованием еще раз подтверждено, что понятие “публичное управление” уже в научном пользовании. В процессе реформирования государственного управления в Украине также осуществлены определенные шаги к становлению и развитию публичного управления. Кроме этого, заметим, что в перечень областей знаний и специальностей, по которым осуществляется подготовка соискателей высшего образования, внесены “Публичное управление и администрирование”.

Сейчас в Украине происходят эволюционные процессы формирования публичного управления, но практически управление делами украинского общества все еще осуществляется через администрирование, только отдельные элементы менеджмента имеют место. Это касается как функционально-организационных структур, так и почти немодернизированных связей между ними, а также отсутствия других механизмов, присущих менеджменту.

Управление страной как социально-экономической системой требует вовлечения в процесс принятия управленческих решений представителей всего гражданского общества. Таким образом, управление на уровне государства приобретает черты публичности, а развитие теории и практики государственного управления создает основания для осознания ведущей роли публичного управления в общественно-эволюционном контексте.

Установлено, что переход к публичному управлению связан с “разгосударствлением управления”: деконцентрацией и децентрализацией функций и полномочий между субъектами управления; увеличением субъектов управления; применением лучших практик менеджмента. Предложено

государственное управление, которое осуществляется через администрирование обозначать Public administration. При применении, элементов управления, даже на переходном этапе развития общества от администрирования к менеджменту – “Public management”. Администрирование и менеджмент являются разновидностями управления, его эволюционными уровнями.

**Ключевые слова:** дискурс, управление, государственное управление, демократия, публичное (общественное) управление.

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**Problem statement.** Ukraine has chosen a democratic way of its development, and democratic principles of governance in the affairs of society radically change the nature and structure of the management of social, political, economic, social and other processes in the state.

The experience of other countries that build democratic social relations points to significant changes in the system of state governance as development of public management. At the same time, public management has its own peculiarities, with different accents in each country.

Discussion is continuing around the definition of the concept of ‘public management’ in the scientific community. And considering the fact that Ukraine, during the entire period of its independence, is actively reformed the system of public administration and intends to move to a democratic model of governance of public affairs as public administration the term ‘public’ is sometimes automatically used instead of the term ‘state’.

The mentioned above actualizes the continuation of the discussion on the essential features of public administration as a model of management of public affairs.

**The analysis of recent researches and publications** of the authors, namely: O. Amosov, N. Havkalova, N. Honharuk, M. Lakhyzha, N. Nyzhnyk, L. Novak-Kaliaieva, R. Melnyk, O. Melnychenko, P. Petrovskiy and I. Skvirskiy, etc. It points to active scientific research aimed at disclosing the essence of public management and defining it as a concept.

**The purpose of the article** is introduction the nature of public management to the scientific discourse.

**Presentation of the main material.** S. Chyshko argues that the discourse was addressed when ‘the most important becomes the context field, in particular the social context, and then the sign context (intertextuality as text fields and text sequences’ [1]. Discourse is based on certain practices, activities that ‘create meaning’ [2, p. 159], and not vice versa. According to P. Petrovskiy, ‘the significance of discourse for Ukrainian state formation is that it is an effective means of substantiating the development of society and the state’ [3].

At the beginning of the 20<sup>th</sup> century, government had its manifestation through administration in most countries of the world. In our opinion, using the term ‘public administration’, we

can talk about public administration or state governance (even in the broad sense) through administration.

Quite often, the phrase 'public management' as well as 'public administration' is translated into Ukrainian as state governance or state administration. But 'public management' is a management that based on management rather than administration.

The transformation of 'public administration' into 'public management', took place in an evolutionary way in particular in the Western Europe: with the development of democratic relations in society, the activation of civil society in solving common issues (the transfer is not complete the power of the state, the activities of non-state institutions in the management chain, etc.), with the first elements of management in the system of state authorities (elements of management from the private sector, if they are effective, will also be effective in the state) and further development of public management mechanisms (public management). So, for example, Britain, as a model for managing the affairs of society, was used (gradually modernizing and modifying) 'public administration', 'public management' (now sometimes referred to as 'old') and 'new public management'... In its development, 'public management' can gradually become 'good governance', etc. (already another, higher, evolutionary level of management).

Modern social and economic systems are complex and opened systems, the development of which is the most important task of the present. Governance of the country as a social and economic system requires the involvement of representatives of the whole

civil society in the process of making managerial decisions. Thus, governance at the state level acquires the features of publicity, and the development of the theory and practice of state governance creates grounds for awareness of the leading role of public administration in a social evolutionary context. There are evolutionary processes of formation of public administration in Ukraine, during the period of its independence [4, p. 28].

However, the current (2018) model of governance in Ukraine does not meet the current challenges and trends of social development in the best way, and it urgently addresses the urgency of finding and ensuring the emergence of a new model that accelerates the expected positive changes in society. The activities of power structures are still subordinated to standards and procedures of a rational bureaucratic approach that is not sufficiently suitable for the implementation of democratic principles of governance in conditions of dynamic changes in both internal and external environments [5, p. 130].

That is, practically management of the affairs of Ukrainian society is still carried out through administration; and some elements of management take place only. This concerns both functional and organizational structures and almost unmodern relations between them, as well as the absence of other management mechanisms inherent in management. In this transitional period: from administration (public administration) to management (public management), it is especially important not to automatically use the term 'public' (public) instead of 'state' in terms of management. However, in our opinion,

the term 'public administration' can be used when it comes to 'public management' in this transitional stage.

N. Nyzhnyk, N. Honcharuk and M. Lakhycha argued in 2010 that 'there is a belief in the necessity of transition from traditional state governance to public' in Ukraine, and pointed to the existence of a process that can be called a 'denationalization of governance' under the influence of globalization, integration and fragmentation [6, p. 12].

The management of public affairs should become more and more 'publicity', attracting a wide range of people, citizens, public organizations and self-governing organizations, etc. in the process of development of civil society. When the level of civil society development is high enough in a democracy, state power is actually transformed into public administration and becomes significantly dependent on society (the public). In this case, it's worth talking about 'public administration' as a combination of state governance (in the narrow sense) and public self-government. This is due to the unity of public interests, goals and objectives, in achieving and resolving which both systems take an active part, as well as and nature of management activities [7, p. 145–146].

The latest management paradigm is based on a change in the algorithm of the relationship between public authorities and the population and organizations [8]. It is about shifting from a unified subordination and subordination relationship to interaction and mutual support at all stages of the management cycle. The changes take place in two following directions: on the one hand, efforts are being made to improve the quality of services provided by the

state to the population in particular in education, health care, social insurance, etc.; on the other hand, new mechanisms for involving citizens in the process of adoption and implementation of management decisions are being formed. This contributes to the effective use of public resources for solving social problems, more accurately identifying the priorities of state policy and meeting citizens' rights to a professional, capable and responsible government [9, p. 133].

R. Melnyk draws attention to the fact that 'power is far from always connected with coercion. It is often implemented through the use of other mechanisms as the belief and the provision (selection) of material or financial resources, etc. And once so, then the management, which aims to achieve a certain state of social relations (committing actions or abstaining from actions), can also be carried out in a non-compulsory manner' [10, p. 95–96]. In addition, the content of public administration should not be expanded through internal organizational activities of executive authorities; public administration manifests itself only in the external relations of executive authorities with other public authorities, as well as private individuals [10, p. 97].

We note that the transition from 'state governance' to 'public administration' involves the preservation of the list of objects and the expansion of subjects of governance [11, p. 3]. O. Melnychenko notes that the concept of 'public administration' is wider in scope and richer in content than 'state governance', since it covers most aspects of state, municipal, corporate and public administration [11, p. 6].

The thesis is that public administration (state governance), as a type of social management, is widespread, consisting of the followings: 1) state administration, where the state acts as the state in the person of the respective structures; and 2) public administration, where subjects are non-state institutions [12, p. 84]. In our opinion, public administration is represented in the narrow sense, and public administration can include both local self-government bodies and other non-state institutions, which should become part of the chain of management of general social affairs.

According to L. Novak-Kaliaieva, 'public administration' is the activity of state administration bodies, local self-government bodies, representatives of the private sector and civil society institutions within the limits of the powers and functional responsibilities established by the law (planning, organization, management, coordination and control) with regard to the formation and implementation of management decisions of public importance, policies of the state and its administrative and territorial units. Public administration provides a significant increase in the efficiency of management activities, owing to the high level of public support and consolidation of society around common goals, it is linked to democratic values, the principles of the rule of law, respect for human dignity, non-discrimination, equality, justice, security and efficiency, etc. [13, p. 144].

It should be noted that the concept of 'public administration' is not fixed in the Ukrainian legislation. At the same time, this research has once again confirmed that the concept of 'public

management' is already in the scientific circulation. In the process of reforming public administration in Ukraine, certain steps were taken to establish and develop public administration. In addition, we note that 'Public Management and Public Administration' are included in the list of fields of knowledge and specialties for which higher education graduates are trained [14]. According to I. Skvirskiyi, there is every reason for the division and support of the opinion expressed in the foreign scientific literature on the expediency of introducing into the legal circle of the general term 'public administration', within which various, but extremely tightly relationships between themselves, forms of management activity: public administration, self-governing (municipal) management and management, aimed at the implementation of delegated powers [15, p. 67]. Maintaining the need for the legislative definition of the term 'public administration', we note that there is still a need to continue the scientific discourse on the essence of public administration.

**Conclusions.** Administration and management are varieties of management, its evolutionary levels. We believe that public administration, both in the broad sense and in the narrow sense (through executive bodies), which is carried out through administration, should be designated as 'public administration'. When applied, the elements of management, even at the transitional stage of development of society from administration to management as 'public management'.

At present, evolutionary processes of public management formation are taking place in Ukraine, but practically



management of the affairs of Ukrainian society is still carried out through administration, and some elements of management take place only. This concerns both functional and organizational structures and almost unmodern relations between them, as well as the absence of other management mechanisms inherent in management.

We agree that the transition to public administration is connected with the 'deregulation of management': the deconcentration and decentralization of functions and powers between the subjects of management (streamlining of functions in state authorities and local self-government, the transfer of part of them to non-state or semi-state structures); an increase in the subjects of governance (the number of bodies of state power should be reduced, and non-state or semi-state institutions added to the management chain); application of best management practices (in particular, the use of non-coercive management mechanisms).

Today there is still a need to continue the scientific discourse on the essence of public management, which should become the basis for the legislative consolidation of the term 'public management' in Ukraine.

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## **SYSTEM ANALYSIS AS A METHOD OF DECISION MAKING**

**Abstract.** The current system of public administration, which is endowed with administrative and legal authorities, cannot completely fulfill its task of protecting the population and territories from emergency, so it is urgent improvements in prevention and elimination of emergency.

System approach to management – this is not a set of rules or guidelines to be followed by managers, and the general way of thinking and approach to organization and management. The essence of the system approach is to find a simple to complex, decomposition of the problem into its component parts.

The purpose of using systems analysis concerning the specific problem is to increase the degree of validity of the decision taken, the expansion of a variety of options, including the selection, while indicating ways of discarding options that are inferior to others.

System analysis which used in solving such problems as the distribution of resources between departments, determine future needs for new equipment and workers of different skill forecasting the demand for various types of works in emergencies.

Reducing the time for development, adoption and implementation of management decisions, increase uncertainty and risk, the need to attract additional resources from the reserves, the availability of different modes of functioning of the public administration in emergency suggest that governance in this area has certain peculiarities. Taking them into account in the work of public administration in emergency will enable to reduce the likelihood of inappropriate decision-making, will help save resources and time in emergencies, and reduce losses.

Thus, the basis of decision-making using system analysis is the general approach used by managers, considering the influence in each particular situation of all factors: technical, economic, social and psychological.

**Keywords:** systematic approach, decision-making, analysis, decision, emergency, factor.

## СИСТЕМНИЙ АНАЛІЗ ЯК МЕТОД УХВАЛЕННЯ РІШЕНЬ

**Анотація.** Сучасна система державного управління, яка наділена адміністративно-правовими повноваженнями, не може певною мірою виконати покладені на неї завдання щодо забезпечення захисту населення і територій від надзвичайних ситуацій, тому актуальним є її удосконалення у сфері запобігання та ліквідації надзвичайних ситуацій.

Системний підхід до управління — це не набір правил чи принципів, якими мають керуватися управлінці, а загальний спосіб мислення і підходу щодо організації і управління. Суть системного підходу полягає у пошуку простого у складному, декомпозицією проблеми на складові.

Метою використання системного аналізу до конкретної проблеми є підвищення ступеня обґрунтованості рішення, що ухвалюється, розширення безлічі варіантів, серед яких проводиться вибір, з одночасним зазначенням способів відкидання варіантів, що поступаються іншим.

Системний аналіз набув значного поширення при вирішенні таких завдань, як розподіл матеріальних ресурсів між структурними підрозділами, визначення майбутньої потреби в новому обладнанні і працівниках різної кваліфікації, прогнозування попиту на різні види робіт в умовах ліквідації наслідків надзвичайних ситуацій.

Зменшення часу на розроблення, прийняття та реалізацію управлінських рішень, зростання невизначеності та ризику, необхідність залучення з резервів додаткових ресурсів, наявність різних режимів функціонування системи державного управління в умовах надзвичайних ситуацій свідчать про те, що державне управління у цій сфері має певні особливості. Їх урахування в діяльності органів державного управління в умовах надзвичайних ситуацій дасть можливість зменшити вірогідність прийняття неадекватних управлін-

ських рішень, сприятиме економії ресурсів та часу на ліквідацію наслідків надзвичайних ситуацій, зменшенню збитків.

Таким чином, в основі ухвалення рішень з використанням системного аналізу лежить загальний підхід, який використовують керівники, розглядаючи вплив у кожній конкретній ситуації всіх факторів: технічних, економічних, соціально-психологічних.

**Ключові слова:** системний підхід, рішення, аналіз, прийняття, надзвичайна ситуація, фактор.

## СИСТЕМНЫЙ АНАЛИЗ КАК МЕТОД ПРИНЯТИЯ РЕШЕНИЙ

**Аннотация.** Современная система государственного управления, которая наделена административно-правовыми полномочиями, не может полностью выполнить возложенные на нее задачи по обеспечению защиты населения и территорий от чрезвычайных ситуаций, поэтому актуальным является ее совершенствование в сфере предупреждения и ликвидации чрезвычайных ситуаций.

Системный подход к управлению — это не набор правил или принципов, которыми должны руководствоваться управленцы, а общий образ мышления и подхода к организации и управления. Суть системного подхода заключается в поиске простого в сложном, декомпозицией проблемы на составные части.

Целью использования системного анализа применительно к конкретной проблеме является повышение степени обоснованности решения, принимается, расширение множества вариантов, среди которых производится выбор, с одновременным указанием способов отбрасывания вариантов, уступают другим.

Системный анализ широко распространен при решении таких задач, как распределение материальных ресурсов между структурными подразделениями, определение будущей потребности в новом оборудовании и работниках различной квалификации, прогнозирования спроса на различные виды работ в условиях ликвидации последствий чрезвычайных ситуаций.

Уменьшение времени на разработку, принятие и реализацию управленческих решений, рост неопределенности и риска, необходимость привлечения из резервов дополнительных ресурсов, наличие различных режимов функционирования системы государственного управления в условиях чрезвычайных ситуаций свидетельствуют о том, что государственное управление в этой сфере имеет определенные особенности. Их учета в деятельности органов государственного управления в условиях чрезвычайных ситуаций позволит уменьшить вероятность принятия неадекватных управленческих решений, способствовать экономии ресурсов и времени на ликвидацию последствий чрезвычайных ситуаций, уменьшению убытков.

Таким образом, в основе принятия решений с использованием системного анализа лежит общий подход, который используют руководители, рас-



сматривая влияние в каждой конкретной ситуации всех факторов: технических, экономических, социально-психологических.

**Ключевые слова:** системный подход, решение, анализ, принятие, чрезвычайная ситуация, фактор.

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**Target setting.** Prevention of emergencies, liquidation of their consequences, maximum reduction of losses and losses is a national problem and one of the most important tasks of state administration bodies of Ukraine. This is due to the fact that the negative tendencies observed in recent years, including increasing the risk of emergencies of natural and man-made nature, significant material and social damage due to their increase in their number and scale, constitute a threat to national security in the economic, social and environmental spheres.

The modern system of public administration, which has administrative and legal powers, can not fully fulfill the tasks entrusted to it in ensuring the protection of population and territories from emergency situations, therefore, its improvement in the field of prevention and liquidation of emergencies is urgent.

Civil servants and policy makers are compelled to recognize the fact that conflicts and crises can potentially occur in any area of their responsibility. Crisis situations require their consistent efforts to restore public confidence and integrity of management mechanisms, while emergencies may also require efforts to limit the extent of damage to people, their property and the environment. Historical experience shows that the emergency is easily transformed into political crises and,

in turn, into political conflicts where power is losing control of the development of events.

**Analysis of basic research and publication.** Traditionally, it is believed that actions in the context of crises and emergencies are the prerogative of the executive authorities. At the same time, experts have tended to acknowledge the fact that the task of ensuring readiness for action under the appropriate conditions extends to all public authorities without exception, including legislative power, as well as non-governmental organizations and institutions. A condition for an adequate perception of this provision is a clear understanding of the nature of crisis and emergency situations in terms of functions and tasks of public administration [1, 2].

Modern development of Ukraine under the conditions of system transformation is characterized as permanently complex, and sometimes even with the failures of extreme. The global development of human civilization, in addition to positive achievements, has created numerous threats to the vital interests of man and citizen, society and the state. A significant place among these threats occupy the dangers of technogenic and natural spheres. Many of them are, to some extent, also inherent in Ukraine. In this regard, a major role in ensuring technological and natural safety is given to the Unified State

System of Civil Protection of Population and Territories [3].

**The purpose of the article** is to explore the possibility of using system analysis in the management of management decisions in the process of emergency response.

**The statement of basic materials.**

Holistic protection is carried out in order to implement state policy aimed at ensuring the safety and protection of the population of territories, material and cultural values and the environment from the negative effects of emergencies in peacetime and in a special period, overcoming the consequences of emergencies, in particular the consequences of emergencies in the territories of foreign states, respectively to international treaties of Ukraine, the consent of which is binding on the Verkhovna Rada of Ukraine.

The risks of emergencies of natural and man-made nature are a factor determining the quality of life in regions of any country. Unfortunately, for Ukraine, these risks are high enough, which predetermines the urgent need for a detailed elaboration of organizational and managerial approaches to solving this complex problem. All of the above leads to the recognition that traditional approaches to managing the management of coping with the complex consequences of emergencies, as proved by the experience of their use, often lead to unsatisfactory results. A serious problem with the organization of effective management of emergencies is the real complication or lack of coordination between official governmental, departmental and non-governmental bodies [4]. Traditional approaches to emergency management, as evidenced

by the experience of their use, often result in unsatisfactory results.

The search for solutions to this problem in the event of emergencies should be carried out not only due to the transformation of the existing functional structure and the improvement of the skills of the managerial staff, and the transition to a new management paradigm - a new system of views based on the basic provisions of strategic management, according to which the construction of the system Emergency management is an answer to the various environmental impacts inherent in nature. In this case, the system of emergency management is considered as an open system, and the basic conditions for its successful functioning should be determined not in its boundaries, but on the outside [5].

That is, the effectiveness of the system is associated with how accurately it reacts to the environment, how stable is it to unexpected changes in the environment, including strategic, how efficiently uses potential opportunities (reserves of different types).

The system approach is based on the theory of systems, which was first applied in exact sciences and technology, and in the late 50's – and in the theory of management.

A system approach to management is not a set of rules or principles that should be managed by managers, but a general way of thinking and an organization and management approach. The essence of the system approach is to find a simple in complex, decomposition of the problem into its components, up to the conclusion of simple questions such as “There is – need to be defined”.

The basis of system management review and emerging problems. in the course of its implementation, lies the concept of the system.

The system is a certain integrity, which consists of interrelated parts (elements), each of which contributes to the characteristics of the whole Automobile, computers, TVs — all these are examples of systems. Consequently, the system consists of many times, each of which works in conjunction with others, to create a whole that has qualities that are not in its constituent parts. However, the components of the system are interdependent. If at least one of them does not appear, then the whole system either will not work or will work incorrectly.

There are two main types of system: closed and open. The closed system has tight fixed boundaries, and its actions are relatively independent of the environment that surrounds the system. An example of such a system can be a clock that works independently of the external environment, as long as there is a spring or there is another source of energy.

An open system is characterized by interaction with the environment through the penetrating “boundaries” of the system (inputs and outputs) Through the inputs, the environment influences the system, and the system influences the environment through exits.

Large complex systems consist of bits, which can be considered, in turn, as systems These parts are called subsystems. The concept of subsystems is extremely important for management, since it enables to create inside the system the necessary structural units for

the needs of management: departments, sectors, sections, etc.

In this case, the subsystems, in turn, may consist of smaller subsystems (parts, elements). Since they are interdependent, the poor functioning of even the smallest subsystem can affect the system as a whole.

Therefore, systematic analysis is the most consistent implementation of a systematic approach to solving political, socio-economic, technical and other problems in various spheres of human activity.

The main features of system analysis are:

1. Involves the adoption of an optimal solution from many possible alternatives.

2. Each alternative is evaluated from a long-term perspective.

3. Considered as a methodology for in-depth understanding (understanding) and organizing (structuring) the problem.

4. In the system analysis emphasis is placed on the development of new principles of scientific thinking, taking into account the relationship of the whole and contradictory trends. Specifically — systematically, at all stages of the life cycle of any system, the comparison of alternatives is carried out, if possible in quantitative form, based on the logical sequence of steps.

5. The intuition of experts is sharpened.

6. Used primarily to address strategic issues.

Consequently, system analysis is a scientific method of knowledge, which is a sequence of actions to establish structural relationships between variables or elements of the system under

study, based on a complex of general scientific, experimental, natural-scientific, statistical, and mathematical methods.

The value of the system approach lies in the fact that the consideration of the categories of system analysis creates the basis for a logical and consistent approach to the problem of decision-making [6]. The effectiveness of solving problems through system analysis is determined by the structure of the solved problems.

All problems are divided into three classes:

- well-structured or quantitatively formulated problems in which significant dependencies are well understood;
- unstructured, or qualitatively expressed problems that only contain a description of important resources, features and characteristics, the quantitative relationships between which are completely unknown;
- ill-structured, or mixed issues that contain both qualitative elements and little-known, uncertain parties that tend to dominate.

In general, system analysis can be characterized as a methodology for solving large complex management problems. He investigates system objects using system principles and is intended to provide a reliable picture of the development and activities of an economic entity.

The purpose of using system analysis for a specific problem is to increase the degree of validity of the decision to be made, to expand the range of options among which the choice is made, with simultaneous indication of ways to discard alternatives that are inferior to others.

System analysis involves the use of both rigid quantitative methods, as well as logical judgments, experience and intuition. Using system analysis, you can investigate any problems, taking into account not only those factors whose influence can be quantified, as well as factors that can be evaluated qualitatively [5, 6]. Thus, the basis of decision-making using system analysis is the general approach used by managers, considering the influence in each particular situation of all factors: technical, economic, social and psychological. But at the same time the decision maker (DM) must take into account not only his subjective thoughts, but also the objective data obtained as a result of the research, which enables him to adopt the most rational and reasonable solution.

Characteristic features of system analysis are:

- since most decisions are addressed to individual elements of the system, then when solving problems it is necessary to take into account the interrelations of this element with others and the general purpose of the system (system approach). That is, the purpose of the system is the expected results of the practical work on the elimination of the consequences of the emergency, the achievement of which is directed at the efforts, and is a system-forming factor.

• the analysis at the initial stages is carried out for the whole complex of problems and is reduced to the level of their constituents. Studies are conducted using the methods used to study them.

- priority is attached to such factors as cost and quality of labor, so DM must have a clear idea of them;

- in many cases, already given analysis shows the way to an obvious solution, but the decision itself has to be adopted;

- system analysis does not replace logical thoughts, but is only an auxiliary element that enables you to identify the areas where the proposal can be used and to identify each of the possible solutions that the manager considers;

- provides compulsory use of computer technology;

- in some cases they can be used as technical means.

System analysis (as well as economic) also takes into account indicators based on accounting, reporting and plan data.

But for a thorough and in-depth study of the problem, it is necessary not only to use the data obtained as a result of the study of technical, economic, financial and other aspects of the activities in the process of eliminating the consequences of an emergency, as well as the psychological climate and social phenomena [6, 7]. In this regard, in the system analysis, the indicators acquire, in addition to quantitative characteristics, and also qualitative expression.

It should be noted that in the absence of the full amount of information and analysis itself, it is sometimes impossible to determine the factors of socio-political nature and moral factors. But they should pay attention to them and take them into account when making decisions.

In system analysis, you can identify not only the causes that cause any negative consequences, but also the conditions in which these causes occur. Therefore, it is necessary to provide for

appropriate measures to eliminate negative phenomena.

System analysis has become widespread in solving such tasks as the distribution of material resources between structural units, determining the future need for new equipment and workers of different qualifications, forecasting demand for various types of work in the context of emergency response [7].

System analysis is the most objective basis for making managerial decisions and allows to structure a certain problem on the basis of analysis of available information, including expertly obtained. Then, establish the relationships of the components of the problem, date, where possible, quantitative assessments, and thus translate the problem into a structured category. After that you can already use the mathematical modeling apparatus and the choice of the best solutions, the stages and sequencing of which are also often a sphere of application of the system approach.

The specific sequence of system analysis is determined by a researcher studying problems, and is largely individual in nature, which is determined by the problem under consideration. But at the same time, with all its diverse orientations and the absence of rigid frameworks, the system analysis contains typical moments, objective factors, including axiomatics, terminology, and scientific tools that are widely covered in sources of scientific information. The developed model of the investigated situation must have certain properties that are the conditions of significance of the model, such as:

- integrity, typeness, the presence of common properties and behavior in the totality of its elements;

- isolation, according to which the complex of objects creating the system can be considered in isolation from the environment (at the same time, the relative nature of this property is obvious);

- divisibility, which allows a holistic object to be considered as a set of elements;

- variety and identification, according to which all elements included in the system, have their own state and behavior, different from the similar characteristics of other elements, due to which it is possible to separate each element from others and study its features.

In this case, the systematic approach assumes that an object, which is analyzed as a system, has other properties than a simple sum of properties of its constituent parts.

**Conclusions.** Vital processes are the management decision-making in emergencies, for example, in the event of fires, catastrophes, natural disasters, when it comes not only to the optimum use of material and financial resources, but first of all about people's lives.

Reducing the time for the development, adoption and implementation of management decisions, the growth of uncertainty and risk, the need to attract extra resources from the reserves, the availability of different modes of operation of the public management system in the event of emergencies indicate that public administration in this area has certain features. Their consideration in the activities of public administration bodies in the event of emergencies will reduce the likelihood of inadequate management decisions, contribute to saving resources and time

to eliminate the consequences of emergencies, and reduce losses.

A systemic approach to management suggests that it can be investigated both in terms of content and in terms of its forms of manifestation. Goals, functions and methods of management in the complex characterize the content of the activity and can have different aspects. The defining aspect can be called methodological, reflecting a set of principles, laws and laws implemented in the management process and which can determine with which purpose, what and how should be influenced to achieve the desired result, including in the development of management decisions in the conditions of emergencies.

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## **DIRECTIONS OF IMPROVEMENT OF INSTITUTIONAL AND ECONOMIC MECHANISM OF INDUSTRIAL POLICY IN UKRAINE**

**Abstract.** The article discusses the advantages and disadvantages of the current stage of economic development of the production sector of Ukraine. The question of the need for the development and availability of opportunities for the implementation of an active industrial policy is related to the following circumstances: in Ukraine, there are conditions for the manifestation of the activity of private capital, which owns funds and financial resources that are quite comparable to the resources of the state, and is capable of implementing economic reforms in the scientific and industrial sphere; private capital begins to realize and formulate its own interests and priorities, to show the ability to self-organization; in the current situation, the modernization of domestic industry is a necessary condition for ensuring high-quality economic growth, and its implementation is impossible without the development and implementation of targeted policies, combining to solve this national problem of the efforts of the state and private capital of considerable economic strength, which is not inferior in its potential to the public sector.

It is found out that the clear structure of the state industrial policy of Ukraine at the moment is not defined. The institutional and economic mechanism of industrial policy in Ukraine is proposed, as well as its components are investigated.

The application of the proposed institutional and economic mechanism for the implementation of the state industrial policy will improve the efficiency of overcoming the above problems not only by clearly structuring the goals, objectives, tools and methods of industrial policy, the study of the effectiveness of its individual elements on the basis of the analysis of performance indicators, but also by increasing the interaction between subjects and objects of industrial policy with increasing influence of institutional components on the development of the industrial complex of the state as a whole.

**Keywords:** state, industrial policy, institutional and economic mechanism, sectoral approach, strategy of structural transformations in industry.

### **НАПРЯМИ УДОСКОНАЛЕННЯ ІНСТИТУЦІЙНО-ЕКОНОМІЧНОГО МЕХАНІЗМУ ЗДІЙСНЕННЯ ПРОМИСЛОВОЇ ПОЛІТИКИ В УКРАЇНІ**

**Анотація.** Розглянуто переваги та недоліки сучасного етапу економічного розвитку виробничої сфери України. Постановка питання про необхідність розробки і наявності можливостей здійснення активної промислової політики пов'язана з наступними обставинами: в Україні склалися умови для вияву активності приватного капіталу, що володіє коштами і фінансовими ресурсами, цілком порівнянними з ресурсами держави, і здатного на здійснення економічних перетворень у науково-промисловій сфері; приватний капітал починає усвідомлювати і формулювати свої власні інтереси і пріоритети, виявляти здатність до самоорганізації; у сформованій ситуації модернізація вітчизняної промисловості є необхідною умовою для забезпечення якісного економічного зростання, а її проведення неможливе без розроблення та здійснення цілеспрямованої політики, об'єднання для вирішення цього загальнонаціонального завдання зусиль держави і приватного капіталу значної економічної сили, що не поступається за своїм потенціалом державному сектору.

З'ясовано, що чітка структура державної промислової політики України на даний момент не визначена. Запропоновано інституційно-економічний механізм здійснення промислової політики в Україні, а також досліджено його складові.

Застосування запропонованого інституціонально-економічного механізму реалізації державної промислової політики дасть можливість підвищити ефективність подолання зазначених проблем не тільки за рахунок чіткої структуризації цілей, завдань, інструментів і методів промислової політики, дослідження ефективності функціонування її окремих елементів на основі аналізу індикаторів результативності, але й шляхом збільшення взаємодії між суб'єктами та об'єктами промислової політики при посиленні впливу

інституціональних складових на розвиток промислового комплексу держави загалом.

**Ключові слова:** держава, промислова політика, інституціонально-економічний механізм, галузевий підхід, стратегія структурних перетворень у промисловості.

## **НАПРАВЛЕНИЯ СОВЕРШЕНСТВОВАНИЯ ИНСТИТУЦИОНАЛЬНО-ЭКОНОМИЧЕСКОГО МЕХАНИЗМА ОСУЩЕСТВЛЕНИЯ ПРОМЫШЛЕННОЙ ПОЛИТИКИ В УКРАИНЕ**

**Аннотация.** Рассмотрены преимущества и недостатки современного этапа экономического развития производственной сферы Украины. Постановка вопроса о необходимости разработки и наличии возможностей осуществления активной промышленной политики связана со следующими обстоятельствами: в Украине сложились условия для проявления активности частного капитала, которая владеет средствами и финансовыми ресурсами, вполне сопоставимыми с ресурсами государства, и способного на осуществление экономических преобразований в научно-промышленной сфере; частный капитал начинает осознавать и формулировать свои собственные интересы и приоритеты, проявлять способность к самоорганизации; в сложившейся ситуации модернизация отечественной промышленности является необходимым условием для обеспечения качественного экономического роста, а ее осуществление невозможно без разработки и целенаправленной политики, объединения для решения этой общенациональной задачи усилий государства и частного капитала значительной экономической силы, что не уступает по своему потенциалу государственному сектору.

В связи с тем, что четкая структура государственной промышленной политики Украины на данный момент не определена, предложен институционально-экономический механизм осуществления промышленной политики в Украине, а также исследованы его составляющие.

Применение предложенного институционально-экономического механизма реализации государственной промышленной политики, позволит повысить эффективность преодоления вышеупомянутых проблем не только за счет четкой структуризации целей, задач, инструментов и методов промышленной политики, исследования эффективности функционирования ее отдельных элементов на основе анализа индикаторов результативности, но и путем увеличения взаимодействия между субъектами и объектами промышленной политики при усилении влияния институциональных составляющих на развитие промышленного комплекса государства в целом.

**Ключевые слова:** государство, промышленная политика, институционально-экономический механизм, отраслевой подход, стратегия структурных преобразований в промышленности.

**Problem statement.** At the present stage of economic development, the production sphere of Ukraine has a number of advantages: a rich raw material base and the availability of scientific and technical potential, and a number of significant shortcomings: the technological lag of Ukraine from the leading European countries, widespread wear and low level of equipment of fixed assets, the mismatch of the structure of industrial production parameters' characteristic of the economies of developed industrial countries. However, a clear structure of the state industrial policy of Ukraine at the moment is not defined, though, on the basis of theoretical and practical experience it is possible to build an institutional and economic mechanism of industrial

**Analysis of recent research and publications.** General methodological aspects of the formation and implementation of the state industrial policy are covered in the works of both foreign and domestic scientists. A significant contribution to the study of the state impact on industry was made by scientists such as A. M. Horskyi [5], L. V. Deineko [6], V. M. Yemelianov [7], T. L. Zheliuk [1], A. S. Zarudna [5], I. S. Kalinichenko [5], L. P. Klimenko [7], P. V. Krush [8], I. A. Maksymenko [8], L. V. Peltek [3], T. A. Stovba [9], N. V. Tarasova [7], K. I. Tkach [10], V. Ye. Khaustova [11], E. I. Sheludko [6] and others. The ideas and provisions set out in the works of these authors served as the basis for the further development and implementation of industrial policy. However, despite numerous studies, the formation of the institutional and economic mechanism for the implementation of

industrial policy in Ukraine remains insufficiently covered.

**Formulation of the aims of the article.** The purpose of this article is to identify the main elements of industrial policy at the macro level and the formation of the design of the institutional and economic mechanism of its implementation, as well as the rationale for proposals to improve this mechanism.

**Presentation of the main material of the study.** The issue of the need for the development and availability of opportunities for the implementation of an active industrial policy is related to the following circumstances:

– in Ukraine, there are conditions for the manifestation of the activity of private capital, which owns funds and financial resources that are quite comparable to the resources of the state, and is capable of implementing economic reforms in the scientific and industrial sphere; private capital is beginning to realize and formulate its own interests and priorities, to show the ability to self-organization.

– in the current situation, the modernization of domestic industry is a necessary condition for ensuring high-quality economic growth [8, p. 64], and its implementation is impossible without the development and implementation of targeted policies, combining the efforts of the state and private capital of considerable economic strength to solve this national problem, which is not inferior in its potential to the public sector;

– with the development of large domestic companies, their role in the modernization of the country will increase, because it is here that the most qualitative resources of national development

are concentrated today: professional personnel, managerial competence, advanced technologies and financial resources.

The study of the development of the industrial sector of the economy of Ukraine showed that in general there are positive trends. Regarding the structure of the industrial production of Ukraine in terms of shipped goods of own production, the leading industries are the food industry, chemical industry, metallurgical production [11, p. 35].

Nevertheless, a number of socially important industries, such as light industry, furniture production are developing ineffectively and not innovatively, which causes disproportions in the development of the industrial complex of the state as a whole. It should be noted that the company is a key level for determining the competitiveness of the country as a whole. And the companies, along with industrial clusters, but not the region should be the main subjects of industrial policy.

Each group has a demand for its own version of industrial policy. It is obvious that the choice of strategy should be made taking into account the interests of the majority.

Universal measures to create an enabling institutional environment without reference to a specific group of enterprises are most applicable. At the same time, it is impossible to ignore some industry-specific features that are subject to special measures, such as “tax holidays”, direct subsidies for the costs of development in the field of innovation and development of new products.

In order to implement the main priorities of industrial policy, namely, the growth of production of competitive

products, creating a favorable investment and innovation climate, overcoming technological backwardness, support for competition in sectors and spheres of the national economy and the solution of other tasks of the state industrial policy, the state administration and their sectoral ministries and departments develop and implement a number of federal projects and targeted development programs for each sector separately, on the Basis of the strategy of sustainable development “Ukraine”. – 2020” [4] in which the main areas which need support are highlighted. The priority industries, in accordance with the Strategy, include pharmacology, medical equipment, electricity, aerospace and other high-tech industries.

The lack of a targeted economic growth strategy that is adequate to the dominant trends in world development has led to the intensification and intensification of discussions on the future of the Ukrainian economy.

Today, it is quite obvious that if current levels of material and energy intensity of production, productivity and the existing structure of the economy are saved, its development is faced with resource constraints objective [3, p. 85]. The instability of world energy prices and the reduction of the developed raw material base in the metallurgical and chemical industries give rise to more doubts about the reliability of reliance on raw materials exports to ensure high sustainable economic growth and solve acute social problems.

Under these conditions, improving the efficiency and competitiveness of manufacturing industries and high-tech industries is an alternative way of socio-economic development. Do-



mestic industry is already facing or will face the following problems in the near future:

- a significant increase in the costs of manufacturing enterprises and the limitation of their investment potential due to the rapid growth of relative prices for products (services) of natural monopolies;

- reduction of competitiveness of domestic goods due to significant inflation;

- increased localization of investment resources outside of the manufacturing sector due to rapid growth of investment in fixed capital in export-oriented primary industries [5, p. 54].

In this context, for a deeper understanding of the economic essence of industrial policy, it is necessary to pay attention to the main institutions that create the conditions for its implementation and are defined in a general by D. North in his institutional theory as the “rules of the game” in society or the restrictive framework created by man, which organize the relationship between people [2, p. 38].

The role of the institutional component in the functioning of economic systems is undeniable, since the relationship between society and the economy is determined by a set of institutional constraints that determine the basic structure of the incentives of the economic system and monitor the observance of these rights, acting as the main determinants of the functioning of the economy [7, p. 42], as a dynamic system that is regulated by the state. Institutions are also the keys to understanding the relationship between business and management as part of an effective industrial policy.

At the moment, the set of methods and tools for the implementation of industrial policy is quite wide, however, there is no effective mechanism for the implementation of industrial policy. In this regard, on the basis of theoretical analysis and research of practical experience, the institutional and economic mechanism for the implementation of the state industrial policy is formulated, developed for application at the macro level, which can be designed at the meso- and municipal levels, if necessary, is reflected in table 1.

The implementation of the proposed institutional and economic mechanism for the implementation of the state industrial policy involves not only effective interaction between subjects and objects within the framework of the identified priorities, taking into account the features and patterns of development of the domestic economy, but also the goals and objectives, based on the formulated principles, through the use of appropriate institutional and economic tools and methods, act as fundamental factors in the functioning of industrial policy and have a direct impact on the effectiveness of its implementation.

In the context of the Association of Ukraine and the EU, improving national competitiveness, compliance with international standards and the expansion of the share of domestic companies as the main source of welfare of citizens of the country with the continuous growth of their living standards are the main determinants of industrial development.

At the same time, the increase in the relative prices of products (services) of natural monopolies leads to a decrease

in GDP growth rates, deterioration of the financial condition of enterprises, especially in the manufacturing industry.

The initiated reforms in the sphere of natural monopolies have not yet gained the proper pace and remain only a potential factor of economic growth. So far, no such schemes have been found to ensure transparency of the cost struc-

ture at all stages. Ultimately, the reform should lead to improved efficiency of natural monopolies and slowing growth in the value of their products (services) and not to continuous growth rates [6, p. 82]. However, while barriers to access to the electricity market remain, the wholesale energy market is not developing at a sufficient pace, natural monopolies retain significant non-core

**The main components of the institutional and economic mechanism of industrial policy**

Subjects	The President of Ukraine, the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, including ministries and departments, management bodies implementing Supervisory, control and other management functions
Objects	Enterprises under public ownership; industrial enterprises with equity participation of the state; private companies that are the subject of legislation
Purpose	Achievement of sustainable development of the industrial complex on the basis of interaction of participants in the process of development and implementation of industrial policy, the maximum use of the potential of modernization of production
Basic tasks	<ul style="list-style-type: none"> <li>– ensuring the competitiveness of production;</li> <li>– stimulating domestic demand for industrial products;</li> <li>– development of public-private partnership in industry;</li> <li>– to promote the integration of and transnational character of companies;</li> <li>– support for the development of science-intensive industry;</li> <li>– priority for innovation-oriented companies</li> </ul>
Basic principles	consistency; reflexivity; attraction of private investments; effective dialogue between the government and business; diversification; inter-industry capital overflow taking into account current and strategic priorities of the industry
Institutional components	
Methods	Legislative regulation; public-private partnership; public procurement; lobbying
Tools	Laws and regulations; state order; reforming of natural monopolies and state corporations; contracts, agreements; tools of civilized bankruptcy; public-state dialogue business-power
Economic components	
Methods	Economic (financial, tax, customs, tariff, banking); management of state property in industry; programming; design
Tools	<ul style="list-style-type: none"> <li>– implementation of economic policy (customs, credit, tax, investment, innovation and technology);</li> <li>– preferential crediting of export of goods, technologies-leasing of expensive machinery and equipment;</li> <li>– standardization and certification;</li> <li>– development of production infrastructure;</li> <li>– implementation of state target programs and projects</li> </ul>

assets, investments, there is no proper transparency in conducting large purchases, the formation of competitive markets and the removal of barriers to entry into the relevant markets of other companies is very slow.

Investment problems of natural monopolies are solved by including the corresponding costs in the cost price and thus are transferred to consumers. It puts natural monopolies and other industries in unequal conditions in comparison with.

Regarding export credit and organization of leasing of expensive and high-tech products, it is carried out at the state level under the scheme:

- lending directly or indirectly to the supply of science-intensive products for export, especially with a long production cycle;
- leasing as the main form of purchase of expensive equipment, especially in the aviation industry;
- lending to the population for the purchase of expensive products at an acceptable Bank interest, to ensure the further development of mortgages [8, p. 92].

As an objective specificity of the development of the domestic economy, it should be noted that there are intensive processes of industrial integration. The attitude to these processes is different, but they are largely due to the lack of effective institutions (banking system, stock market, contracts, etc.). In fact, the main investment resources are concentrated in a limited number of export-oriented integrated industrial groups in the form of holdings and strategic alliances. Diversification of assets of such groups in the direction of enterprises of manufacturing industries

is the most real operating mechanism of capital transfer from the export-oriented raw materials sector of the domestic economy to the manufacturing sector [10, p. 37].

Despite the existence of a legislative framework, the creation of favorable conditions for the development of the real sector of the economy as a whole and priority support for certain sectors, there are some negative aspects in the state industrial policy, in particular:

1. Currently, most of the state target programs are actually the plan of the state order.

2. Many industries are supported only within the framework of system-wide policy, and priority support is not covered, but still need it (in particular, textiles, clothing and food industries).

3. There is no or insignificant consideration of the territorial aspects of production (in this connection, the issue of industrial policy activation at the meso- and municipal levels is more acute).

In this regard, the effectiveness of the implementation of modern industrial policy in Ukraine is not large enough, does not meet the modern laws of globalization and prevents the strengthening of Ukraine's competitive position in the world economic space, which in turn requires:

- development and adoption of a number of restructuring programs, determine measures for the development or reduction of a number of industries (both sectoral and territorial);
- strengthening measures to lobby the interests of domestic producers in the world market [9, p. 34];
- measures for temporary protection of the relevant markets for finished

products, in particular, to reduce import duties on imported equipment that has no domestic analogues;

- reduction of customs restrictions that make it difficult for large foreign investors to enter the domestic market.

The application of the proposed institutional and economic mechanism for the implementation of the state industrial policy will improve the efficiency of overcoming the above problems not only by clearly structuring the goals, objectives, tools and methods of industrial policy, the study of the effectiveness of its individual elements on the basis of the analysis of performance indicators, but also by increasing the interaction between subjects and objects of industrial policy with increasing influence of institutional components on the development of the industrial complex of the state as a whole.

### **Conclusions from this study and prospects for further exploration.**

As a result of the study, it is possible to draw the following conclusions::

- a clear structure of the state industrial policy of Ukraine at the moment is not defined, however, on the basis of theoretical and practical experience, it is possible to build an institutional and economic mechanism of industrial policy from the macro level, includes: the purpose and objectives, basic principles and methods, tools, performance assessment, as well as the allocation of a separate block of institutional components of industrial policy;

- the study of the practice of state industrial policy in Ukraine in recent years allows us to judge the diversity and a wide range of activities in the field of regulation and support of industrial development. Among priority di-

rections of development of the industry we should highlight the pharmacology, the production of honey, technology, aerospace, information technology, innovation and nanotechnology;

- nevertheless, there are sectoral and territorial disparities in the development of industry, which require a clear allocation and structuring of competencies of different levels of government and the activation of diversified activities carried out at the meso- and municipal levels in the framework of industrial policy in accordance with the basic conditions of development of individual territorial entities.

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## **PRIORITY DIRECTIONS AND PRACTICES IN IMPROVING COOPERATION IN PUBLIC AUTHORITIES WITH INTERNATIONAL ORGANIZATIONS**

**Abstract.** The article considers the priority directions and practices for improving the cooperation of the authorities with international organizations. General theoretical positions and scientific approaches concerning interaction with international organizations are considered. The main tasks of development of international relations for the Ukrainian state are outlined. The existing experience of cooperation of state authorities of all levels with international organizations has been analyzed. The study noted that the establishment of effective relations between the state and the public sector leads to the involvement of the population in the process of creation and development of civil society, participation of the population in the development and implementation of social and social initiatives, building closer contacts and principles of feedback between authority's power and population. It is determined that only consolidated efforts of all states on the basis of partnership are able to lead to effective interaction between public authorities. During the comprehensive study, the main tasks of the development

of international relations for the Ukrainian state are outlined. The existing experience of cooperation of state authorities of all levels with international organizations has been analyzed. Strategic vectors of cooperation are formulated in the context of the development of the decentralization process to achieve the leading positions of the state in terms of socio-economic development, innovation renewal, solving key social problems, improving the quality of life of the population by activating the internal potential of the regional economy.

Recommendations aimed at the development of effective interaction on the basis of partnership are developed. It is noted that the establishment of efficiently working relations between the state and the public sector leads to the involvement of the population in the process of creating and developing a civil society, participation of the population in the development and implementation of social and social initiatives, building closer contacts and principles of feedback between authorities and the population. It is determined that only consolidated efforts of all states on the basis of partnership are able to lead to effective interaction between public authorities.

**Keywords:** international organization; international; international relations; international cooperation; public authorities.

### **ПРІОРИТЕТНІ НАПРЯМИ ТА ПРАКТИКИ ПОКРАЩЕННЯ СПІВРОБІТНИЦТВА ОРГАНІВ ПУБЛІЧНОЇ ВЛАДИ З МІЖНАРОДНИМИ ОРГАНІЗАЦІЯМИ**

**Анотація.** Розглядаються пріоритетні напрями та практики покращення співробітництва органів влади з міжнародними організаціями. Проаналізовано основні тенденції розвитку співробітництва на базі існуючих наукових розробок та сформульовано гіпотезу щодо даної діяльності, яка перебуває в руслі розробки ефективного та конструктивного співробітництва. Розглянуто загальнотеоретичні положення та наукові підходи щодо взаємодії з міжнародними організаціями. Визначено, що залишаються проблеми, пов'язані з питаннями співробітництва міжнародних організацій та органів публічної влади як на світовому рівні, так і на державному. Під час комплексного дослідження окреслено основні завдання розвитку міжнародних зв'язків для української держави. Проаналізовано існуючий досвід співпраці органів державної влади всіх рівнів з міжнародними організаціями. Сформульовано стратегічні вектори співробітництва в умовах розвитку процесу децентралізації для досягнення державою лідируючих позицій з точки зору соціально-економічного розвитку, інноваційного оновлення, вирішення ключових соціальних завдань, підвищення якості життя населення шляхом активізації внутрішнього потенціалу регіональної економіки.

Розроблено рекомендації, що спрямовані на розвиток ефективної взаємодії на засадах партнерства. Зазначено, що створення ефективно працюючих відносин між державою та громадським сектором долучає населення до процесу створення та розвитку громадянського суспільства, його участі

в розробці та реалізації громадських і соціальних ініціатив, вибудовування більш тісних контактів і принципів зворотного зв'язку між органами влади і населенням. Наголошено, що тільки консолідовані зусилля всіх держав на засадах партнерства спроможні забезпечити ефективну взаємодію органів влади з громадськістю.

**Ключові слова:** міжнародна організація; міжнародна; міжнародні відносини; міжнародне співробітництво; органи публічної влади.

## **ПРИОРИТЕТНЫЕ НАПРАВЛЕНИЯ И ПРАКТИКИ УЛУЧШЕНИЯ СОТРУДНИЧЕСТВА ОРГАНОВ ПУБЛИЧНОЙ ВЛАСТИ С МЕЖДУНАРОДНЫМИ ОРГАНИЗАЦИЯМИ**

**Аннотация.** Рассматриваются приоритетные направления и практики улучшения сотрудничества органов власти с международными организациями. Проанализированы основные тенденции развития сотрудничества на базе существующих научных разработок и сформулирована гипотеза о данной деятельности, которая находится в русле разработки эффективного и конструктивного сотрудничества. Рассмотрены общетеоретические положения и научные подходы по взаимодействию с международными организациями. Определено, что остаются проблемы, связанные с вопросами сотрудничества международных организаций и органов публичной власти, как на мировом уровне, так и на государственном. Во время комплексного исследования определены основные задачи развития международных связей для украинского государства. Проанализирован существующий опыт сотрудничества органов государственной власти всех уровней с международными организациями. Сформулированы стратегические векторы сотрудничества в условиях развития процесса децентрализации для достижения государством лидирующих позиций с точки зрения социально-экономического развития, инновационного обновления, решения ключевых социальных задач, повышение качества жизни населения путем активизации внутреннего потенциала региональной экономики.

Разработаны рекомендации, направленные на развитие эффективного взаимодействия на принципах партнерства. Отмечено, что создание эффективно работающих отношений между государством и общественным сектором привлекает население к процессу создания и развития гражданского общества, участия населения в разработке и реализации общественных и социальных инициатив, выстраивание более тесных контактов и принципов обратной связи между органами власти и населения. Определено, что только консолидированные усилия всех государств на принципах партнерства в состоянии привести к эффективному взаимодействию органов власти с общественностью.

**Ключевые слова:** международная организация; международная; международные отношения; международное сотрудничество; органы публичной власти.

**Target setting.** At the present stage, during the period of rapid development of scientific and technological progress, it is impossible for states to co-exist without interaction between themselves, which is carried out through economic and political relations. Today, it is the international organizations are the key to solving of the urgent global problems.

The formation of an effective relationship between public authorities and international organizations directly depends on the activities of international associations and the organization for build of political system of Ukraine, to change of the model of public administration. International organizations are permanent unions of intergovernmental and non-governmental nature, created on the basis of an international agreement to assistance the resolution of international problems.

The relations of cooperation include bilateral and multilateral diplomacy, the conclusion of various types of unions and agreements that envisage the mutual coordination of political tacks, common practical ties with the objectives of joint regulation of conflicts, the provision of general security or the solution of other issues of common interest to all participating countries.

Today, for the improvement of cooperation of public authorities from international organizations, it is a need for the development of effective algorithms and constructive directions for the protection of that coordination of conflicts of interests of the population, which directly contribute to minimizing socio-economic and political risks.

**Analysis of recent research and publications.** The modern system of

international relations has a large variety of bilateral, multilateral and cross-border interactions between sovereign states, regions, territories, global and regional international intergovernmental and non-governmental organizations and associations. These relations cover all significant spheres of life and activities, interwoven in political, economic, military, social, cultural, scientific, technical and other official and informal links between them.

In our research we paid attention to Ukrainian scientists, namely: O. Bakhonskyi [1], A. Dmytriiev [2], D. Kuleba [3], M. Kucheriava [4], O. Novakova [5], I. Soliar [6], A. Tunian [7].

Analyzing trends in the development of cooperation between public authorities and international organizations in modern conditions, the researchers conclude that this activity is now in line with the development of effective and constructive cooperation. However, there are still problems related to the issues of cooperation between international organizations and public authorities at both the global level and in Ukraine.

**The purpose of the article** is to conduct a comprehensive study of the interactions of public authorities from international organizations, the creation of strategic directions for the development of ways to improve international cooperation, the development of proposals and recommendations aimed at developing effective cooperation on a partnership basis in order to meet the public interest of Ukrainians and public initiative of that self-organization.

**The statement of basic materials.** The current development of an independent democratic country is impos-

sible without mutual exchange and enrichment with ideas, methodology, and concrete developments between countries around the world. Today, the task of improving relations between the countries is solved by developing effective international contact persons that can be applied in accordance with the law on combating corruption in accordance with the law on the protection of human and civil rights and freedoms, except for cases when they are in prison.

Increasing the role of international organizations creates certain guarantees for states in solving various conflicts. The existence and creation of international organizations reveals the broader possibilities of convergence of all mankind, and also promotes the fastest development of civilization.

In the process of functioning of the international organization, the coordination of the activities of the states acquires a different character, since it uses a special, permanent and adapted for consideration and agreed mechanism of decision of issues.

The functioning of an international organization is reduced not only to relations between states, but also between the organization and the states. These relations characterize the voluntary execution by the state of certain restrictions and decisions of the international organization. The specificity of such relations is that they depend on coordination relations, that is, if coordination of activities of states within an international organization does not lead to a certain result, then these relations do not arise. They arise in connection with the achievement of a result through the operation of an international organization. States agree to subordinate the or-

ganization to the awareness of the need to respect the interests of other states and the international community as a whole, in order to preserve a certain order in international relations.

The main tasks of developing international relations for the Ukrainian state are as follows:

- attraction of foreign investments into the economy and increase of investment attractiveness of the region;

- assistance in attracting new technologies, scientific developments, promotion of international scientific cooperation;

- development of international tourism and promotion of tourism products created in Ukraine to foreign markets;

- activation of activities aimed at supporting compatriots abroad, development of educational, cultural and scientific relations with compatriots living abroad;

- development of international cooperation in the field of culture, youth policy, physical culture and sports;

- formation of a positive image of the state as a region with favorable conditions for living, organization of rest, doing business and investing.

“Recognizing the role of civil society, developed countries and international organizations of countries systematically involve citizens and their associations in solving problems in all spheres of human activity. Thus, in Germany, the involvement of civic organizations enables, firstly, to save 30–37 % of the cost of such services for the state, and secondly, to raise the quality of political and public-law decisions. Civil society institutes account for 3–9 % of developed countries’ GDP (5 % in Belgium,

7,9 % in Canada). In the public sector of the European Union countries, there are 4,4 to 14 % of the able-bodied population. In Central and Eastern European countries, public organizations attract three times more domestic and foreign investment in the social sphere than state and municipal social-security institutions. 60 % of civil society representatives, including volunteers engaged in service delivery, of which 40 % focus on social, medical and educational services” [8].

“Taking into account the increasing role of civil society in various spheres of activity of public authorities and local self-government bodies, in particular with regard to implementation of reforms, in support of the public initiative, as well as in order to establish effective dialogue and partnerships between public authorities, local self-government bodies and civil society organizations, first of all, on the issues of ensuring the rights and freedoms of man and citizen, guided by part two of Article 102 of the Constitution of Ukraine [9] and, respectively, on paragraph 28 of the first part of Article 106 of the Constitution of Ukraine On February 26, 2016, the President of Ukraine approved the National Strategy for Promoting the Development of Civil Society in Ukraine for 2016–2020” [10].

“The development of the new Strategy was due to changes in the main trends in the development of civil society, the growth of its role in various spheres, from advancement of reforms at the state and local levels, European integration and development of e-government to providing volunteers with the Armed Forces of Ukraine, other military formations, law enforce-

ment agencies, public authorities during the special period, carrying out an anti-terrorist operation, and assisting internally displaced persons” [11].

Proceeding from the existing experience of cooperation of state authorities of all levels with international organizations, a number of reasons can be elaborated which encourage the parties to engage in both economic and political interaction.

At the present stage, international organizations have become centers of uniting the efforts of States to develop new forms of cooperation in the economic sphere. In addition, they are the institutional basis for multilateral regulation of international economic relations, and carry out important functions aimed at ensuring the free circulation of goods, services, capital, in solving international economic disputes, in making decisions in various forms and with varying degrees of binding status for states-participants In conditions of globalization, states are forced to transfer a significant part of the powers to regulate foreign economic activity, previously carried out by the states themselves, international organizations.

For economic reasons, many international organizations (World Bank, International Monetary Fund, etc.) and Western donors believe much less the ability of national governments and market mechanisms to ensure the proper level of both social programs and civil society development projects. Another economic motive for cooperation is the fact that, along with the growing needs for social spending, there is a reduction in the share of public expenditures, which legitimately leads to the desire of state authorities to “divide the financial



burden". In addition, similar processes take place at the local level, as for local budgets, resource allocation may even be more problematic, due to a decrease in centralized public funding. Finally, the global experience of public-private partnership with non-profit making leads to the recognition that attracting international organizations to participation in national and local projects is more cost-effective and economical, and also has a lower added value, especially compared to the private sector of the economy.

At the same time, the main socio-political factors of the reasons for the interaction of authorities with public organizations are as follows:

- the onset of a new era (in the modern political theory of post-conflict or new-administrative) in building relations between authorities and citizens, characterized by a greater role of civil society and its participants in matters of governance of the state and the functioning of its individual institutions;

- partnerships between civil society, the private sector and the state are often perceived as the most effective methods for solving complex socio-economic problems;

- social capital (increasing the will and ability of citizens to participate in the socio-political life of the country and the state) becomes a prerequisite and ancillary element for supporting economic growth and development of the country;

- the main motivation of the public sector is the public benefit, not profit;

- the process of comprehensive and pluralistic decision-making is recognized as a necessary tool for achieving

vital social agreements in the process of discussing and implementing political reforms.

**Conclusion.** According to the results of the research carried out today, the cooperation of public authorities with international organizations is the most urgent and most important area of activity for addressing the pressing problems of the public sector.

It is sensible that the realization of internationally accepted solutions is impossible without a deep awareness of the full responsibility for their implementation on the part of all signatory states, all subjects of political, legal, economic and other types of governance within the structure of these states, which is why special significance is given to international organizations, the system of interstate agreements and agreements.

Taking into account the world experience and the analysis, it should be noted that the creation of clear, well-written, transparent, efficiently working relations between the state and the public sector leads to:

- involvement of the population in the process of creation and development of civil society;

- participation of the population in the development and implementation of public and social initiatives;

- building closer contacts and principles of feedback between authorities and the public.

Therefore, during the analysis, the general theoretical positions and scientific approaches to interaction with international organizations are considered, and it is determined that only

consolidated efforts of all states on the basis of partnership will be able to lead to effective interaction between public authorities.

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## **LOBISM: DEFINITION OF THE CONCEPT IN THE FIELD OF THEORETICAL-DISCUSSIVE FIELD AND NORMABLE PROCESS**

**Abstract.** The article is devoted to a scientific search for the definition of lobbyism, which best describes the nature of this concept and was optimal for use in the further regulatory regulation of lobbying in Ukraine.

Starting his research from the account of the developments of foreign and domestic scientists, the author cites various approaches of researchers to the correlation of the concepts “lobbyism”, “lobbying”, “lobbying activity”. Based on the analysis of research of predecessors, the author's corresponding definitions are offered.

The term “lobbyism” suggests to understand as the mechanism for realizing the interests of citizens and society, functioning through the interaction of these groups with the government, in all its manifestations. Lobbying is seen as an effective manifestation of lobbyism, carried out within the framework of the normative-right field, realizing in practice the desire of pressure groups to influence state authorities, to ensure the interests of citizens and society in a law-abiding

and accountable method. The lobbying activity in this context is the professional activity of the subjects of lobbying, it is carried out in the rule-making and public-management activities, which is aimed at the adoption by the state authorities of Ukraine, local self-government bodies of Ukraine, other subjects of power, their officials and officials, deputies of all levels, Solutions that meet the interests of the customer lobbying services.

Separate attention is devoted to manifestations of lobbyism and varieties of lobbying. The manifestations of lobbyism are classified by such criteria as: scale; direction of impact; export pressure and pressure for import; operating principle; speed reaction; duration of exposure. Types of lobbying, according to the author, are: lobbying of various social structures; departmental lobbying; regional lobbying; foreign lobbying.

**Keywords:** lobbyism; lobbying; lobbying activity; legal regulation; bill; representation of interests.

### **ЛОБІЗМ: ВИЗНАЧЕННЯ ПОНЯТТЯ В РАМКАХ ТЕОРЕТИКО-ДИСКУСІЙНОГО ПОЛЯ ТА НОРМОТВОРЧОГО ПРОЦЕСУ**

**Анотація.** Наведено визначення лобізму, яке якомога краще розкриває природу цього поняття та є оптимальним для використання в рамках подальшого нормативного врегулювання лобізму в Україні.

Враховуючи напрацювання зарубіжних та вітчизняних науковців, розглядаються різні підходи до співвідношення понять “лобізм”, “лобіювання”, “лобістська діяльність”. На основі аналізу досліджень попередників, запропоновано відповідні дефініції.

Під терміном “лобізм” пропонується розуміти механізм реалізації інтересів громадян та суспільства, який функціонує шляхом здійснення взаємодії зазначених груп з владою у всіх її проявах. Лобіювання розглядається як дієвий вияв лобізму, що здійснюється в рамках нормативно-правового поля, реалізуючи на практиці прагнення груп впливати на органи державної влади для забезпечення захисту інтересів громадян та суспільства в законослухняний і підзвітний суспільству спосіб. Лобістська діяльність у цьому контексті являє собою професійну діяльність суб'єктів лобіювання, що здійснюється в нормотворчій та державно-управлінській діяльності і спрямована на прийняття органами державної влади України, органами місцевого самоврядування України, іншими суб'єктами владних повноважень, їх посадовими та службовими особами, депутатами усіх рівнів, рішень, що відповідають інтересам замовника лобістських послуг.

Окрему увагу присвячено виявам лобізму та різновидам лобіювання. Вияви лобізму класифіковано за такими критеріями: масштаб; напрям впливу; експорт тиску та імпорт тиску; принцип дії; швидкість реакції; тривалість впливу. Різновидами лобіювання є: лобіювання різних соціальних структур; відомче лобіювання; регіональне лобіювання; іноземне лобіювання.

**Ключові слова:** лобізм; лобіювання; лобістська діяльність; нормативно-правове регулювання; законопроект; представництво інтересів.

## ЛОББИЗМ: ОПРЕДЕЛЕНИЕ ПОНЯТИЯ В РАМКАХ ТЕОРЕТИКО-ДИСКУССИОННОГО ПОЛЯ И НОРМОТВОРЧЕСКОГО ПРОЦЕССА

**Аннотация.** Представлено определение лоббизма, которое как нельзя лучше раскрывает природу этого понятия и является оптимальным для использования в рамках дальнейшего нормативного урегулирования лоббизма в Украине.

Учитывая наработки зарубежных и отечественных ученых, рассматриваются различные подходы исследователей к соотношению понятий “лоббизм”, “лоббирование”, “лоббистская деятельность”. На основе анализа исследований предшественников, предложены соответствующие авторские дефиниции.

Под термином “лоббизм” предлагается понимать механизм реализации интересов граждан и общества, функционирующий путем осуществления взаимодействия указанных групп с властью, во всех ее проявлениях. Лоббирование рассматривается как действенное проявление лоббизма, осуществляемое в рамках нормативно-правового поля, реализующее на практике стремление групп влиять на органы государственной власти для обеспечения защиты интересов граждан и общества законопослушным и подотчетным обществу образом.

Лоббистская деятельность в этом контексте представляет собой профессиональную деятельность субъектов лоббирования, осуществляется в нормотворческой и государственно-управленческой деятельности, которая направлена на принятие органами государственной власти Украины, органами местного самоуправления Украины, другими субъектами властных полномочий, их должностными и служебными лицами, депутатами всех уровней, решений, отвечающих интересам заказчика лоббистских услуг.

Отдельное внимание посвящено проявлениям лоббизма и разновидностям лоббирования. Проявления лоббизма классифицированы по таким критериям как: масштаб; направление воздействия; экспорт давления и импорт давления; принцип действия; скорость реакции; продолжительность воздействия. Разновидностями лоббирования, являются: лоббирование различных социальных структур; ведомственное лоббирование; региональное лоббирование; иностранное лоббирование.

**Ключевые слова:** лоббизм, лоббирование, лоббистская деятельность, нормативно-правовое регулирование, законопроект, представительство интересов.

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**Formulation of the problem.** Lobbyism as a socio-political phenomenon and lobbying as an instrument for implementing the aspirations of the groups of pressure in practice has long been in the sight of the scholars. At the same time, some scholars use the definition of “lobbyism”, other “lobbying”,



and the third – “lobbying activity”. The analysis of the domestic and foreign scientific literature on the political science, public administration and law demonstrates an impressive variety of approaches to the definition of these concepts. A number of scholars identify these terms, some differentiate or even oppose them as alternatives. If domestic studies of lobbying with rare exceptions originate from the second half of the twentieth century, then the US and Western European countries had a scientific interest in this phenomenon much earlier. The modern domestic scientific community decisively catches up with this gap. Over the past 20 years, the world has seen the study of V. F. Nesterovych, V. V. Sumska, O. V. Dyahilev, O. M. Voynych and a number of other scholars in the field of political science, public administration. Within the framework of the lawmaking process, several bills have been created to resolve domestic lobbying activities. At the same time, the diversity of approaches to lobbying as a phenomenon, the discrepancy in the outline by scientists of the scope of the functioning of lobbyists, the lack of regulatory legislation that would fix these concepts – all this indicates the need for a systematic study, the specification of proposals to consolidate certain definitions in the relevant regulatory legal act.

**Analysis of previous studies and publications.** A number of domestic and foreign scientists devoted their attention to the problem of lobbying in particular and the specific features of this phenomenon in general. The bases for this study were individual ideas, the work of A. Bentley, O. Voynych,

O. Grosfeld, O. Dyahilev, A. Yevhenyeva, M. Landeil, R. Matskevich, V. Nesterovych, A. Onuprienko, O. Porfirovych, V. Sumska, Ye. Tykhomyrova, V. Fedorenko and other researchers. Particular attention is devoted to the analysis of the relevant definitions proposed in the draft laws designed to regulate the lobbying activity in Ukraine published during the years of independence.

**The purpose of the article** is to define the concept of “lobbyism” and its related concepts on the basis of the analysis of scientific developments of the domestic and foreign researchers and the domestic lawmaking initiatives aimed at regulating the lobbying activity.

**Presentation of the main research material.** The genesis of the notion of “lobbyism” has already been considered by us in previous studies, so let us dwell in more detail on the essential features of the terms “lobbyism”, “lobbying”, “lobbying activity” and the content that the domestic and foreign researchers invest in them. The study of the essential content of the terminology of the lobbying activity originates from the consideration of so-called “interest groups” or “groups of pressure”. In the modern political and state-management science, the basis for studying the theory of interest groups was laid by Arthur Bentley in his 1908 scientific paper “The Process of Governance”. The work of Bentley marks the introduction of a conceptual notion of “group” (in contrast to class, social strata, etc., which can also be regarded as groups of people) in politics. The author analyzes the group as the basic unit of society, and the political community as a

whole treats of a set of different “interest groups”. In the sense of A. Bentley, the group is “this association of citizens that is considered not as an abstract unit of society, but as mass activity that does not associate an individual with participation in only one group, but permits its activities and many others. There is no such group that would not have its own interests, groups without interest do not exist. Society is nothing but a set of different groups of interests, and their number is limited to only one indicator — the interests for which they are created and operate” [1, p. 199]. At the same time, the scientist noted that it is the state that performs the function of maintaining balance between the groups of interests. It is interesting that such a definition of society as a whole does not contradict the domestic definition given in the Great Explanatory Dictionary of Modern Ukrainian Language: society is a collection of people united by certain relations, conditioned by a historically variable way of producing material and spiritual goods [2, p. 1417]. However, the definition of A. Bentley seems more appropriate in terms of political science and state-management approach.

In the future, A. Bentley’s concept was actively developed by D. Truman, who referred to a more precise definition of the concept of “interest group”. The American political scientist singled out the category of “political groups” that in modern political science is completely synonymous with the term “groups of pressure” — interested groups that exert pressure on state structures [3, p. 67]. Within the framework of the Truman concept, interest groups use the full range of democratic instruments

to make the most profitable decision for themselves, while interacting with representatives of political parties, legislative, executive and judicial branches of power, mainly using two methods of influencing the power structures: creating favorable for self-confidence and direct conviction of the civil servants and parliamentarians. By competing with each other, they are constantly searching for access to the state institutions that are the center of making politically significant decisions in order to maximize the productive resource allocation. According to D. Truman, such a sharp competition of groups positively affects the maintenance of the stability of the political system. Such a vision of groups of pressure as a factor generating a “balance of the political system” seems too idealized for us. It is worth noting that the opponents of the “Truman concept” were criticized by the American political scientist with reason, emphasizing the relativity of the “equilibrium” of the system under conditions of the group competition. For example, R. Mills noted that the “that for one is equilibrium, for another — its just absence” [4, p. 44]. The American political scientists W. Domhoff, R. Watson and others resembled similar positions, noting that only a small minority of American citizens can influence the direction and nature of the internal and, in particular, foreign policy of the state. Rather, it’s worth talking about using instruments of pressure on the state on the part of active groups rather than the all society as a whole.

With regard to the term “lobbyism”, it was used in English-speaking countries since 1883 in the same sense as “lobbying”, that is to denote a variety of

corrupt acts in the adoption of normative legal acts by the public authorities [5, p. 376]. However, in the domestic scientific school, these definitions are considered as identical, and as different, and even — as mutually exclusive. For example, V. F. Nesterovych, in his study “Constitutional and Legal Aspects of Lobbying in the Legislative Process of Ukraine” defines “lobbyism” and “lobbying” at the same time and identifies them and contrasts them. In particular, the researcher notes that the use of the term “lobbyism” is “a consequence of the borrowing of Russian tradition where in the scientific works of the scientists on the given problem, since Soviet times, the lexical form of the basic concept has received the dominant role in its application”. Instead, he suggests “more correct use, in particular as a legal category, of the form used in legal acts — “lobbying” which translates from English to Ukrainian into “любiвання” [6, p. 17–18]. We can not agree with this approach, since from the point of view of public administration lobbyism is rather a mechanism for realizing the interests of citizens, whereas lobbying is a practical manifestation of lobbyism within the regulatory framework.

Repeatedly the theme of lobbyism was raised in the law-making process. So in the draft law “On the Legal Status of Groups that Are United by Common Interests (lobby groups) in the Verkhovna Rada of Ukraine” (1999), the notion “lobbyist” is absent at all, but in Art. 1 of this bill uses the category “group united by common interests (lobby group)” that refers to the association of citizens of Ukraine, representing certain economic and social in-

terests of interested stratum and groups of the population, and has the right to influence the formation of Ukrainian legislation in legal ways [7]. Taking into account that this bill was one of the first in the domestic law-making process on the normalization of lobbyism, even such a determination of definitions in it can be considered a significant achievement.

The domestic constitutionalist O. Dyahilev in his study “The Legal Institute for Lobbying: Constitutional and Legal Aspects” defines the terms “lobbyism” and “lobbying” considering them in the legal and institutional sense. In particular, under lobbyism, he proposes to understand “a set of political norms that require legal legalization, are based on the indispensable constitutional right of the citizens to participate in the management of the public affairs and regulate relations at the legislative level that arise in the process of defending their citizens or their interests represented through methods not prohibited by the law of influence on the bodies of the state power and local self-government” [8, p. 26]. In this case, the researcher characterizes lobbying as “the process of influence (pressure) of the citizens or their groups (associations) to be registered in a special order on certain normative bodies of the state power and bodies of the local self-government with the purpose of promoting decision-making in the interests of the said persons, their groups (associations), or those whose interests they present”. Also O. V. Dyahilev distinguishes between “lobbying activity” (“lobbyist actions”) as “a more narrow, specific notion that determines the direct actions of lobbyists, the

use of specific means of influence” [8, p. 26–27]. Noting in general the rational division of the related definitions, we still consider it appropriate to consider lobbying not as a simple set of political norms, but as a mechanism for realizing the interests of the citizens and society that functions through the interaction of these groups with the authorities in all its manifestations.

The lobbying researcher V. Sumska also shares the notion of “lobbying” and “lobbying activity”. In particular, she notes the following “to identify the concept of “lobbying” and “lobbying activity” is not feasible, since they carry a different semantic load. Lobbying should be considered as a certain social phenomenon, socio-political institution, and lobbying activity as a manifestation of lobbying embodied in the concrete actions of individuals” [9, p. 19]. In part agreeing with the researcher on the difference in the content of these concepts, however, we believe that lobbying is an effective manifestation of lobbying which is an appropriate mechanism for realizing the interests of the citizens and society.

There is no consensus among researchers and in the context of defining the scope of lobbying. Some authors characterize lobbying as a mechanism of influence exclusively (or mainly) on the legislative activity of the parliament. Thus, the draft Law of Ukraine “On the Activities of Lobbyists in the Verkhovna Rada of Ukraine” proposed the following definition: “A lobbyist is a citizen of Ukraine registered in the Verkhovna Rada of Ukraine in the manner prescribed by the law, who, on a paid or non-paid basis, on behalf and in the interests of a legal entity (the

client), within the limits and in a manner not prohibited by the legislation of Ukraine, exercises influence on the entities whose list is specified by the law in order to influence the drafting, discussion and adoption of draft laws of Ukraine and other decisions of the Verkhovna Rada and Ukraine” [10]. A slightly broader scope of lobbying is outlined in the 2016 bill. “Lobbyism is the professional activity of the subject of lobbying, aimed at promoting laws, other normative legal acts, their projects during the process of development, adoption, cancellation or change by their bodies of the state power of Ukraine, local self-government bodies of Ukraine, other subjects of authority of Ukraine, their civil servants and officials, deputies of all levels; the representation and protection of the customer interests in lobbying services” [11].

At the same time, a number of researchers are leaning towards a much wider scope of the lobbyists’ activity. In particular, V. F. Nesterovych noted in this connection: “the restriction of the content of this concept solely to the influence on the legislative activity of the parliament does not reflect the true state of this political and legal phenomenon, since the modern institute of lobbying has de facto and de jure gone out a long time ago beyond the scope of influence only on the lawmaking of the supreme representative body of the state. In proportions of lobbying influence, other bodies of the state power, primarily the governmental institutions, as well as the local self-government bodies do not concede to the parliament” [6, p. 22–23]. We tend to agree with this position, because even in the absence of proper legal regulation, the activity of

lobbyists manifests itself as an influence on the adoption of certain decisions by both the public authorities of Ukraine and the local self-government bodies of Ukraine, other subjects of power, their civil servants and officials, deputies of all levels. Moreover, the scale (localization) can be identified as internal (general state), and external lobbyism (the one that is implemented on the international scene). All of this requires that we define a rather wide range of activities, its structuring and standardization that should precede the formulation of the corresponding author definitions of “lobbyism”, “lobbying” and “lobbying activity”.

Taking into account the developments of the domestic and foreign scholars and taking into account the need to standardize the maximum number of existing manifestations of lobbying activities, we propose the following definitions:

**Lobbyism** is a mechanism for realizing the interests of the citizens and society that functions through the interaction of these groups with the authorities in all its manifestations. The manifestations of lobbyism can be classified according to a number of criteria, namely:

- By scale (localization): internal (general state) and external lobbyism (international arena).
- Under the direction of influence Down-up and Up-down (at the general state level); pressure exportation and pressure import (on the international scene).
- On the principle of action (direct and indirect).
- At speed of reaction: slow and fast.

- For duration of influence: operational-tactical (one-time or short-term action) and strategic (repeated, long-lasting action).

**Lobbying** is an effective manifestation of lobbyism within the framework of the regulatory field, realizing, in practice, the pressure of the groups of pressure to influence the state authorities to ensure the interests of the citizens and society in a law-abiding and accountable way for the society.

Depending on for whom the benefit of the issue should be solved, lobbying can be divided into varieties, namely:

- lobbying various social structures: civic organizations, movements, parties, groups, layers (trade unions, anti-war and environmental movements, business unions, etc.);
- departmental lobbying – lobbies of the state authorities (central and local), sectoral “pushing” of certain interests (so, in the Verkhovna Rada of Ukraine there are so-called “departmental deputies” who have lobbied and are lobbying in favor of, for example, energy, agro-industry or military-industrial complexes, etc.);
- regional lobbying – the influence on the power of the representatives of the regions that are able to “break through” the resistance and push the desired solution for the regions.
- foreign lobbying – the influence of foreign “groups of pressure” or national communities on certain state bodies in order to obtain certain decisions from them.

**Lobbying activity** is a professional activity of lobbying entities that is car-

ried out in the normative and state-management activities, and is aimed at the adoption by the bodies of the state power of Ukraine, local self-government bodies of Ukraine, other subjects of power, their civil servants and officials, deputies of all levels, solutions that meet the interests of the customer lobbying services.

**Conclusions.** Lobbyism, lobbying and lobbying activity are definitions of different content, although they are, undoubtedly, interrelated. All of them urgently need to be fixed in the corresponding legal act. Lobbyism is a mechanism for realizing the interests of the citizens and society that functions through the interaction of these groups with the authorities in all its manifestations. Lobbying is an effective manifestation of lobbyism, and lobbying activity is a professional activity of the subjects of lobbying. The manifestations of lobbyism can be categorized according to scale, direction of influence, principle of action, reaction rate, etc. Lobbying is also divided into varieties, depending on who whose interests are being defended.

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## **THE PRINCIPLE OF DECENTRALIZATION AS A BASIS FOR THE FORMATION OF A QUALITATIVE HUMAN RESOURCES POTENTIAL OF THE PUBLIC ADMINISTRATION SYSTEM**

**Abstract.** The article analyzed the possibilities of improving the professional training of local government staff taking into account the implementation of the principle of decentralization. The ways of improving the training of specialists of local self-government bodies are proposed, it is envisaged to expand the right of territorial communities to choose not only a higher educational institution that will train specialists but also professional programs that will prepare specialists for a particular territorial community.

The analysis provided grounds for highlighting important elements of the professionalization of local government staff as the basis for the formation of decentralization in Ukraine.

1) The current legislation should provide for the allocation of funds to territorial communities for vocational training, raising the skills of local government officials. This will enable the community to select which professionals to prepare for this area.

2) It is necessary to adopt a normative legal document that would provide for the formation of a real need for vocational training and professional development of local government personnel, taking into account the monitoring carried out in need in such professional personnel.

3) Provision of territorial communities with the right to choose a higher educational institution that will train specialists who need this region (population, community). In addition, it is necessary to foresee the organization on the basis of municipal educational establishments of mobile permanent courses of training of officials of local self-government with the involvement of any specialists from all regions of Ukraine, if necessary in such courses.

4) In order to strengthen the role of the territorial community, it should be foreseen the right of the community to choose not only a higher educational institution, but also the curricula that are required for professionals who work in the area.

5) To oblige the specialists who have received education for the money of a territorial community, to work in this community for 5 years or to return the money for professional training.

6) Provide funds for the financing of talented youth abroad, provided that they work after graduation of a certain time in Ukraine.

The system of training and advanced training of staff of local self-government bodies should depend on the needs of the region in certain competencies of such specialists, as well as the number of such specialists, which in turn can be made if the territorial community is empowered to monitor the needs of staff and the right of communities to order professional training or advanced training. In addition, it is necessary to give territorial communities the right not only to choose a higher educational institution, which trains local self-government personnel, but also curricula for which such training will be carried out.

**Keywords:** public service, service in local self-government bodies, personnel, personnel potential, decentralization, development, training, personnel training.

## **ПРИНЦИП ДЕЦЕНТРАЛІЗАЦІЇ ЯК ОСНОВА ФОРМУВАННЯ ЯКІСНОГО КАДРОВОГО ПОТЕНЦІАЛУ СИСТЕМИ ПУБЛІЧНОГО УПРАВЛІННЯ**

**Анотація.** Проаналізовано можливості удосконалення професійної підготовки кадрів органів місцевого самоврядування з урахуванням реалізації принципу децентралізації. Запропоновано шляхи удосконалення підготовки фахівців органів місцевого самоврядування, передбачено розширити право територіальних громад на вибір не тільки вищого навчального закладу, який готуватиме фахівців, а й професійних програм, за якими готуватимуться фахівців для певної територіальної громади.

Проведений аналіз дає підстави виокремити важливі елементи професіоналізації кадрів органів місцевого самоврядування як основу формування децентралізації в Україні, а саме:

1) у чинному законодавстві слід передбачити виділення коштів територіальним громадам на професійне навчання, підвищення кваліфікації посадо-

вих осіб місцевого самоврядування. Це надасть можливість громаді обрати яких саме фахівців для цієї місцевості потрібно підготувати;

2) необхідно прийняти нормативно-правовий документ, який би передбачав формування реальної потреби у професійному навчанні та підвищенні кваліфікації кадрів органів місцевого самоврядування з урахуванням проведеного моніторингу у потребі саме у таких професійних кадрах;

3) надати територіальним громадам права обирати вищий навчальний заклад, який готуватиме саме тих фахівців, яких потребує даний регіон (населення, громада). Крім того, слід передбачити організацію на базі комунальних навчальних закладів мобільних постійно діючих курсів підвищення кваліфікації посадових осіб місцевого самоврядування із залученням будь-яких фахівців з усіх регіонів України за потреби у таких курсах;

4) з метою посилення ролі територіальної громади слід передбачити їй право обирати не тільки вищий навчальний заклад, а й навчальні програми, які потрібні для фахівців, що працюватимуть в даній місцевості;

5) передбачити обов'язок фахівців, які отримали освіту за гроші територіальної громади, відпрацювати в цій громаді протягом 5 років або повернути гроші за професійне навчання;

6) передбачити кошти на фінансування талановитої молоді за кордоном за умови відпрацювання після закінчення навчального закладу певного часу на території України.

Таким чином, система підготовки та підвищення кваліфікації кадрів органів місцевого самоврядування має залежати від потреб регіону в певних компетентностях таких фахівців, а також кількості таких фахівців, що, в свою чергу, можна зробити, якщо надати право територіальній громаді здійснювати моніторинг потреби у кадрах та право громад замовляти професійне навчання або підвищення кваліфікації. Крім того, потрібно надати право територіальним громадам обирати не тільки вищий навчальний заклад, де здійснюють підготовку кадрів органів місцевого самоврядування, а й навчальні програми, за якими здійснюватиметься така підготовка.

**Ключові слова:** державна служба, служба в органах місцевого самоврядування, кадри, кадровий потенціал, децентралізація, розвиток, навчання, підвищення кваліфікації кадрів.

## **ПРИНЦИП ДЕЦЕНТРАЛИЗАЦІИ КАК ОСНОВА ФОРМИРОВАНИЯ КАЧЕСТВЕННОГО КАДРОВОГО ПОТЕНЦИАЛА СИСТЕМЫ ПУБЛИЧНОГО УПРАВЛЕНИЯ**

**Аннотация.** Проанализированы возможности совершенствования профессиональной подготовки кадров органов местного самоуправления с учетом реализации принципа децентрализации. Предложены пути совершенствования подготовки специалистов органов местного самоуправления, предусмотрено расширить право территориальных общин на выбор не только высшего учебного заведения, который будет готовить специалистов, но и

профессиональных программ, по которым будут готовить специалистов для определенной территориальной общины.

Проведенный анализ позволяет выделить важные элементы профессионализации кадров органов местного самоуправления как основу формирования децентрализации в Украине, а именно:

1) в действующем законодательстве следует предусмотреть выделение средств территориальным общинам на профессиональное обучение, повышение квалификации должностных лиц местного самоуправления. Это позволит обществу выбрать каких именно специалистов для этой местности нужно подготовить;

2) необходимо принять нормативно-правовой документ, который бы предусматривал формирование реальной потребности в профессиональном обучении и повышении квалификации кадров органов местного самоуправления с учетом проведенного мониторинга о необходимости именно в таких профессиональных кадрах;

3) предоставить территориальным общинам право избирать высшее учебное заведение, которое будет готовить именно тех специалистов, в которых нуждается данный регион (население, община). Кроме того, следует предусмотреть организацию на базе коммунальных учебных заведений мобильных постоянно действующих курсов повышения квалификации должностных лиц местного самоуправления по привлечению любых специалистов из всех регионов Украины при необходимости в таких курсах;

4) для усиления роли территориальной общины следует предусмотреть право общины выбирать не только высшее учебное заведение, но и учебные программы, необходимые специалистам для работы в данной местности;

5) предусмотреть обязанность специалистов, получивших образование за деньги территориальной общины, отработать в этой общине в течение 5 лет или вернуть деньги за профессиональное обучение;

6) предусмотреть средства на финансирование талантливой молодежи за рубежом при условии отработки после окончания учебного заведения определенного времени на территории Украины.

Таким образом, система подготовки и повышения квалификации кадров органов местного самоуправления должна зависеть от потребностей региона в определенной компетентности таких специалистов, а также количества таких специалистов, что, в свою очередь, можно сделать, если предоставить право территориальной общине осуществлять мониторинг потребности в кадрах и право общин заказывать профессиональное обучение или повышение квалификации. Кроме того, нужно предоставить право территориальным общинам выбирать не только высшее учебное заведение, где осуществляют подготовку кадров органов местного самоуправления, но и учебные программы, по которым будет осуществляться такая подготовка.

**Ключевые слова:** государственная служба, служба в органах местного самоуправления, кадры, кадровый потенциал, децентрализация, развитие, обучение, повышение квалификации кадров.

**Formulation of the problem in general form and its connection with important scientific or practical problems.** Today, the problems of decentralization are analyzed by political scientists, sociologists, economists, and specialists in public administration. At the same time, the problems of analyzing the issue of decentralization from the point of view of forming the personnel potential of the public administration system are actualized.

The personnel are the basis of qualitative reforms in the state, as it is public servants who formulate and implement administration decisions, predict the possible consequences of such decisions and correct them. Therefore, decentralization as the main reform of the country requires specially trained personnel who would have not only professional knowledge in the field of public administration, but could apply them in practice.

Thus, the personnel of the public administration system are centralized in the system of institutions of higher education, regardless of the needs of regions in certain managerial qualities and certain specialization (in particular, management of the agrarian sector, educational, etc.). In addition, professional training is aimed at mastering basic professional skills in the public administration system, without taking into account the needs of such specialist, especially the need for administration at the regional level. Separately there is a problem of lack of practical skills in administration situations.

Today, there is a need for the formation of the personnel depending on the needs of the territorial community, taking into account the demands of the

modern society and the information globalization space.

**Analysis of recent research and publications.** The problems of formation and development of the personnel in the civil service, local self-government bodies, definition of historical patterns of personnel development in the system of public administration are analyzed by Ukrainian and foreign scientists, including: V. Averyanov, A. Antonova, H. Atamanchuk, N. Honcharuk, V. Malinovsky, R. Naumenko, N. Nyzhnyk, O. Obolensky, V. Oluyko, E. Okhotsky, A. Rachinsky, S. Seryohin, A. Sitsinsky, I. Suray, O. Turchynov, S. Khajiradeva, O. Yakubovsky and others. The mentioned scientists analyze modern tendencies of the personnel development in the system of public administration, problems of staffing in the system of civil service, selection and competitive procedures, the main stages of reforming and modernizing the civil service of Ukraine. At the same time, the Ukrainian scientist M. Karpa analyzes the methods of managing human resources processes in the context of the formation of a public service in Ukraine.

At the same time, modern aspects of staffing and management training problems for local governments are underdeveloped.

Thus, **the previously unresolved part of the general problem** is the justification of the principle of decentralization as the basis for the formation of a qualitative human resources potential of the public administration system.

**Setting objectives.** The study provides for the basis of systematic analysis to justify the implementation of the principle of decentralization as the



basis for the formation of a qualitative human resources potential of the public administration system.

**Presenting the main material.**

According to the Law of Ukraine “On the Service in Local Self-Government Bodies” the following positions in local government bodies are:

- firstly, elected posts for which individuals are elected at local elections; elective office on which persons are elected or approved by the relevant council;

- secondly, the positions for which persons are appointed by the village, settlement, city mayor, chairman of the district, district in the city, the regional council on a competitive basis or another procedure provided by the legislation of Ukraine [2].

At the same time, the specified law does not define the basic requirements for the preparation of the local self-government bodies, however, this is an important aspect of the development of decentralization, since it is the personnel who form and implement regional policy, determine the priorities of the region’s development, formulate general plans of the cities, etc. Not only the constant development of the regions, but also the reform of the regional governance system depends on the qualifications of the local self-government personnel.

Thus, the professional training of the local government officials should vary according to the category of the posts and the need for certain skills and knowledge, since there is a different set of competencies for each category of posts.

It should be noted that according to the Concept of reforming the system of

the professional training of the civil servants, heads of local state administrations, their first deputies and deputies, officials of local self-government and local council deputies professional development of civil servants, heads of the local state administrations, their first deputies and deputies, officials of the local self-government – a continuous, conscious, purposeful process of personal and professional growth, based on the integration of knowledge, skills and competencies [5].

The system of professional training of the civil servants, heads of local state administrations, their first deputies and deputies, local self-government officials, and members of local councils is an integral set of interrelated components, which includes:

- definition of the professional training needs;

- formation, placement and execution of a state order;

- formation of motivation to increase the level of professional competence;

- ensuring the functioning and development of the market for the provision of educational services in the field of professional training;

- monitoring and evaluation of the quality of education [5].

In the above Concept the stages of the professional training for the local government officials are not separate, however, in our opinion, the stages of the professional training of the local government officials are specific. The most important thing is that the professional knowledge and practical skills that local government officials need is industry oriented, at the same time, these specialists should have issues re-

lated to the formation and implementation of the local budget, the division of expenditures from the local budget, and also understand the system of the local self-government and the system of public administration.

Therefore, the key to the system of the professional training of the local government officials is to determine the need for appropriate competencies.

The professional training of the officials of the local self-government bodies should have some inherent to it features, and be based on the following principles:

- regular study of the needs of the training and assessment of the personnel changes;

- observance of the current normative legal acts on professional development;

- selection of types and terms of the professional development of the employees taking into account the results of their studies in previous years;

- selection of types and terms of the professional development of the employees taking into account the specifics of positions;

- priority of training the first-time employees elected or accepted;

- improvement of the educational programs in order to meet the needs of students' learning, development of their abilities and skills, professionalism;

- classification of the employees of the local self-government for the needs of education [1].

The national system of training, specialization and professional development of the civil servants and officials of the local self-government bodies in Ukraine is formed and functions in order to meet the needs of the central and

local executive authorities, local self-government bodies, other bodies and organizations covered by the laws of Ukraine “On State Service” and “About Service in Local Self-Government Bodies” in highly professional and highly educated workers capable of competent and responsible management of their functions, to implement the latest social technologies, to promote innovative processes of reforming the system of public administration and local self-government. In the state system of training, above all, include the following institutions: National Academy of Public Administration under the President of Ukraine and its regional institutes; other higher educational establishments which carry out preparation of masters in the specialty “Public Management and Administration”; regional centers of retraining and professional development of the employees of the state authorities, local self-government bodies, state enterprises, institutions and organizations; state (branch) institutions of postgraduate education [3].

It should be noted that although there is an extensive network of educational institutions that increase the qualifications of the local government staff as well as educational programs under which these processes are carried out, in Ukraine education and training of the local government officials are not related to actual situations, functional duties performed by the specialists. In addition, the educational program does not take into account the educational level of a specialist.

In our opinion, the basic principles of the training of the personnel of the local self-government bodies should

be: professionalism; responsibility; accountability; the principle of a forward-looking nature (preparation must be aimed at the future, mastering of the latest technologies, innovative methods of work); efficiency; innovation; practical orientation; individual approach and so on.

Thus, a new approach to the training of the local self-government personnel should be oriented towards the specifics of the specialist's activities, guarantee the results of the activity, provide for special professional training of the senior management, determine the obligatory training of a specialist after his appointment, and also in connection with the change in the state policy, adoption of new regulations.

There is a direct relationship between instruction (training) of the local government officials and changes taking place in state administration today. Thus, by 1990 almost all the decisions in the republics of the former Soviet Union were through the administrative bodies that were located in Moscow. The republican ministries were subordinate to the union one. The local government office mainly served to follow the instructions, not to make policy and decision making alone. During the transition from the command-administrative system to the democratic, the mechanism of functioning of the state, which today is called to serve the society, to provide services to the population, qualitatively changes. In view of this, the functions of the civil servants are also significantly changing: modern social transformations require not executors, but active actors in the reform of the public administration [4, p. 36–37].

Thus, at present, the Ukrainian state faces an urgent problem of new understanding of the role of the local government personnel and the “education” of precisely such specialists who were able at the present stage to solve problems arising in the process of decentralization.

The analysis carried out provides grounds for highlighting important elements of the professionalization of the local government staff as the basis for the formation of decentralization in Ukraine.

Firstly, the current legislation should provide for the allocation of funds to the territorial communities for the professional training, raising the skills of the local government officials. This will enable the community to select which professionals to prepare for this area.

Secondly, it is necessary to adopt a normative legal document that would provide for the formation of a real need for professional training and professional development of the local government personnel taking into account the monitoring carried out in need in such professional personnel.

Thirdly, granting the territorial communities the right to elect a higher education institution that will train precisely those specialists that the given region needs (population, community). In addition, it should be envisaged to organize, on the basis of municipal educational institutions, mobile, permanently continuing education courses for the local government officials to attract any specialists from all the regions of Ukraine, if necessary, in such courses.

Fourthly, in order to strengthen the role of the territorial community, the

right of the community to choose not only the higher educational establishment, but also the curricula that are needed for the professionals who work in the area should be foreseen.

Fifthly, to foresee the obligation of the specialists who have received education for the money of the territorial community, to work in this community for 5 years or to return the money for the professional training.

Sixthly, to provide funds for the financing of the talented youth abroad provided that they work after graduation of a certain time in the territory of Ukraine.

Thus, the system of training and professional development of the local government personnel should depend on the needs of the region for a certain competence of such specialists, as well as the number of such specialists, which, in turn, can be done if the territorial community is given the right to monitor personnel needs and communities to order professional training or advanced training. In addition, it is necessary to give the territorial communities the right not only to choose a higher educational institution that trains local self-government personnel, but also curricula for which such training will be carried out.

**Conclusions.** The article analyzes the possibilities of improving the professional training of the local government staff taking into account the implementation of the principle of decentralization. The ways of improving the training of the specialists of the local self-government bodies are proposed, it is envisaged to expand the right of the territorial communities to choose not only a higher educational

institution that will train specialists, but also professional programs that will prepare specialists for a particular territorial community.

In the future, further research is planned to analyze the foreign experience of the formation of the principle of decentralization, as well as the training of the specialists commissioned by the territorial community.

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