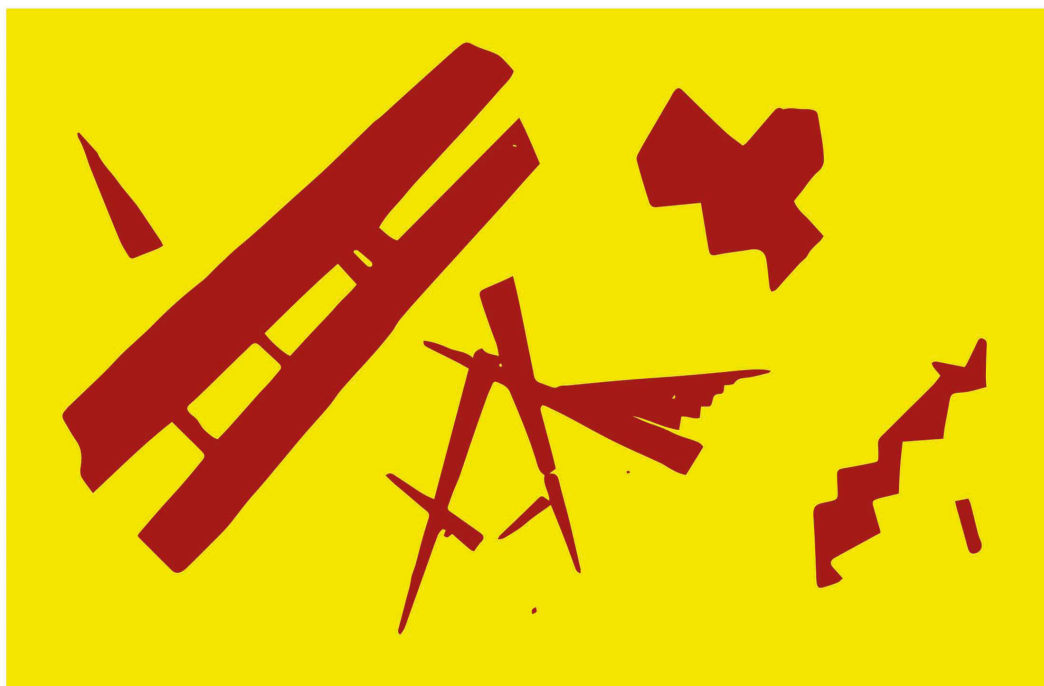


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APPROACHES TO THE CLASSIFICATION OF INTERBUDGET TRANSFERS IN UKRAINE AND ABROAD

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Abstract. The scientific work is devoted to the study of approaches to the classification of interbudgetary transfers in Ukraine and abroad. It has been determined that the classification of interbudgetary transfers is not established due to the constant changes in relations regulated by law, which necessitates the search for new models and mechanisms for financing public needs. The legislation of foreign states and doctrinal developments of foreign authors regarding the issue of types of interbudgetary transfers and features of their provision has been analyzed. The possibility of assigning interbudgetary transfers established by the norms of the budget legislation of Ukraine to the classifications developed by the foreign doctrine of budget law, taking into account the latest changes in the budget legislation of Ukraine, has been established. The most common are classifications depending on the model of building inter-budgetary relations in a specific state: depending on the presence of a target purpose, depending on the term of provision, depending on the presence of an equalizing orientation, depending on the degree of their obligation, depending on the direction of movement of funds, depending on the direction of movement of interbudgetary financial flows.

Key words: budget, interbudgetary transfers, classification of interbudgetary transfers, interbudgetary financial flows, purpose of transfers.

Introduction. The movement of funds between budgets in one form or another is observed in almost all countries of the world. This is due to the need to provide public services at an equal level within the state, as well as the unequal level of own financial resources at the local level. Depending on the form of the state system, the peculiarities of the national legislation, the state of development of the state economy and the specifics of the organization of relations in the field of local self-government, the states have developed a number of approaches to the legal regulation of the movement of funds between budgets within the country. In the domestic and foreign scientific literature there are attempts to classify intergovernmental transfers. Some of their types are considered in the works of A. Guerrero-Alcade, J. Pechay, R. Musgrave, G. McDonald, S. Tsaikate, J. Martinez-Vasquez, A. Timofeev.

The aim of the paper is to identify approaches to the classification of intergovernmental transfers in Ukraine and abroad.

To achieve this goal, the following tasks are set: analysis of the legal regulation of intergovernmental transfers in Ukraine and abroad; determination of the main approaches to the classification of intergovernmental transfers; clarification of the peculiarities of classification of intergovernmental transfers after the introduction of the legal regime of martial law in Ukraine. The article uses general scientific (analysis, synthesis), as well as special legal (comparative legal, formal legal, logical and legal) methods.

The main part. Approaches to the division of transfers into types differ depending on the model of intergovernmental fiscal relations in a particular country. For example, the German economist R. Musgrave developed and generalized the distribution of transfer funds depending on the model of such distribution: actual equalization of expenditures per capita; equalization of the performance of local authorities; ensuring the same level of services set by the center; equalization of financial capacity through fiscal charges; ensuring the same level of services per unit of taxes collected; equalization of differences in financial needs and financial capacity; support at the same rate of expenditures

The classical approach to the division of transfers into types is the division depending on the purpose. According to this classification, transfers are divided into two categories: unconditional (general purpose) and conditional, targeted (specific purpose). General purpose transfers are provided to the respective budgets as general financial support without specifying purposes and specific criteria for their use, so they have only an income effect. Unconditional transfers are aimed at preserving the independence of local budgets. This position is also adhered to by the national legislator of Ukraine, based on Article 9 of the European Charter of Local Self-Government, which enshrines the priority of using this type of transfers for financial support of local self-government: «As far as possible, grants to local authorities shall not be earmarked for the financing of specific projects. The granting of subsidies shall not affect the fundamental freedom of local authorities to pursue their policies within their own competence» (European Charter of Local Self-Government, 1985).

Targeted transfers usually provide for clearly defined areas of their provision. Foreign experience shows that the provision of earmarked transfers to local budgets is possible in several ways: transfers are provided for clearly defined needs without specifying the expected result of their provision or with the requirement to achieve such results (performance-based conditionality). Legislative regulation of the provision of targeted transfers may provide for the obligation of the recipient to finance a certain part of the costs at their own expense. The second type of targeted transfers, the provision of which includes the requirement to achieve specific results through their provision, is considered to be more effective, because at the same time it ensures the achievement of the state's goals for the development of certain sectors, and preserves local autonomy. The requirement to achieve results at the local level encourages proper control over the expenditures financed by the transfers provided: in addition, the control over the use of funds is also carried out by the grantor. However, scholars point out that these requirements place a greater burden on recipients with limited fiscal capacity and propose to set matching rates inversely proportional to the per capita fiscal capacity of the administrative unit to allow the less able to receive public funds and to be able to partially finance their own needs (Boadway, Shah, 2007; 49).

Foreign researchers of the XX century also consider transfers, the recipient of which must also correspond certain requirements, to be a recipient of targeted transfers. For example, to receive aid to finance public transport, it is necessary that the budget needs for its financing are higher than the costs of providing other public goods.

If the purpose of providing financial support to the regions is only to improve the overall level of public services and living standards of its permanent residents, then in this case it is more appropriate to provide general purpose (unconditional) transfers, because they will contribute to strengthening local autonomy.

Thus, the classification of intergovernmental transfers depending on the availability of a targeted purpose outlines the limits of the use of public funds, but they are all equally aimed at meeting public needs. The only difference is the need to use the transfer funds to finance a clearly defined area of public services in one case and the use of such funds at the discretion of the relevant authority in the other.

The division of interbudgetary transfers depending on the availability of the targeted purpose in Ukraine requires clarification. Thus, with the introduction of martial law, a number of amendments were adopted concerning the possibility of using the balances of certain transfers for the needs of

the Armed Forces of Ukraine, territorial defense, protection and support of the civilian population. The Law of Ukraine "On Amendments to Section VI "Final and Transitional Provisions" of the Budget Code of Ukraine and Other Legislative Acts of Ukraine" also amended clause 22-2 of the Budget Code of Ukraine, which was supplemented with words and figures "as well as, as an exception to the provisions of part four of Article 103⁻² and part four of Article 103⁻³ of this Code and paragraph 11 of the section "Final Provisions" of the Law of Ukraine "On the State Budget of Ukraine for 2021", on the allocation of balances of funds for subventions from the state budget to local budgets, kept on the accounts of local budgets as of January 1, 2022, for territorial defense measures, meeting the food needs of the civilian population, evacuation / removal / relocation of civilians from the area where hostilities are taking place and dangerous areas to safe places, in particular for payment for transport services, fuel and lubricants, arrangement of places. The subordinate regulation of the use of balances was developed for the educational subvention and subvention from the state budget to local budgets for the provision of state support to persons with special educational needs (On Amendments to the Procedures and Conditions Approved by the Resolutions of the Cabinet of Ministers of Ukraine No. 6 of January 14, 2015 and No. 88, 2022 of February 14, 2017). Therefore, we state that according to the latest changes in the norms of the budget legislation of Ukraine, the balances of funds on targeted transfers can be used for other than targeted needs, which indicates the temporary impossibility of unambiguously attributing subventions to transfers that have a targeted purpose.

Also, intergovernmental transfers in foreign studies are classified into those that have a limited period of use and open-ended. Empirical studies usually show that closed-ended transfers stimulate spending on subsidized activities more than open-ended transfers (Boadway, Shah, 2007; 48). This conclusion logically follows from the very content of transfers with a limited period of use, because in case of non-use of the entire amount of transfers of this type, the funds do not remain with the recipient, but return to the grantor, which necessitates their faster distribution and expenditure. At the same time, the provision of such transfers requires control by the entity providing the funds (usually the state), and also requires a certain degree of financial responsibility on the part of the recipient. Transfers, the provision of which includes the requirement to achieve specific results through their provision, perform several tasks simultaneously: preservation of local autonomy and stimulation of local authorities to improve the mechanisms of public service delivery, as well as control over the use of funds provided.

Transfers, the recipient of which also has to correspond certain requirements (conditional transfers), have a number of advantages and disadvantages from the point of view of the recipient. While such transfers may adequately finance one or several sectors, they may at the same time be inefficient for financing the region, as other public services may remain underfunded under such conditions. Therefore, in order to ensure equitable financing of public services within a region, it is necessary to regularly assess the region's own resources and needs.

Intergovernmental transfers can also be divided into equalizing and non-equalizing transfers. Equalizing transfers, first of all, provide for the creation of such conditions between the subjects of financing (territorial communities, regions, states, etc., depending on the state – the subject of the introduction of transfers), under which their financial capacity will be approximately equal in terms of population. In Ukraine, equalization transfers include basic and reverse grants. Equalization is often based on the indicators of actual tax revenues and actual expenditures of the region and, despite the logic of its introduction, at the local level equalization can have a negative effect: the equalization mechanism actually ignores the differences in local needs and expenditures, and, therefore, one of the main justifications for decentralization in the first place. Such transfers do not stimulate local budgets to increase revenues from their own resources (Bird, Tarasov, 2004: 80).

Researchers in the United States of America (the only federal country that does not have general equalization transfers) often discuss the equity aspects of intergovernmental transfers as if the main purpose of such transfers is to reduce disparities in per capita incomes across regions. The rationale for

intergovernmental transfers may be to ensure that regions have sufficient resources so that local governments, even the smallest and poorest ones, can provide residents with a basic package of local services.

Much public discussion of intergovernmental transfers in foreign countries tends to focus on the link between such transfers and the problem of «regional disparities». Although regional disparity has not generally been clearly defined, it is often interpreted in terms of the purpose of its elimination: the supposed goal of transfers is to reduce such disparity, regardless of what exactly is meant by differences in the regions' own incomes (differences in per capita incomes between states or in terms of regional growth rates, unemployment rates or any other economic variable) (Bird, Tarasov, 2004: 82).

In their turn, non-equalizing transfers are provided to cover certain expenditures for certain categories of public needs: education, healthcare, social protection, infrastructure improvement, etc. Their main difference from equalizing expenditures is the purpose, which in the first case is to eliminate the imbalance of financing of the regions, and, as a result, to ensure the overall adequate level of satisfaction of public needs, and in the second – to supplement the financing of certain sectors depending on the specific needs of the region. In Ukraine, examples of such transfers are an additional subsidy for the implementation of expenditures transferred from the state budget for the maintenance of educational and health care institutions, medical and educational subventions, subventions for the provision of state support to persons with special educational needs, etc. It is impossible to provide an exhaustive list of the areas of funding provided by intergovernmental transfers in Ukraine due to the dynamism of the budget legislation and the consolidation of some transfers exclusively by the Law of Ukraine on the State Budget of Ukraine for the respective year. International experience, in turn, among the areas of financing through transfers provides for social insurance, health care, education, construction of public infrastructure, etc.

Intergovernmental transfers can also be classified according to the degree of their mandatory nature. Accordingly, both unconditional (unearmarked) and conditional (earmarked) transfers can be divided into mandatory and discretionary. Experts of the Organization for Economic Cooperation and Development define mandatory transfers as the government's statutory obligation to provide funds. That is, the approach applied in this case to the definition is fundamentally different from the one proposed by the Ukrainian legislation: in Ukraine, transfers are defined as funds that are transferred from one budget to another free of charge and irrevocably. Instead, European researchers emphasize the obligatory nature of intergovernmental transfers, that is, the primary obligation of the state to provide funds to regions that need such funds. The mandatory nature of transfers also implies that the amount of transfers and the conditions for their provision should be defined in the statute or resolution, and that these conditions should be necessary and sufficient. Traditionally, most transfers provided on a regular basis are mandatory. Discretionary grants are often of a temporary nature and are provided, for example, for specific infrastructure projects or urgent assistance to a region that needs it as a result of a natural disaster or other insurmountable circumstances (Bergvall, Charbit, Kraan, Merk, 2006: 6)

To get an idea of how countries actually use different types of grants, a questionnaire was sent to OECD member countries through the Fiscal Relations Network in spring 2005. The data provide insights into the extent to which subnational governments depend on transfers to finance their activities, the size of transfers, etc. The analysis of the data obtained from the survey shows that there are significant differences in the approaches to the use of transfers applied by the states. The two main sources of local budget revenues are taxes and transfers (other revenues such as fees for administrative services tend to play a less important role in financing local budgets). Of the two main sources of revenue, taxes are the main source of subnational revenue. In the sample, transfers represent almost 40% of total tax and transfer revenues for states, regions and provinces. The share of transfers in Denmark (12.1% of GDP) is just over 40% of local government revenues from taxes and transfers. In the Netherlands, also a country with a significant amount of transfers to local governments, the percentage of transfers (11% of GDP) is almost 90% of local government revenues from taxes and grants.

In Canada and Germany almost 100% of transfers to the local level are provided from the state budget. Some countries use a horizontal equalization mechanism. This applies, for example, to Ukraine, Austria, Belgium, Switzerland, Austria and Korea.

As for the distribution of transfers into earmarked and unearmarked transfers, the analysis shows significant differences in the prevailing type of transfers. Thus, in Australia over 80% of transfers at the local level are unearmarked, while in Spain over 85% of transfers are earmarked. Unearmarked transfers in European countries are mostly of general purpose. The areas of use of earmarked transfers also require attention. Most of the funds in the framework of earmarked transfers in the European Union are provided to provide general services to the population (almost 25% of the total amount of earmarked transfers). Much less financial resources are spent on other needs (education, social protection). In some countries, such as Belgium and Italy, earmarked transfers are provided only in some areas, while in others earmarked transfers are used more widely. In the Czech Republic, earmarked transfers are provided for all social needs, but a significant part of the funds is spent on education. In Sweden, earmarked transfers are also widespread, and the vast majority of funds are allocated to health and education (Bergvall, Charbit, Kraan, Merk, 2006: 6).

The classification proposed by domestic researchers is based on the definition of intergovernmental transfers. Thus, L. L. Tarangul and T. A. Kolyada point out that intergovernmental transfers are a form of intergovernmental financial flows. At the same time, they note that the movement of interbudgetary financial flows in countries with a unitary system can occur only vertically – between the budgets of different levels of the budget system, and in countries with a federal system – both vertically and horizontally (between the budgets of the same level of the budget system). Therefore, inter-budget transfers, according to the authors, are divided into those that are provided from the budget of one level to another, and those that are provided within the budgets of one level.

Today in Ukraine, as a result of long-term reforms in the budget sphere, inter-budget relations have been transformed. Such relations, according to the results of a systematic analysis of the norms of the current budget legislation of Ukraine, provide for the possibility of interbudgetary relations, and hence the possibility of providing interbudgetary transfers between budgets of the same level, horizontally (Tarangul, Kolyada, 2015: 46). Thus, the concept of local budgets is broader than the concept of "local self-government budgets", as it includes oblast, rayon budgets, budgets of districts in cities, the budget of the Autonomous Republic of Crimea, as well as local self-government budgets. Given that local self-government budgets are included in local budgets, it can be concluded that it is possible to provide such transfers from one local self-government budget to another, that is, between budgets of the same level of the budget system. Territorial communities of villages, towns, cities, districts in cities are not in a relationship of subordination to each other, and therefore the relationship between the budgets of such administrative-territorial units is not a relationship between the budgets of lower and higher levels. Part 1 of Art. 93 of the Budget Code of Ukraine provides for the possibility of transferring funds between local budgets for the implementation of local budget expenditures: a local council may transfer funds for the implementation of certain local budget expenditures to another local council in the form of an interbudgetary transfer to the relevant local budget. This transfer according to Article 93 of the Budget Code of Ukraine is carried out on the basis of decisions taken by the respective councils and the conclusion of an agreement between them. All agreements on the transfer of funds between local budgets in accordance with such decisions are concluded before August 1 of the year preceding the planned one. Local councils may envisage the following intergovernmental transfers in their respective budgets: subventions for the maintenance of joint use facilities or elimination of negative consequences of joint use facilities; subventions for the implementation of investment projects, including the construction or reconstruction of joint use facilities; grants and other subventions. The conditions for granting subventions are determined by the relevant agreement of the parties, unless otherwise provided by the Budget Code of Ukraine (Budget Code of Ukraine, 2010).

Thus, interbudgetary financial flows can also be divided into incoming and outgoing according to the above logic. Incoming flows are the total amount of financial resources that form the revenue side of the budget of the respective level of the budget system, while outgoing flows are the amount of financial resources aimed at financing the tasks and functions of the authorities of the respective level of the budget system, which are legally assigned to this budget.

The peculiarity of interbudgetary financial flows is that the incoming flows of the budget of one level of the budget system simultaneously act as outgoing flows of the budget of another level. The most common practice is when the higher level budget (outgoing flow) receives financial resources from the lower level budget (incoming flow) in the form of interbudgetary transfers on a gratuitous and irrevocable basis for expenditures that are fixed by legislative acts for the budgets of the respective level and should ensure the financing of delegated powers to the lower level of the budget system in accordance with the division of competencies between the central and local (regional) authorities. At the same time, the powers of local (regional) authorities are financed from their own revenues of the respective budget. Interbudgetary transfers provided from a higher level budget to a lower level budget are grants and subventions. Sometimes in inter-budget relations there are situations when the movement of financial flows has the opposite direction – from the lower level budget to the higher level budget of the budget system. This means the withdrawal of funds from relatively financially rich territorial communities and their transfer to the state budget and other higher-level local budgets, such as regional budgets. For countries with a federal state structure, these are payments from the respective local and federal budgets to the state budget.

Conclusion. Intergovernmental transfers are accompanied by the movement of funds from one budget to another, are fixed by the legislation of the state of application, which provides for a specific mechanism for their provision. Considering the differences in the legal regulation of intergovernmental transfers within different states, there is a variety of approaches to their classification. The classification of intergovernmental transfers is not stable due to constant changes in the relations regulated by law, which necessitates the search for new models and mechanisms for financing public needs. The most common are classifications depending on the model of intergovernmental fiscal relations in a particular state: depending on the availability of targeted purpose, depending on the term of granting, depending on the focus on budget equalization, depending on the degree of their mandatory nature, depending on the direction of cash flows, depending on the direction of intergovernmental financial flows. The analysis of changes in the budget legislation of Ukraine proves that the balances of funds on targeted transfers can be used for other than targeted needs. This necessitates the transformation of the classification of intergovernmental transfers in Ukraine by their intended purpose by singling out among the targeted transfers those that, under exceptional circumstances, may be used for other needs not provided for by their purpose.

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TEMPORAL LIMITS OF THE REALIZATION OF THE CIVIL RIGHT OF A PERSON

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Abstract. This scientific work is devoted to the study of the topical issue of the temporal limits of subjective civil law. The main thesis is argued that the exercise of the right is possible only during its existence. At the same time, it should be noted that the exercise or non-exercise of one's civil right depends entirely on the will of the authorized person. Such implementation of the powers laid down in the law can take place through the active action of the managed person, or by requiring him to perform an action from the debtor. But the corresponding act should be carried out within the limits of the existence of the right. It is necessary to distinguish between the period of existence of the material right itself and the period of its belonging to a certain person. For example, ownership of a certain thing will exist as long as the thing itself exists. However, during this time, the owner of this property may change several times. But the change of specific owners does not affect the period of existence of civil law. Thus, it is emphasized that the time factor is necessarily part of civil relations. The work analyzes the protection of the interests of legal subjects by establishing certain limits of the exercise of subjective rights and establishing the duty of each authorized person to exercise their rights properly. The determination of the limits of the exercise of subjective rights is not considered as a limitation of these rights, but as a legal expression of the already existing equal position of people in the system of social relations. The article critically evaluates the outdated classic thesis, according to which going beyond the limits of legal equilibrium by carrying out an "untimely" civil action is an abuse of law, a special type of misconduct aimed at the realization by the subject of legal relations of his subjective interest with a negative content, which manifests itself in violation of the subjective rights of other persons. It turns out that in a temporal sense such a qualification is simply impossible. Exercising a subjective right outside the limits of its existence cannot be qualified as an abuse of the right, because the right, in fact, does not yet exist or no longer exists. Actions by a person outside the limits of permitted conduct or the validity period of the right will be considered as the actions of a person to whom the right does not belong at all. Therefore, abusing the right through "untimely" application of it during its validity is impossible, exercising the powers that were part of the right outside its time limits will be a common offense.

Key words: limits of exercising subjective right, abuse of right.

Introduction. Given the main provisions of the currently prevailing concept, which concerns the legal essence of regulatory and protective legal relations, let's try to understand in more detail the question of the terms of existence of the relevant subjective rights and their corresponding obligations. As we have repeatedly stated in other works, the term is a necessary and integral element of the content of substantive civil law (Guyvan, 2014, p. 19-23; Guyvan, 2017, p. 115-117). The legislation uses several methods of forming the duration of the legal relationship and the corresponding subjective rights and legal obligations included in it. Yes, the term of existence and implementation of the obligation can be established by its participants themselves. According to the provisions of Art. 530 of the Central Criminal Code, the terms of performance of obligations may be specified or unspecified¹. If the obligation has a deadline for its performance, it must be fulfilled within this deadline.

¹ According to Art. 509 of the Civil Code of Ukraine, the obligation consists of the right of the creditor to demand performance (performance of a certain action or refraining from it) and the obligation of the debtor to perform such performance. Therefore, the legal definition of "obligation performance period" should be understood as a period of time during which the authorized person can exercise his right, and also as a period of time during which the obligated person must fulfill his obligation.

In the event that the specified term is not established or is determined by the moment of the demand, the debtor must fulfill the obligation within seven days from the time the creditor presents the demand to him. The specified norm of the law determines the period of existence of subjective rights and obligations of participants in civil relations in a regulatory state. Also, the duration of a certain material right can be established by law (Gorbas, 2009, p. 38; Guyvan, 2005, p. 12). Yes, the period during which the protective right to a lawsuit is exercised, as a rule, has a normative design.

According to Art. 509 of the Civil Code of Ukraine (CCU), the obligation consists of the right of the creditor to demand performance (performance of a certain action or refraining from it) and the obligation of the debtor to perform such performance. Therefore, the legal definition of "obligation performance period" should be understood as a period of time during which the authorized person can exercise his right, and also as a period of time during which the obligated person must fulfill his obligation. At the same time, a whole series of doctrinal studies and practical comments boils down to the fact that the subjective rights and corresponding duties of the participants in binding relations can be exercised outside the specified temporal coordinates (Gruzdev, 2001, p. 22). In other words, the expiration of the established terms of existence and exercise of the right does not affect the possibility of its realization. This, for example, concerns the rule of articles 764 of the CCU (and others of a similar nature), which provide for the possibility of using the leased property within one month after the expiration of the contract, if the lessor does not object to it (Kruk, 2011, p. 97). Such approaches practically nullify the significance of the civil term as an element of law and distort the real nature of actual relationships. Also, their disadvantage is that they establish the content of the legal relationship "retrospectively", which eliminates the certainty of the latter. We have strongly opposed and continue to oppose such an approach, but it nevertheless has a place in law enforcement and doctrine. Therefore, there is an obvious need to consider the temporal characteristics of regulatory and protective terms more carefully (Guyvan, 2021, p. 45).

In this context, one of the defining directions of the development of law is the regulation of the terms during which subjects can exercise their civil rights and obligations, protect the violated right. Adequate to real relationships and balanced approaches in establishing the duration of relationships contribute to the stability of civil turnover, eliminate uncertainty regarding the powers and duties of its participants in a temporal plan, guarantee the possibility of timely obtaining legal protection. Therefore, the terms ensure the strengthening of contractual discipline, stimulate the activity of counterparties in civil relations when they exercise their subjective rights and legal obligations, and guarantee control over the fulfillment of obligations.

The aim of the study. The study of terms in civil-law relations from the standpoint of a comprehensive approach is not only relevant, but also an extremely necessary issue. In modern conditions, questions about civil law terms are gaining more and more importance. After all, by and large, any civil term or term is nothing more than a measure of determining the social value of a specific legal relationship, a constituent part of the content of subjective rights and legal obligations included in it. The duration of these or other regulatory rights of the subjects of material turnover establishes the limits of normal (from the point of view of timeliness) of their implementation and determines the temporal factors for the qualification of a civil law violation. In this context, the author set the goal of clarifying the temporal dimensions of civil subjective law, since time, along with the scope of powers, is an integral component of the content of the legal relationship.

Research material and methods. The work examines the aspects of limiting the duration of terms in civil legal relations from the position of a comprehensive approach. This is not only an urgent, but also an extremely necessary issue. After all, by and large, any civil term or term is nothing more than a measure of determining the social value of a specific legal relationship, a constituent part of the content of subjective rights and legal obligations included in it. Legal analysis is aimed at establishing specific and real private law interactions and the adequacy of existing legal mechanisms. At the

same time, the author used general scientific and special scientific methods of cognition, in particular, formal-legal, analysis and synthesis, systemic-structural, comparative-legal, prognostic. Through their application, the social relations formed in the realm of their temporal regulation in unity and interrelation were investigated, the regularities of their development were revealed, in particular regarding the establishment and limitation, and the dynamics of the development of legislation in the researched area were also considered.

Results of scientific research.

1. General issues of the duration of subjective law.

During the period of validity of the subjective civil law, a person can exercise the powers included in the content of the right. In binding legal relations, the authority of the creditor, as a rule, can be exercised by demanding appropriate active behavior from the obligated entity. At the same time, one cannot fail to note that certain subjective rights can be realized only through the active behavior of the authorized person, while his authority corresponds to someone's specific obligation regarding passive behavior (Stefanchuk, 2006, p. 11; Borisova, 2014, p. 14). This way of exercising the right is characteristic of real relations, it is also inherent in the so-called law-making (secondary) powers, which are implemented through a unilateral act of their bearer (Majdanyk, 2003, p. 11; Grynko, 2011, p. 138).

What happens when, during the existence of the subjective right, the equated subject, empowered to perform actions, did not perform them during the time of existence? In science, there is a point of view that the non-use of the right during its validity should also be considered the exercise of the right (Agarkov, 1940, p. 47-48). In fact, it may consist, for example, in the fact that the creditor of the testator, having failed to submit claims to the heir within the six-month period, has given up his material right, thus realizing it. The roots of this theory go back approximately 150 years to the classical Russian civics (by the way, one of the most progressive and developed for its time), which operated with rules about the possibility of a person waiving a subjective right in the event of its long-term non-use. But one can hardly agree with this statement today. After all, the content of the specified right implies the need to take active actions for its implementation, and only such actions, if they took place during the period of existence of the right, lead to its implementation. In another case (failure to perform actions or their performance outside the limits of the existence of the right), there is no reason to talk about the realization of the right: no changes in the legal status and actual behavior of the person have occurred. At the same time, it should be noted that the exercise or non-exercise of one's civil right depends entirely on the will of the authorized person. So, during the statute of limitations, she can apply to the court for the protection of the violated right, but for certain reasons she has the right not to apply the coercive mechanism of protection².

In civil studies, most scientists define subjective law as a measure of possible or permissible behavior of the authorized person (Borisova, 2011, p. 103). At the same time, Ioffe in his time formulated the concept of subjective law in a slightly different way: as a legal means of ensuring certain behavior of the obligated person, which conditions for the authorized person the possibility of carrying out his own actions (Ioffe, 2000, p. 669). Indeed, in most cases, the relevant actions of the obligated person must be performed for the benefit of the authorized person, without waiting for the latter's request. Let's take, for example, a monetary obligation: the debtor must transfer the funds to the creditor during the payment period from the moment the obligation arises. This is also characteristic of protective legal relations, first of all, because all these relations are binding, regardless of whether absolute or relative material rights are protected by them. In the literature, the opinion is expressed that this construction of relations leads to a shift in the emphasis of the legal meaning towards

² By the way, the fact that the implementation or non-implementation of a subjective right depends on the will of the authorized person is not always understood and reproduced in legislation and law enforcement practice. Thus, in certain normative acts, it is emphasized that the creditor must exercise his right (in particular, the protective right to sue), which, in fact, contradicts general civil principles.

the terms of the performance of legal obligations (Luts, 1989, p. 42). However, we cannot rule out situations when the realization of a subjective right occurs as a result of the positive actions of the bearer, while the obliged person must accept the action and not prevent its execution. Therefore, subjective law encompasses two elements in their interconnection: the possibility of determining one's own behavior and the requirement of proper behavior from the bearers of legal obligations.

2. Temporal limits of subjective law.

No matter how the subjective substantive law is considered from a doctrinal point of view, in every legal relationship there are directly or indirectly formulated rules regarding when it should be implemented or an obligation fulfilled, and regarding the time of the onset of certain consequences due to certain circumstances. For example, the seller has the right to enter into a contract of sale even before he receives ownership of the goods, but the transfer of the thing will take place only after he acquires ownership, because the law says so (Guyvan, 2003, p. 109-110). The contractor must submit the results of the work within 20 days from the moment of payment of the advance payment, as it is stipulated in the concluded contract. The custodian must return the thing at the request of the depositor even before the end of the storage period (Article 953 of the CCU). Interested persons may challenge the dispatch in court within six months from the date of receipt of the dispatch (Article 291 of the Merchant Shipping Code of Ukraine). Therefore, the time factor is necessarily part of civil relations.

Given the need to maximize the possibility of realizing a subjective right, the terms of its existence are set for one or another duration. In other words, when determining these terms, the legislator is guided by the need to satisfy the interests of the person to whom the right belongs. However, the interests of other persons and society are also taken into account. Depending on the state of social relations, public and private interests, the terms of existence of subjective rights may be set differently, they may also change over time depending on their public and private significance. If the legislator believes that the quick implementation of a specific subjective right will contribute to the certainty and stability of material relations, the law establishes relatively short periods of existence of the subjective right. When the nature of the legal relationship has less influence on the general characteristics of civil circulation, the terms of exercising the right are established by legislation for longer periods or are determined by the parties to the legal relationship themselves, taking into account its features. So, in particular, a party that does not have the right to refuse the contract (a public entity) or that is a monopolist, when concluding a contract, having received a protocol of disagreements from the counterparty, is obliged to submit to the court within twenty days the disagreements that remained unresolved, otherwise proposals of the other party are considered accepted (Part 7 of Article 181 of the Economical Code). The total duration of the statute of limitations is set at three years, however, with the agreement of the parties to the legal relationship, this term can be increased (Article 257, Part 1 of Article 259 of the CCU).

As you know, the objects of civil relations are things, property rights, work results, services, other tangible or intangible goods. In relation to these objects, participants in civil relations have certain rights and obligations (Khodyko, 2017, p. 85-86). The terms of existence of the specified rights are closely related to the terms of existence of objects. So, ownership of a thing can be exercised as long as it exists. Objects of civil rights (this applies not only to things) can be consumable or non-consumable, that is, destroyed (ceased) as a result of their one-time use, or not. Therefore, the question of the terms of viability of such objects of civil rights that cease to exist at the moment of their use (service, electric and thermal energy, etc.) requires special attention of researchers. It is also necessary to distinguish the period of existence of the material right itself and the period of its belonging to a certain person. For example, ownership of a certain thing will exist as long as the thing itself exists. However, during this time, the owner of this property may change several times. This happens on the basis of deeds, court decisions, etc. But the change of specific owners does not affect the period of existence of civil law.

The exercise of subjective rights consists in the use by the right holder of the opportunities laid down in the law as its content. Their implementation occurs, as a rule, as a result of committing lawful actions (Kuznetsova, 2014, p. 254-255). Therefore, it is quite logical that the hypotheses of most legal norms contain the rules of lawful behavior, and precisely such behavior is the result of the implemented or implemented right (Kharitonov, 2016, p. 9). Subjective rights are realized mainly in regulatory legal relations, although sometimes for their implementation it is necessary to use the mechanisms inherent in protective relations.

If a subjective right is a measure of the possible behavior of an empowered person given by civil law (the right to own actions) and the right to demand specific behavior from other people, then the social value of such a right of a person is manifested in the reality of its implementation to meet the needs of the right holder (Stefanchuk, 2006, p. 11). The established civil tradition defines the indicated term "measure" not as a quantitative indicator that characterizes the extent of a person's powers, but as a delineation of the boundaries within which an authorized person can act (Tsyban, 2017, p. 78). In view of this, the given classic definition of subjective law, in our opinion, should take into account all the criteria of lawful behavior of a person provided by the law and, in particular, the established terms for taking appropriate actions. Therefore, as an important conclusion, the exercise of a subjective right is possible only if it occurs within the time limits established for this purpose. One of the legal forms of securing the interests of the subjects of the right is the establishment of certain limits of the exercise of subjective rights and the establishment of the obligation of each authorized person to exercise his rights properly. The determination of the limits of the exercise of subjective rights should not be considered as a limitation of these rights, but as a legal expression of the already existing equal position of people in the system of social relations, a legal guarantee, a legal guarantee of this effective equality (Kalyuzhny, Tsapenko, 2019, p. 59).

So, let's consider the temporal characteristics of the limits of the exercise of subjective law. As V.P. Grybanov rightly pointed out, the subjective right in its content and the freedom guaranteed by the law for the purpose of real exercise of the right by its bearer cannot be unlimited (Grybanov, 2000, p. 22). In modern Ukrainian civics, a similar position is held by the meter V.V. Luts. In particular, he points out that every freedom in a state-organized society has its limits, defined by law (Luts, 2001, p. 19). With regard to binding material rights, the scientist also notes that the freedom of contract cannot be unlimited: it exists within the framework of current regulations, customs of business turnover, and the actions of the parties must be based on the principles of reasonableness, good faith and justice (Luts, 2004, p. 151). Therefore, the realization of a subjective right is possible only within certain limits that characterize its content, term and nature of implementation. Such limits are established by legislation, deeds and represent a certain mechanism of permitted legal behavior of an authorized person. At the same time, the act that establishes the order of behavior may or may not determine its specific manifestations. Thus, establishing in the contract the need for the debtor to pay the funds under the monetary obligation on the 10th by transferring them to the creditor's current account clearly establishes the actual manifestation of the creditor's right to receive a certain amount on his account on that date. Conversely, the legal right of the owner to own, use and dispose of the property belonging to him is not specified by indicating the appropriate type of behavior of the right holder.

The possibility of exercising the right depends on a number of circumstances of the actual order. In civil science, it is customary to talk about the guarantee of law as one of its main characteristic features. This is a system of factors of objective and subjective content that create material and legal prerequisites for the realization of rights and their protection. The specified factors are, in fact, conditions for the exercise of subjective civil rights of an objective (material and legal guarantees) and subjective (conditions related to the behavior of equalized and obligated persons) nature. The objective conditions that exert an external influence on the realization of civil rights, in particular, should include the established terms of their existence. The legislation is constructed in such a way that the determination of the content of a specific civil legal requirement in relation to and a certain duty

that corresponds to it is achieved by establishing not only their material scope, but also its temporal coordinates, which are fully understood by both subjects. This does not allow the latter to arbitrarily interpret their content (Rogach, 2011, p. 145).

3. Exercising the right outside its borders. Abuse.

In legal science, there is a concept according to which going beyond the limits of legal equilibrium by using the subjective rights belonging to a person with a violation of the limits of their implementation is an abuse of law, a special type of illegal behavior aimed at the realization by the subject of legal relations of his subjective interest with negative content, which is manifested in the violation of the subjective rights of other persons and in the intentional infliction of damage on them (Tsapenko, Stepankivska, 2014, p. 31). A similar opinion, taking into account temporal factors, was expressed by scientists O.S.Ioffe and V.P. Grybanov. They indicated that, under certain circumstances, the untimely exercise of one's right may be qualified as its exercise in contradiction with the purpose of achieving an impermissible result. At the same time, the term "untimely act" should be understood as an action performed during the existence of the subjective right, but its performance at a different time would lead to more desirable social consequences. Thus, a lessor under a contract with an indefinite term, who had a need for the leased property, could make a demand for the return of the property immediately after the specified need appeared, however, having learned about the repairs started by the lessee, he did so only after the repairs were completed, thus using its results. The authors consider this method of exercising subjective civil law unacceptable and recognize it as an abuse of law with corresponding negative consequences for the holder (Ioffe, Grybanov, 1964, p. 83).

Let's allow ourselves to critically evaluate this approach, because we consider this position to be incorrect. The exercise of a subjective right outside the limits of its existence cannot be qualified as an abuse of the right, because the right, in fact, does not yet or already exists. As M. Planiol aptly said, the right either ceases, or the abuse begins (*Le droit cesse ou l'abus commence*) (Planiol, Ripert, 1946, p. 157). Therefore, actions that correspond to the scope of a person's subjective powers outside the period of their existence should be considered no differently than the implementation of actions that do not constitute the full content of the law, that is, as their implementation without proper grounds. As a result, there may be a refusal to protect the right due to the fact that it does not belong to the person (Karnauch, 2020, p. 33-34). In this context, one cannot agree with the statement that the use of a right outside its scope is an abuse of the right (Porotykova, 2008, p. 154), since no right exists anymore. As we can see, only a violation of the procedure for the exercise of a person's right may entail the consequences specified in the legal norms. Taking actions outside the scope of exercising a subjective right will not lead to sanctions for abuse, because at the same time the person was no longer the bearer of the right. Since the term as a legal category establishes the limits of the exercise of the right in terms of its timeliness, actions by a person in violation of the stipulated term cannot be qualified as an abuse of the right.

A literal interpretation of the provisions of Ukrainian legislation allows us to conclude that the legal nature of regulatory and protective obligations is identical, in particular in terms of the temporal limits of their implementation. If we extrapolate the above provisions on the appropriateness of the exercise of the right in certain periods of its existence to protective legal relations (for example, those manifested in the exercise of the material right of a person to sue), we can come to the conclusion that applying for judicial protection in certain periods of the statute of limitations should be qualified as the exercise of a right against its purpose. For example, when the defendant is sick, etc. But one cannot categorically agree with this thesis. The time of exercise of the right within the term of existence cannot affect the choice of the method of its implementation (for example, in the example we have given so far, the defendant's illness is taken into account by other legal mechanisms, for example, by restoring the statute of limitations). By choosing the period and time of exercise of his authority within the scope and time of validity of the right, the person carries out its exercise. Exercising the

right in an improper manner, it thereby, as it were, replaces permitted forms of behavior with prohibited ones (Ioffe, Grybanov, 1964, p. 83). But the time set for the exercise of a subjective right precisely determines the limits of the right holder's possible behavior in terms of the presence or absence of a subjective right at this specific moment. After the expiration or before the beginning of the validity of the right, there can be no abuse given the fact that the person involved does not have the right, the manifestation of which he commits. Therefore, any cases of exercise of the right "at the wrong time" during its validity are not included in the concept of abuse.

By the way, not all researchers support the concept of the possibility of abuse of the right. Arguing with her, adherents of another vision of this issue generally deny the possibility of abusing the subjective right, as well as exceeding the limits of its implementation (Yaroshenko, 1972, p. 30-31). The very reduction of individual freedom to the framework of material obligation is already a limitation. They oppress, reduce personal freedom, therefore, noted F.K. Savigny, deserve legal protection only to the extent that it is positively required by the necessity of civil turnover (Nolken, 1885, p. 68). E.O. Michurin (p. 64) also sees this reason for the limitation of contractual liability in individual Ukrainian laws. At the same time, supporters of this theory point out that the abuse of the right is actually a violation of specific legal prescriptions, since a person acts contrary to the established rule, and is fully covered by the provisions of specific prohibitive norms of civil legislation (Savinyi, 2011, p. 460-461). Therefore, there is no room left for the construction of abuse of rights. Therefore, actions that appear to be an abuse of law are actually committed outside the law, when a person goes beyond what is permitted and acts contrary to the law (Stefanchuk, 2006, p. 12).

Let's evaluate this discussion in more detail in the context of studying the commented link. Limitations in the obligation law were highlighted by some scientists with a socially significant goal at the general scientific level (Nolken, 1885, p. 68; Gubar, 2013, p. 8-9). In order to abuse a right, it is necessary, at a minimum, to possess it, since this manifestation in the absence of a right is behavior contrary to the right and, therefore, falls under the definition of an ordinary offense. At the same time, there is no doubt about the thesis that the implementation of civil rights should take place in accordance with their purpose (Kot, 2013, p. 135). Therefore, a person can independently choose the methods and direction of its implementation within the limits of the existence of his subjective right (including during the period of validity). Among the latter there may be those that, for example, harm other rights holders. Let's say the owner of the car parks it in a way that prevents other people from driving to their home or garages. Here, the owner acts within his rights, but his implementation harms the surrounding subjects. Such improper use of the right can be qualified as abuse. It can be caused by the following factors: regulatory regulation factors; the presence of a significant number of secondary legal acts; the presence of mostly dispositive norms in the legislation; social factors; level of education and legal knowledge; level of legal culture; moral and religious beliefs, etc. (Bakaev, 2013, p. 20). According to the current Ukrainian civil legislation, only actions related to the exercise of one's right to the detriment of other persons, cultural heritage, contrary to the law or the moral principles of society are considered illegal and punishable (Article 13 of the CCU). On the other hand, the concept of abuse of the right does not cover cases of its implementation beyond the limits (including temporal) of existence, as some scientists mistakenly believe.

Taking into account the above, we can come to some **conclusions**. Let's repeat: the limits of civil law are determined both by its content, the order of implementation, and the time of its existence. Going beyond the specified characteristics of the right holder may lead to various consequences. Thus, a person's actions outside the limits of permitted behavior or the validity period of the right will be considered as the actions of a person who does not have the right at all (Guyvan, 2020, p. 34-35). For example, continuing to use the property after the end of the lease agreement should not be classified as an abuse of rights, but as groundless actions that are not based on title. Another thing is when the use of impermissible specific forms occurs within the framework of the permitted general type

of behavior: such a situation can be characterized as a violation of the limits of the exercise of subjective civil rights. For example, the use of a land plot, which leads to the deterioration of the quality indicators of the land, is an abuse of one's material right. Harassment – the use of one's material right exclusively to the detriment of the rights of other persons must be included in the same cases. At the same time, the conducted analysis allows us to establish that the realization of one's subjective right at any moment during its validity is a completely legitimate phenomenon. Therefore, abuse of the right through "untimely" application of it during its validity is impossible.

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HIGHER EDUCATION TREND: SOCIAL ENTREPRENEURSHIP AS THE KEY TRANSVERSAL SKILL

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Abstract. The aim of this article is to provide analysis of the current regulations in the sphere of higher education in the European Union and scientific works related to the development of social entrepreneurship skills under modern conditions. Moreover, the paper brings in a comprehensive system towards providing students with the necessary entrepreneurial skills within the present higher education system. It has been defined that the set of key transversal skills outlined by the Commission to the European Parliament in 2017 lay in the area of social entrepreneurship. The reason for this is seen in the current trends on the global market and the challenges that humankind is facing in the present time. Three approaches have been studied as the most relevant ones for providing students with relevant skills: transdisciplinary, learner-centred and challenge-based. Based on their reconsideration, a comprehensive system towards development of social entrepreneurship skills among students has been suggested.

Key words: social entrepreneurship, skills, students, higher education, approach, system.

Introduction. 2020 turned out to be a challenging time for higher education systems (HESs) in different countries all over the world. Even before the pandemic, there had been discussions about the need to apply new methods of teaching future specialist for the needs of a constantly transforming world, to enhance digital competences of university staff and motivate them to use new tools and learning resources, etc. This issue was under attention of international programmes (e.g. Tempus, Horizon2020, Erasmus+) and organizations (e.g. British Council, EVZ, DAAD and others). Therefore, we do not state that the COVID-19 quarantine regulations brought some completely new challenges to HESs in terms of distance organization of studying, however we need to admit that it sped up and intensified these processes within universities and HESs in general. Universities had to rethink its educational process under the new conditions as a whole and work out new methods of keeping high quality of its services in the online environment to provide the market with qualified specialist. The modern tendencies that had been developing for some time in education (digitalization, student's independent learning path, self-study, supervised project work, etc.) received great support on the administrative level and met the needs of the majority of academic staff from the practical point of view.

However, not only methods became the subject of reconsideration. The times of pandemic made it vivid what kind of specialists and with what specific competencies are more qualified to survive in the unstable economy and what skills are of greater demand nowadays. As it was mentioned before, we are talking here not of completely new skills and competencies, rather of those whose necessity has been proven by the present realia.

The literature review has revealed a great interest to social entrepreneurship as a vital competence of the present and educational approaches created for its development. At the same time, the understanding of structure of social entrepreneurship, as well as specific tasks for its development require more attention.

Literature review. In 2017 there was a renewed EU agenda for higher education published, which stated that the labour market was becoming more flexible and complex, and so people had to become more creative, autonomous and resilient, as well as to develop communicative and digital skills.

The requirement to be entrepreneurial was stated the first and was connected to the future prosperity of the humankind. At the same time, there was a task put before universities – develop innovations and entrepreneurship not for the sake of science or business, but for the sake of the world, meaning the people in general, as well as on the local level, for the regions and communities. The idea was expressed that regions had to develop in specific areas (so called, «smart specialization») and that universities could facilitate this process, uniting academics, business and governments and becoming «entrepreneurial actors» (Communication, 2017). Therefore, it can be stated that back in 2017, a clear strategy was developed by the EU to make university graduates not only clever and skilful in their area of knowledge, but also being able of acting entrepreneurially for the benefit of the society.

The importance of this competence we have witnessed these years, when existing businesses couldn't fully fulfil the needs of people in the quarantine and had either to change, or to cooperate with newly appearing start-ups. The Peterson Institute for International Economics published an article called «Startups boom in the United States during COVID-19», which clearly demonstrated the growth of start-up business activity in the USA over 2020, stating the 24% increase (Djankov, Zhang, 2021). The same tendency towards the rise of new start-ups was reported by BBC News article, which gives the number of 13,257 of new companies registered in 2020 in comparison to 11,503 in 2019. It also went over the list of reasons for this, among which there were the brake of routine and support from the local community, for which the business initiative was originally created (BBC News, 2020). Researchers support the idea of social entrepreneur as an actor being able to challenge the status quo, carry out relations this business sector, government and other institutions to improve the world (Bacq, Lumpkin, 2020).

Taking into account all the above mentioned, it is possible to make a conclusion, that one of the key transversal competences of the present, is entrepreneurial one, with a clear focus on social value and connection with the community – that is, social entrepreneurship (SE) competence.

The notion of social entrepreneurship is a relatively new one, however entrepreneurship, as it is, has been actively used in modern normative documents and informative materials together with some social aspect. For example, studying the Communication of the EU published in 2020 «Achieving the European Education Area by 2025», we find a highlighted importance of transversal skills such as entrepreneurship, critical thinking, creativity and civic engagement (Communication, 2020: 6). Putting them together, we clearly see their interdependence in connection to a social entrepreneur, as he/she is a person who is creative enough to suggest some innovations to the market and start an enterprise, as well as the one socially engaged, understanding the needs of the community and how his/her business can help. Critical thinking is necessary to clearly see the current situation, predict the risks or possible changes and adapt successfully.

The understanding of social entrepreneurship competence comes from the clear understanding of SE notion and its structure, so special attention should be paid to it. The online dictionary Investopedia gives the following definition: «A social entrepreneur is a person who pursues novel applications that have the potential to solve community-based problems. These individuals are willing to take on the risk and effort to create positive changes in society through their initiatives» (Hayes, 2021). As T. Gandhi and R. Raina state, social entrepreneurship uses new approaches, takes the arising opportunities and generates solutions bringing changes to the society for the better. As the key skills of a social entrepreneur, the authors distinguish communicative (in terms of interaction with different stakeholders) and adaptive (meaning, the person is capable of responding to changing circumstances) (Gandhi, Raina, 2018). R. Ziegler in his book «An Introduction to Social Entrepreneurship» underlined that social entrepreneurship is developed by individuals rather than big international companies and focus on overcoming problems in different areas of our lives like social inequality and exclusions or ecological problems and risks. The author describes social entrepreneur as a persistent, self-reliant, system-thinking, initiative-taking person that earns support from non-governmental sector for its eco-

conomic activity (Ziegler, 2011: 1). Kickul J. and Lyons T.S. underline the difference between socially responsible business and social entrepreneurship, stating that while some business may support corporate social responsibility and focus on sustainable business practices, social entrepreneurs use their products and services to change the society (Kickul, Lyons, 2020). Some researchers directly name social entrepreneurs as the «agents of change» tracing their emergence back to the protest movements against capitalist systems (Hervieux, Voltan, 2018). At the same time, there are research findings stating that social entrepreneurship has impact on four types of capital created in communities, such as physical, financial, human and social capital (Lumpkin, Bacq, Pidduck, 2018).

Thus, in our work we understand social entrepreneurship as a business activity of an individual or a group of individuals, bringing social benefit and contributing to solving different issues existing in their local communities and general society.

The position of social entrepreneurship in the academic context is less revealed. Sassmannshausen S.P. and Volkmann C. focus their work on social entrepreneurship as an academic field, outlining its thematic clusters and methodological issues (Sassmannshausen, Volkmann, 2018). Social entrepreneurship is disclosed as a separate study discipline, with its major topics: innovation, impact, sustainability, and scale (Kickul, Lyons, 2020); hybrid organization, non-profit structures, for-profit structures, challenges, advantages, strategies (Mitra, Kickul, Gundry, Orr, 2019). Different approaches and methods are advocated for teaching the course, such as design thinking approach (Kickul, Lyons, 2020), experiential learning (Hockerts, 2018), stakeholder approach (Starnawska, 2018), dark side theory / critical analysis (Talmage, Gassert, 2021). A course on social entrepreneurship has been developed for unemployed women to enhance their self-realization (Voronkova, Nikishkin, Frolova, Matveeva, Murzagalina, Kalykova, 2019).

Social entrepreneurship not as a separate subject, but as a transversal skill is shown in the work of García-González A. and Ramírez-Montoya M.S. The researchers prove that introducing social entrepreneurship projects at different courses improve students' potential to such activity (García-González, Ramírez-Montoya, 2021). Satar M. S. and Natasha S. in their work demonstrate the developed 13-item scale that measures four dimensions of social entrepreneurship orientation of individuals, such as social passion, innovativeness, risk-taking and pro-activeness (Satar, Natasha, 2019). A case-study on introduction of separate courses focused on social entrepreneurship aspects into the Management studies has been carried out and data showing a change in students' attitudes and behaviours has been collected (Adelekan, Williamson, Atiku, 2018). Still, with all the prosperity of literature on entrepreneurship education value, the potential of social entrepreneurship training on the university level is still not quite revealed.

Aim and hypothesis. *The aim* of the article is to ground social entrepreneurship as the key transferable competence that has to be developed among university students in order to make them competitive in the changing circumstances caused by economic development, global issues and social transformations; as well as to suggest possible ways of its development in the higher education system through a comprehensive system of training and creating a favourable learning environment.

We believe that such training will largely enhance students' employability and flexibility on the modern labour market, enabling them to introduce social changes for the better of humanity.

Methods. The paper is based on a thorough analysis of current regulations in the sphere of higher education in the European Union countries, study of scientific works of Ukrainian and foreign researchers related to the development of social entrepreneurship skills and statistical data presented in them.

The questioning was performed at Chernihiv Polytechnic National University in October, 2020 among 769 students of the fourth year of study majoring in all the specialties. Part of its data, referring to the educational process, students needs and attitudes is used in this article to bring in students' perspective on separate topics. The questioner results are available online with free access on the university website in the section «Education quality – Quality monitoring».

Results. Forwarding our attention to the role of higher education in supporting SE development, it should be stated that, as SE is a complex notion, HESs need to focus on developing SE competence among students in the variety of its skills through various approaches and methods in a unified/properly managed system.

Thinking of how to develop these skills among students in the HES, more attention should be paid to the already mentioned Communication of 2020. In it, it is suggested to develop this set of skills through transdisciplinary, learner-centred and challenge-based approaches (Communication, 2020: 6), which seems reasonable as SE can not be referred strictly to one field of knowledge, it is largely based on personal, individual skills and attitudes, including the ability to analyse and efficiently solve problems in different spheres of life.

The point of interdisciplinarity is supported by empirical research presented in the *Unbounded University: Unlocking Opportunities Through Online Learning* e-book. It was published by Coursera for campus and provides data on the research into the in-demand skills on the modern labour market. Entrepreneurship is present in all spheres analysed with a greater or lower importance (Coursera for Campus). This means that regardless of the student's major, entrepreneurship skill is necessary and should be developed. While students studying Economics or Business are more likely to have subjects on entrepreneurship and SE in particular, engineering students or managers tend to be less familiar with the issue, as it is not directly included into the curricular. So, how can the interdisciplinary approach mitigate this gap? To start with, while topics and modules are fixed within a subject, separate skills may be developed throughout interdisciplinary projects.

H. Yener (2020) states that entrepreneurs need to be able to approach complex problems, act in not very favourable conditions and make the right decisions. Moreover, they need to have system thinking in order to make these right decisions, looking at the issue from a multiple perspective (Yener, 2020: 26–27). Interdisciplinary tasks, according to the researcher, may develop these skills as real-world decisions are not limited within one area (Yener, 2020: 31). This idea finds another perspective in the work of Pardo-Garcia C. and Barac M. – the scientists speak on the effectiveness of work of multidisciplinary teams in problem-solving approach, stating that such teams show greater results (Pardo-Garcia, Barac, 2020). Chernihiv Polytechnic National University (Ukraine) has been practicing this multidisciplinary approach to problem solving in Start-ups competitions. Teams are being created by representatives of various specialties, e.g. a future engineer works with economics, marketing specialist and social worker, together they prepare a presentation of their start-up idea, which includes not only the description of the business, but also financial calculations, market analysis, marketing plan, risk analysis and so on. After such work students develop not only their professional and soft skills, but also get a deeper understanding of the complexity of entrepreneurship and necessary knowledge from different spheres. In the questioner performed in September, 2020 at the university among fourth-year students 40,6% of questioned approved such form of training and 34,5% partially agreed with the benefit of interdisciplinary projects.

Therefore, interdisciplinarity may be introduced into the study process through project work, complex tasks for teams created by mixing students with different majors into one teams and extracurricular activities implying joint work of students from different fields of knowledge.

Moreover, interdisciplinarity should be viewed not only from the students', but also from the teachers' perspective: there may be co-teaching initiatives developed, involving cooperation of teachers from different departments in teaching lectures, conducting seminars or organizing project work. More and more academicians are talking of the need to create complex courses, involving different specialists in teaching separate course modules to provide students with real-life content, which is rarely limited within one area of knowledge. The support of this idea we may find looking through the winners of Erasmus+ KA2 projects on the EU portal, demonstrating teams not only of different

universities, but also of different specialties, aiming to work on developing educational courses or changing current educational procedures throughout the universities, regardless of the students major, or on the boarder of several majors.

Learner-centred approach is another one to focus on. Canadian scientists conducted a comprehensive research on the learner-centred lecturing, where students were invited after some training to perform 10-minutes lecturing at the class using learner-centred approach and throughout the study conducted anonymous questioners. What we find out from their work is that learner-centred teaching places a lecturer into a role of facilitator, giving to students more autonomy and freedom in their actions and speaking out their opinions, and so rising their self-efficacy (Troop, Wallar, Aspenlieder, 2015). The learner-centred approach has been actively promoted by the Ministry of Higher Education of Ukraine, its various acts and regulations. However, it is largely seen from the point of view of procedure and formal elements, e.g. students nowadays are free to form their individual educational trajectory via choosing up to 20% of elective courses, as well as including the results of nonformal education to their portfolio.

The student questioner performed at Chernihiv Polytechnic National University and already mentioned above, showed that students are active participants within student self-governance: for 39,4% of students' university social life is important with 9,1%, for whom it is very important; 56,4% stated that they participated in events organized by the student council. So, students play an active role in forming the university out-of-class life and have the potential in giving more input into their in-class-life. However, their role at such form of studies as a lecture is still often more of a listener. Obviously, there is a need to make learner-centeredness more practical in terms of methods and tools used at the classroom studying, which requires special trainings for university teachers and mastering facilitation techniques. Some steps are taken in this account in Ukraine. For example, 15 state universities were involved in the British Council project «English for universities». The educational and scientific workers received training on modern methods of English language teaching, as well as on teaching other courses in English. The suggested techniques were largely based on facilitation and student-centeredness and found wide usage at different specialties, both at lecture and practical classes (British Council).

The student-centred approach is connected with the third one – challenge-based. Researchers show that this approach develops not only specific skills of the study major, but also embraces «soft skills» like teamwork and effective communication, while creating space for diversity of viewpoints in problem solving and active participation of learners (Willis, Byrd, Johnson, 2017). This approach is distinctly multidisciplinary and develops skills of working with various stakeholders. It deepens learning experience and brings up relevant questions for students' consideration (Rådberg, Lundqvist, Malmqvist, Svensson, 2020). As practice shows, making challenge-based projects is time-consuming, putting much pressure on a teacher on the preparatory stage and in the monitoring process, and requires from students responsible attitude to studies, more of independence and self-reliance, at the same time showing really great results if performed well. At the same time, this approach may be used on a lower level of complexity, being introduced at lectures (as open questions for discussions) or laboratory classes (group tasks that are suited for dealing with during one class) and so preparing students for real-life challenges.

Based on these three methods, the transdisciplinary, learner-centred and challenge-based, I would like to suggest a comprehensive system towards SE skills development. Regardless whether students have a specialized course on SE or not, Social Entrepreneurship Centre, or its analogue, at a university may play a crucial role in mobilizing resources and providing both teachers and students with necessary training. Researches support the idea that regulatory environment, organizational support have a positive and strong impact on power and eligibility of social entrepreneurship development (Urban, Kujinga, 2017).

As many universities have centres of career and start-up centres nowadays, they may become the basis for creating this new, but highly necessary subdivision that will be responsible for the system functioning, namely:

- analysis of the level of SE skills formation among students through regular questioners and quality of SE ideas presented at different competitions and start-up pitches;
- provision of specific training courses for teachers with teaching excellence development (e.g. Methods of facilitation, Techniques for critical thinking development etc.);
- monitoring of how the new methods and techniques are used at various courses by collecting students' feedbacks on teachers' performance;
- organization of relevant courses for students as extracurricular activities or elective subjects (e.g. Boost up your creativeness, On the way to your start-up etc.);
- organization of extracurricular events directed at SE skills development (teambuilding camps, excursions to social enterprises, development of volunteering initiatives etc.).

In terms of responsibilities and the people involved, the system may be represented in the following way (see Figure 1):

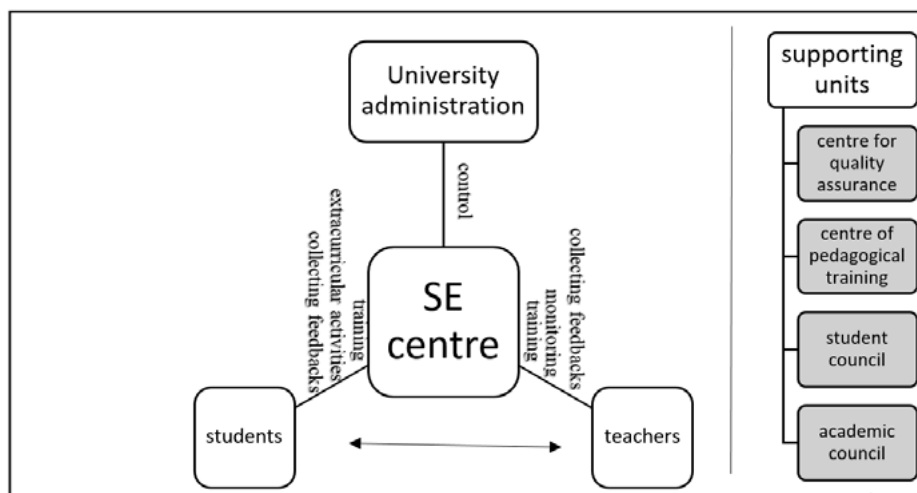


Figure 1. The comprehensive system towards development of SE skills among students

Discussion. The suggested system, as well as the usage of the three approaches to teaching process mentioned above, could be of benefit for creating university environment focused on social entrepreneurship skills development among students. It is important that the system is evaluated from different viewpoints and its mechanisms of operation are developed that will be supportive to all the stakeholders rather than a burden. The existing university administrative structures may be already complex and overloaded, which puts a question of SE centre function as a separate subdivision, or being incorporated into the existing one.

Moreover, considering that modern universities are developing in the direction of life-long learning, inviting general public to study full-time, as well as to attend separate courses, the question of developing SE skills among adult learners deserves further attention. It is generally known, that approaches and methods of teaching youth and adults may differ. What is more, adult learners are often more detached from the university environment, as they have family responsibilities and other duties, which limits the time and forms of work on social entrepreneurship skills development. Another question in this regard is if all categories of adult learners need the social entrepreneurship skills at the same level, or if there are separate categories, for which they are really crucial. Considering Ukrainian context, for example, at present there are internally displaced persons that are in the focus of social

attention, as well as military personnel and ATO/JFO veterans, the number of which is increasing while the war conflict at the East of Ukraine is continuing. Developing social entrepreneurship skills among such groups of adults may support them as a part of professional retraining, give impulse to self-realization at a new place or in a new role, and help them to unleash their full potential for their communities.

Limitations. This study is limited by the lack of empirical data on the efficiency of the educational approaches suggested for the social entrepreneurship competence development, which is seen as a task for future research. The same is true for the suggested system.

Conclusions. COVID-19 crisis has enhanced a series of processes that for some time developed worldwide, including social entrepreneurship. The positive outcomes of social entrepreneurship for economy and social welfare makes it crucial to develop necessary skills at modern universities. As such, the following could be outlined: creativeness, critical thinking, civic engagement, communicative and adaptive skills. The educational system needs to focus on developing these skills among students to provide them with better employability and career prospects.

The three main approaches for developing social entrepreneurship skills are transdisciplinary, learner-centred and challenge-based, which can be applied together at different levels of complexity and forms of classes which can be united in a comprehensive system of training. What is more, the goal may be achieved by initiatives on both student and teacher levels, e.g. interdisciplinary student project on one hand, and co-teaching of departments on the other hand.

Apart from the comprehensive training approach, universities who put as a strategic goal social entrepreneurship development may strengthen this direction by creating social entrepreneurship centres as structural subdivisions, that will perform organizational and analytical functions involving both students and teachers into curricular and extra-curricular activities, creating a favourable environment for developing social entrepreneurship competence.

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«HOUSE OF THE FREE CHILD» – AN EXPERIMENTAL SOCIAL AND EDUCATIONAL INSTITUTION (1906–1909)

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Abstract. A retrospective analysis of the activity of the «House of the Free child» by Kostiantyn Mykolaiovych Venttsel has been made in the article. It has been found that K. Venttsel founded the House of the Free Child» based on the idea of a pedagogical community where adults and children are equal, where pedagogical communication is cross-pollinated, where every moment of a child's life is filled with meaning, where punishments, force, fixed timetable are unacceptable, where there is no place for curricula and manuals. The time spent at school was divided into five periods, namely: community service; satisfying children's curiosity or assisting children in meeting their scientific inquiries; systematic but free production labor; free art classes; a breakfast break, free exercise, children's games, and more. The cycle of school subjects, their contents, timetable – all these was determined by children themselves and thus became the embodiment of their conscious self-will and expression of desires.

Key words: «House of the Free Child», K. Venttsel, social education, creative potential, freedom of the child, idea of pedagogical community, production labor, free art classes.

Introduction. Public dissatisfaction with the education system of the late nineteenth – early twentieth centuries gave impetus to the development of the social-pedagogical movement that arose in the mid-nineteenth century. At this time, schools of new type began to appear with primary schools, lyceums, traditional gymnasiums, progymnasiums, zemstvo schools and parochial schools.

At the same time, the ideas of collectivism, community service, activity participation of a pupil in the educational process, self-government, etc. were implemented in such educational institutions.

1. History of creation of the «House of the Free Child»

Institutions seeking to embody new principles of education and learning include K. Venttsel's «House of the Free child», which became one of the first experiences of Russian's labor schools. Although it officially began its existence on October 1, 1906, preparation for its opening had been underway since 1903, when a special structure had been created under the guidance of the teacher to develop the organization of free, rational education.

The basis for the creation of a new experimental institution of K. Venttsel was a small family kindergarten, founded during the first year of the Commission on organization of family schools. Its activity was characterized by gathering the Commission members' children several times a week for joint play and employment. Such meetings took place at each of the families' home in turn for

two years. However, over time, there was a need for daily classes, full incarnation of spiritual and intellectual aspirations of children, as noted by one of the parents O. Horbunova-Posadova, «Children grew up, our pedagogical thought grew on the experience too, and we wanted to embody our ideal practically, on a large scale» (Kistyakovskaya, 1923, p. 11).

In 1906 organizers of the preschool institution reached out through newspapers calling on parents to participate in the creation of a new educational institution – the «House of the Free Child». It should be noted that three groups of people responded to the call: those who were looking for an advanced school for their children; those who sought to realize their pedagogical potential; those who have expressed desire to provide moral and material support for new ideas.

Another step towards the creation of the «House of the Free Child» was the development of its concept, which K. Venttsel first presented in the form of a lecture «How to create a free school» (House of the Free child). In 1906, a brochure was published under the same title, and in 1910 the pedagogue focused more on the basic aspects of the creation and existence of a new experimental school in the publication «New ways of raising and educating children».

The peculiarity of the «House of the Free Child» lay in the fact that it was created as an alternative to the traditional state school. It was democratic in character, apolitical and independent of government, accessible to anyone regardless of gender, religion or financial situation – «children of capitalists, proletarians, noblemen, porters should equally find place in it» (Venttsel, 1908, p. 53). The «House of the Free Child» was open to parents, the public, and anyone interested in educating younger generation. However, in view of the disagreement on being under state control, which means executing a generally recognized program, following the traditional school, the administration decided to start the institution illegally.

Starting from October 1, 1906, the «House of the Free Child» was opened. Created on the basis of the concept suggested by the pedagogue, the educational institution consisted of about 40 children aged from 5 to 10 years. The range of pupils had various characteristics. Along with ordinary children who followed knowledge, active participation in the life of the school, realization of their creative potential, there were «not ordinary children», as noted by one of the workers and organizers of the school O. Horbunova-Posadova, «These were children, cared about my parents especially much, <...>» spoilt children, single, infirm, over-taught by caring parents at home ... Among them were children difficult to bring up, who needed treatment and absolutely special living conditions» (Kistyakovskaya, 1923, p. 21).

The «House of the Free child», according to one of its workers M. Kystiakivska, «at the moment of opening was characterized as something new that does not fit in the limits of any institution: it was not a school, not a kindergarten, not even a children's club» (Kistyakovskaya, 1923, p. 46). The characteristic features of the institution's activities during the first year were that it had no clearly defined leadership, participation in management was taken by both parents, teachers and children. The «House of the Free Child» had no support staff and permanent teaching staff, all household works were performed by children themselves, and classes in most cases were carried out by parents.

As such an alternative educational institution, which aroused increased public interest, could not exist for a long time illegally, in the second year of its existence; the «House of the Free Child» continued its activity as officially registered kindergarten of M. Hutsevych. This made some adjustments to the activity of the institution: administration body in the person of the head appeared, the school was subordinate to the «Club of joint education and training of children» (whose head was K. Venttsel); a well-known figure of pre-school education, leader M Stanilovska was invited for senior group children. The administration also decided to prohibit excursion visits to the «House of the Free Child» during classes, as it was found that «... frequent visits by strangers reflected negatively on the moods of the children and the leaders» (1907 – 1908, p. 16).

Despite all the efforts, in spite of a large number of supporters of the ideas of free education, which were implemented in the school, among parents, sincere faith in the undeniable success of the case in the circle of leaders, the «House of the Free Child» ceased to exist in 1909. It was the third year that became critical for the activity of the institution: «At this time children, the core of the school, grew up: a part of the parents decided that they needed a diploma in the future, that classes are needed according to curriculum, and our school, unfortunately, broke up,» stated O. Horbunova-Posadova (Gorbunova, 1918, p. 82). In addition, during the entire lifetime of the institution, a number of problems emerged on the way of successful implementation of the developed concept that became especially noticeable from year to year: low material support, insufficient number of professional teachers, lack of funds, lack of support from the state, etc. However, despite this, it should be noted the regularity, integrity and humanity of the pedagogical system, which has laid the foundation for the activities of this new, experimental school, its progressivism and innovative character.

2. Organization of the «House of the Free Child» activity

Developing the project of the «House of the Free Child», K. Venttsel sought to make this institution a «pedagogical community» consisting of children, their parents and teachers, to create a community «... trying to get as close as possible to the type of ideal society ...» (Venttsel, 1910, p. 10).

Connecting people in such a way the pedagogue aimed at «... uniting their children and helping them to create a school in which they could develop freely physically and spiritually in the direction determined by their individual nature» (Venttsel, 1908, p. 53). It was in the unity of children, parents and teachers that K. Venttsel saw the basis of the new school's functioning.

Strongly criticizing the system of education of the time, whose activities were mainly aimed at intellectual development of students, K. Venttsel did not aim to make the «House of the Free Child» a place of study. In the first place, he sought to organize the institution of a full and versatile life of the child, «... in which what is combined with the word of studying accumulates only one component that appears on the stage only when it is needed and when it naturally arise out of the needs of the child's life» (Venttsel, 1908, p. 53). Forming his school according to this principle, the pedagogue first of all sought to create a place where children could play, run, develop, engage in creative and productive work that would meet their inclinations, abilities, desires, – «house of joy, happiness and freedom».

A significant difference is also observed in the methods of creating a school. Since any educational institution starts its activity by developing lessons plan, a curriculum, finds teachers and a premises and only then meets children, K. Venttsel proposed a new method of creating a free school in which children appear at the outset: «... there is no ready school, it just needs to be created, and children, together with their parents and all those who care about their free physical and spiritual development, participate in the creation, in creativity of the school, and this school is created not immediately, not suddenly, but by long, slow, free, natural, spontaneous and organic development» (Venttsel, 1908, p. 53). The pedagogue was convinced that the school, built in this way, would become something of value and importance to the children, the second home where they would want to go.

Describing the «House of the Free Child», K. Venttsel emphasized the status of the educational institution, which radically differentiated it from traditional institutions. The significant difference was that «... the first place was taken by education, which implies a holistic personality, while intellectual education, or studying, fits here only as a component, as a secondary and subordinate element» (Venttsel, 1910, p. 10). Such status of the school gave K. Venttsel a certain advantage as a representative of the theory of free education, since it did not require a curriculum, which the scholar replaced with a «life plan».

Describing the «life plan» developed by the pedagogue, we should first pay attention to daily routine. The time spent at school was divided into five periods, however, K. Venttsel did not provide any of them with a clearly defined time interval or set sequence:

1. Community service.

2. Satisfying children's curiosity or assisting children in meeting their scientific inquiries.
3. Systematic but free production labor.
4. Free art classes.
5. Breakfast break, free exercise, children's games and more.

Analyzing the plan proposed by the scholar, it should be noted that an important place in the life of the school is taken by work. Studying pedagogical heritage of J. Pestalozzi, F. Frebel, E. Lozynsky, P. Kropotkin, and others, K. Venttsel became fascinated with the idea of labor education, which became the foundation of the school's existence: «... only when a serious working atmosphere is created in the «House of the Free Child», we can be sure that the development of the children getting education in it will go in a normal, healthy way» (Venttsel, 1910, p. 10). However, adhering to the previously defined «life plan», the pedagogue tried to bring into existence of the school not just labor, but production labor, because he believed that «production labor is such a factor in educating and teaching children which should radically overturn the entire existing education system» (Venttsel, 1908, p. 53). K. Venttsel was convinced that children should not just work, but do the work that is related to their time at school and ensure its full existence. Thus, the pedagogue identified a range of works that can be attributed to the spectrum of production labor:

1. Ensuring proper condition of the premises and belongings.
2. Cooking.
3. Work on furniture for school.
4. Manufacturing tools.
5. Making toys.
6. Manufacturing the simplest educational tools.
7. Design of objects for aesthetic decoration of the «House of the Free Child».
8. Sewing towels, aprons for children, spare clothing, knitting.
9. Production of cardboard boxes for keeping things.
10. Plants and animals care.
11. Binding books for the library and ensuring order in it.

The fact that there were no classrooms in the school, it consisted of workshops of different profiles in which children could do various kinds of work in the field that is of interest to them, testifies to the fundamental place of production labor in the «House of the Free Child».

Thus, K. Venttsel tried to take production labor to a new level – level of «living encyclopedia»: «... production labor will be the main, chief activity, and book training – additional, and it will be organically linked with production labor and naturally arise out of it and naturally lead to it» (Venttsel, 1907 – 1908, p. 44). Considering production labor as an integral part of studying, K. Venttsel did not pursue the goal of raising a specialist in a certain field, that is, to form a professional carpenter, bookbinder, etc., first and foremost, he sought to «... promote comprehensive harmonious physical and spiritual development» (Venttsel, 1908, p. 53). The pedagogue was convinced that production labor, in addition to practical skills in a particular field of activity, can also give a child theoretical knowledge in study subjects. As an example, the scholar mentioned carpentry, which gives an opportunity to study geometry and mechanics, activity in the kitchen – contribute to the study of physics, chemistry, botany, zoology, and agriculture and gardening give a child an opportunity to be in harmony with nature, which is a rich source of various types of knowledge. According to K. Venttsel, providing arrangement of training under such strategy, «we will be able to single out the range of sciences that really interest children, and only in this way the program of their scientific education can be outlined ...» (Venttsel, 1907 – 1908, p. 33).

Considering the role and importance that the pedagogue gave to production labor, high demands were placed on the candidature of the head of these classes. The scholar was convinced that it is possible to transform negative behaviors into creative production process by means of manual labor and on the basis of the child's admiration for a certain type of activity.

Touching upon the issue of teaching children in the «House of the Free Child», K. Venttsel gave an imperative role to self-education in this process, since he believed that «without personal work, without personal effort, there can be no education» (Venttsel, 1908, p. 28). Based on this, the main task in the field of education, according to the pedagogue, was in creating favorable conditions for the full acquisition of knowledge, skills and abilities by a child.

K. Venttsel meant favorable conditions by not conducting classroom activities, giving lectures and reading books, but on the contrary – freedom of actions. He called for the child to be able to become acquainted with life, nature and people on his own: «the child will look, perceive, sniff, feel, touch, listen, he will influence life, nature, people and will think over all this on himself» (Venttsel, 1908, p. 29). «K. Venttsel was convinced that it was much more important to open up to a child a wide world of nature, beauty, sounds than to open a book. At the same time, the scholar did not completely abandon study literature, he only changed the principle of its use by children: «They will refer to books as to scientific works, not as textbooks, and they will use not one book, <...> but many and mostly such, in which prominent figures in a particular field of knowledge shared the results of their independent work with others, in which they expressed their original thoughts, talked about their discoveries, and the way they went to those discoveries» (Venttsel, 1908, p. 31). K. Venttsel tried to convey to the entire pedagogical community his deep conviction that the child should not be looked upon as a pupil, but as a small seeker of truth. That is why the pedagogue thought it would be more appropriate if a child created his own textbook. This, according to K. Venttsel, should be a book that would contain information obtained by children in a particular field of knowledge, and a story about the way he went in order to get positive results. The pedagogue was convinced that such book would be valuable for the child: «... it will remind him of the struggle and efforts towards the acquirement of knowledge, it will serve as a living symbol of success already achieved and will stimulate him to further victories in the field of gaining knowledge» (Venttsel, 1910, p. 31).

3. Studies in the «House of the Free Child»

K. Venttsel's approach to learning subjects is unusual and uncharacteristic of a traditional school. According to the idea of the «Cult of the child», the pedagogue abandoned usual lessons, replacing them with «free engagement of children in scientific subjects» (see Appendix F). In addition, the scholar also changed the content of the lessons, basing them on the child's life principle and its interests, which made it possible to combine theoretical knowledge with practical skills.

Among the subjects studied in the «House of the Free Child» were the following: Mathematics, Physics, Chemistry, Astronomy, Science, Geography, Technology, Native language, Foreign language, Social studies, History. We shall dwell in more detail on these subjects and the methods of teaching proposed by K. Venttsel.

First of all, we should pay attention to Mathematics, which in the «House of the Free Child» branched into two subjects – arithmetic and geometry. It should be noted that both disciplines were to be studied by children not in specially organized classes, but in daily life. To do this, the pedagogue suggested teachers, while teaching arithmetic, to give children the opportunity to:

1. Stack and replenish inventory.
2. Record information about the purchase of materials for works, their distribution, delivery, calculation of the amount of materials, time calculation, comparison of the duration of work of children and adults, the calculation of the average time, etc.
3. Purchase products, make records about the purchased, calculate quantity, weigh, etc.
4. Produce measuring instruments: scales, weights, etc.
5. Make consistent anthropometric measurements of their peers: height, weight, breast volume, head size, arms, legs and more.

K. Venttsel saw Geometry classes similar in their essence:

1. Drawing up a plan of housing and surrounding areas.

2. Drawing plans of possible works.
3. Comparison of geometric images – results of previous activity.
4. Production of various geometric shapes of cardboard for children's toy designs.

Physics and Chemistry were of a practical nature. In addition to discussions with children about the phenomena of the world around them, joint research was conducted to explain the essence of certain processes, which would provide an opportunity for free experimentation. The subject of study, according to the teacher, could be the phenomena of nature, measurement of temperature, humidity, wind speed, etc.

With enthusiasm K. Venttsel described Astronomy classes that allowed children to gather together and observe the starry sky, study various constellations, the motion of the moon and its phases. The teacher sought to turn these activities into sacraments that «... will be shrouded in a light poetic sheet» (Venttsel, 1910, p. 25). K. Venttsel advised to continue conversations about what the children saw in the evening, in the afternoon, and their subject was the Sun.

Trying to organize the life of children at school in harmony with nature, K. Venttsel emphasized the importance of studying such subject as Science, which he associated with the care of plants and animals, field trips, work in the garden. The important thing, in the pedagogue's opinion, was that during these lessons children learned how to care for the sick, dress wounds, and prepare the simplest medicines. In addition, children were to make a calendar together with adults that would display everything they happened to watch from the life of nature that day.

K. Venttsel sought to do Geography lessons interesting and active in their form. For this purpose, excursions, stories of the leaders about their travels, compiling diary of the trips together with the leader were envisaged. In addition, studying geography, according to the scholar, would help to provide children with information about the food they consume in everyday life, their country of origin, etc.

Taking into account the age of the children, their curiosity, K. Venttsel tried to satisfy their curiosity at Technology lessons, during which he planned acquainting with technical production of those objects that surround children in daily life. For this purpose the pedagogue provided excursions to factories, workshops, as well as acquaintance with the collection of layouts of different machines, tools and mechanisms used in the production of certain things.

Native language occupied a prominent place among the subjects of the «House of the Free Child». Trying to follow the opposite of traditional school way, K. Venttsel proposed a new method according to which native language «... will be freely learned by children not in the form of a particular subject of study, but in connection with the current needs of life in the «House of the Free Child» and at home (Venttsel, 1910, p. 27). K. Venttsel tried to model all lessons of native language down to oral and written presentation of observations, experiences, thoughts and fantasies on certain issues by the children. In contrast to the school in which children thoughtlessly copied other people's thoughts, in the «House of the Free Child», «children themselves will draw up their textbook, that is, collecting those extracts from poetic and artistic works that they particularly liked» (Venttsel, 1910, p. 28). In addition, as a method of teaching, the pedagogue offered children with the help of adults to keep a journal that would reflect the brightest moments in the life of the «House of the Free Child». One of the most interesting, in our opinion, methods of learning native language is K. Venttsel's idea of organizing correspondence between children of different educational institutions, since it allows not only to realize practical skills of native language, but also to establish communication, to establish indirect communication with children of different cities and schools.

While the need to learn native language was out of the question, learning a foreign language K. Venttsel treated with caution: «... foreign languages will be learned no sooner than the native language will be learned so that children will be able to use it freely, and will be studied to such an extent that acquisition of this purely verbal knowledge does not harm acquisition of more necessary real knowledge and created through the study of foreign languages memory does not lead to a decrease in

children's creativity» (Venttsel, 1910, p. 28). The pedagogue proposed correspondence with children living and studying abroad as a method of learning a foreign language only if these requirements are met, and to use this correspondence for the purpose of learning a certain foreign language.

K. Venttsel considered Social science an important branch of knowledge for the study, which, in the opinion of the pedagogue, should be studied in the process of staying in the «House of the Free Child», during which a child can learn the concepts of «work», «rights», «state», etc. It is the environmental phenomena, the scholar believed, that should be the starting point for conversations in which «... the issues of society will be broadly and deeply addressed to children» (Venttsel, 1910, p. 29). This position of the pedagogue revealed the essence of his desire to create an ideal pedagogical community at school, urging that the more adults seek it, «... the more they will contribute to the initiation of children's instincts of true sociality and developing their high and lofty ideal of social life» (Venttsel, 1910, p. 29).

K. Venttsel considered History as one of the most difficult subjects to study, so he advised teachers to first prepare a psychological foundation by having pupils to write a short sketch of their lives, as well as publishing a journal that would «... prepare the way for correct understanding and for a proper study of history» (Venttsel, 1910, p. 29). Further, the pedagogue saw adults' memories about historical events, stories about the past and its characteristics based on teachers' own memories as the natural starting point. K. Venttsel's interesting idea, which also made it possible to study History, was to keep a calendar in which children could record historical events that corresponded to it every day. The pedagogue understood that in order to better study and understand such complex subject, it is necessary to take into account age of the child, so he recommended to introduce the youngest children to history in the form of fiction stories, legends of different ages and peoples.

Another characteristic feature of the concept of the «House of the Free Child» in terms of education was K. Venttsel's rejection of systematic order in the arrangement of subjects, since, according to the teacher, this state of things precluded individual approach to each child. In addition, K. Venttsel expressed the attitude: «... that which from an external, logical point of view will be an exemplary order, then from an internal, psychological point of view, can sometimes mean a huge mess, great confusion and mess in the sphere of spiritual life processes» (Venttsel, 1908, p. 34). Emphasizing on individual qualities of a child, the pedagogue believed that each had his own objective order of knowledge acquiring, the shortest path to which K. Venttsel saw in «... directing their process of mastering knowledge with the line of greatest spiritual interest» (Venttsel, 1908, p. 35). The scholar was well aware that the information that had been received at the time of deep spiritual interest would remain permanently in memory. This position of the pedagogue has transformed the process of acquiring knowledge from coercion into facilitating the acquisition of knowledge the pupils need at some point in their lives.

Student self-government was an integral part of the «House of the Free Child» organization. K. Venttsel considered it one of the necessary conditions for the effective functioning and development of an institution based on freedom. Essential features of self-government were the following: meeting the child's need to organize his life independently, refusal of the institution of the nature of clearly planned by adult activities, giving students the functions of a higher governing body during the organization of general meetings of the school, etc.

An example of active student involvement in school activities is to schedule classes. The children participated in the process of its formation, thus the teacher sought to make it «... so that its embodiment would be for them a conscious realization of their purpose, the embodiment of a plan they themselves developed, not a plan imposed on them by adults» (Venttsel, 1910, p. 17). K. Venttsel understood that this would not only encourage children to learn, but also help them to develop responsibility, determination, commitment and so on.

The scholar tried not only during the preparation of the schedule, but also in teaching methods to organize the whole process so that it had the character of achieving the goals set by the child. Criticizing the methods that existed in the school at the time, K. Venttsel explained his categorically negative attitude saying that children do not achieve their goals, but those set by the teacher, which, according to the teacher, cannot produce a positive result. Instead, he saw the way out in the following: teachers, together with pupils develop a curriculum that would result from their collective work, «... and then its realization and embodiment will become not only the embodiment of the teacher's will, but also the embodiment of the pupils' will» (Venttsel, 1910, p. 33).

K. Venttsel understood that only by appealing to the wishes of the child high results can be achieved in the learning process. The pedagogue was also aware that at first the desires of the children would not be clearly defined, so the scholar did not rule out some chaos when the student would get from one activity to another during the first days or months of school. However, the scholar assured that it is not necessary to be afraid of this, because «... the more directions in which he can throw himself are, the more stable, planned and systematic form his activity will eventually become» (Venttsel, 1910, p. 45).

In an effort to awaken the spirit of search in the child, K. Venttsel tried to bring as much visual material into the learning process as possible. However, it should be noted that the essence of clarity in the views of the scholar was slightly different from the traditional understanding and consisted in «... preserving for the child in this process of complete spiritual independence, in maintaining its continuous independence, in the tireless awakening of the spirit of creativity» (Venttsel, 1910, p. 37). In the «school of the future» children independently produced visual materials: atlases, maps, figures, etc. This, according to K. Venttsel, significantly influenced the process of acquiring knowledge by children, because it facilitated the release of their creative powers.

4. Social education in the «House of the Free Child»

Trying to form a person who will be able to merge into all other society, K. Vnettsel considered social education to be a necessary element of educational process. In addition, the school itself, with all its structure, was to become the model of an ideal society with ideal citizens, favourable in this sense, according to K. Venttsel, could be productive labor. The pedagogue also considered joint meeting of adults and children, that will teach the young tolerant attitude to the thoughts around them to be an important and positive factor: «Joint (public) meetings will form a habit of listening others quietly and treating expressed by others thoughts with respect, form the ability to come to certain common decisions by common brainwork» (Venttsel, 1910, p. 42). Being aware of the role of individual qualities of a child in the discussion process, K. Venttsel thought it advisable that the question to be raised at the meeting should be announced to children beforehand so that they could have time to think and sometimes even write down their thoughts. Thus, the teacher tried to involve passive children in active participation in the public life of the school.

Last but not least issue the scholar considers in his concept of the «House of the Free Child» is whether there should be punishment at school. Remaining a representative of humanistic pedagogy, K. Venttsel felt that it was more expedient on the part of teachers not to punish, but «... to prevent such acts on the part of children who violate the rights of other children or adults ...» (Venttsel, 1910, p. 57). The scholar advised to avoid bad deeds, to make life of pupils so full and meaningful, rich in creative activities, that there is no place or desire for bad deeds. Of course, the pedagogue did not exclude cases where a child's behavior exceeds the limits of the allowed. Then he advised to make him take a hit of those unauthorized acts and their consequences that he had once done against others, so «... it is necessary to try to let the child to feel all the abnormality of his behavior ...» (Venttsel, 1910, p. 59).

Conclusions. Summarizing the concept of organization and activity of the «House of the Free Child» developed by K. Venttsel, we can distinguish the main aspects which the pedagogue sought to put into practice in the school:

- school is created with the participation of children themselves;
- all children learn together, regardless of sex, age and their parents' social status;
- replacing systems and curricula with a «life plan»;
- children's freedom at school should not be restricted by anyone and anything, as long as it does not harm others;
- schooling is related to the child's life, his natural abilities, needs and desires;
- school forms the ability of children to acquire knowledge independently in the most rational way, promotes development and strengthening of love for knowledge, the ability to apply them in life on the basis of gaining practical experience;
- school activity is based on the principles of self-government;
- the basis of the educational process is free production work, which is closely connected with the system of aspirations and ideas of the child;
- all school activity is aimed at development of conscious, creative individuality in every child;
- parents and children are active participants of the educational process;
- the inadmissibility of any violence, compulsion and punishment.

However, as O. Horbunova-Posadova wrote later, «the conditions for such a practical free school at that time were too difficult. It had too few faithful friends at that time and too little power to run the school» (Kistyakovskaya, 1923, p. 42).

The experience of the activity of the «House of the Free Child» has shown that in practice the system of free education is much more complicated than education based on violence, compulsion and dictatorship. Along with the many difficulties that K. Venttsel's concept encountered, a number of fundamental principles that were implemented in the school's activities and which may be of interest to modern school are worth noting:

- development of a creative personality of each child through the involvement in active participation in organization of the school and educational process;
- family nature of the «House of the Free Child» (forming strong bonds between children and parents through the inclusion of the latter in school life);
- self-government, empowering children to make important decisions at the level with adults;
- connection of studying with the life and needs of the child.

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THE INFLUENCE OF THE PRESIDENCY INSTITUTE ON THE UKRAINIAN INDEPENDENT ORTHODOX CHURCH FORMATION

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Abstract. The current political situation in Ukraine shows a deep crisis in relations in many spheres of social life, including interfaith relations. The purpose of the article is to highlight the problems of the political influence of the presidency institution during the Ukrainian statehood birth and to apply this knowledge to the realities of modern society. The Orthodox Church is the dominant confession in Ukraine, but today it is in the stage of division into different jurisdictions. It has been proven that the unification of the divided branches of Ukrainian Orthodoxy will contribute to the consolidation of Ukrainian society, especially in the presence of open external aggression. It was established that the presidency institution itself plays an extremely important role in state policy in the religious sphere. The article analyzes that Ukrainian Presidents actively participated in the religious policy of the state and contributed to the formation of the United Local Church. Therefore, the church is an important factor in the consolidation of the divided Ukrainian society, therefore the state policy in this area should be directed to support the project of the Local Church.

Key words: Church, President, political institution, authority, autocephaly, political influence.

Introduction. The political sphere is a social space that is formed by arrangement of organized relationships between people. Ensuring the stability of such an organization was entrusted to political institutions that were formed during a long historical development and expressed the political interests of certain social groups. A feature of political institutions is their legitimacy. As institutions of state power, they are legitimate in origin, whose activities are regulated by legislation that defines their powers and functions.

In the political system of Ukraine, one of the types of political institutions that affects the sphere of state-religious relations is the institution of the President of Ukraine. The President is the guarantor of the state sovereignty and territorial integrity of Ukraine, compliance with the Constitution of Ukraine, human and citizen rights and freedoms in Ukraine, ensures the national security of the state by acting to protect its national interests. At the same time, as the Head of State, he has the opportunity to shape the directions of state religious policy and its implementation. In particular, the President of Ukraine is obliged to ensure the right to freedom of conscience and religion and their observance; submit draft laws regulating social relations in the religious sphere to the Verkhovna Rada of Ukraine for consideration; endowed with the right to prepare and introduce draft decrees and orders that determine the vector of religious policy; creation of consultative and advisory bodies in the field of religious issues; The President of Ukraine establishes presidential rewards and awards them to prominent religious figures.

The purpose of the article is to highlight the transformational processes of the presidency institution and its importance in modern state policy in the field of religion. All presidents in the Ukraine's independence history introduced their own bills and pursued original policies regarding Orthodox churches. Therefore, the attention of the research is focused precisely on attempts at state regulation and attempts to establish inter-confessional and state-church relations. The task of the research is an attempt to develop a new, alternative approach to the problem of influence and state regulation of state policy in the religious sphere in Ukraine by the presidency institution.

Research methods. The lack of a developed methodology and significant political interest leads to the emergence of new theories and state-church interaction systems. Development of new approaches in domestic and foreign scientific literature regarding possible directions of harmonization and synchronization of relations between state and religious institutions stimulate the need to systematize existing and new methodological developments. The distinction of the methods from the researched subject into groups that will allow for a comprehensive understanding of the subject of state religious policy and autocephalous issues is significant, in our opinion: general scientific, special and interdisciplinary.

Analysis of recent research and publications. Nowadays, the state of scientific development of the chosen topic is ambiguous. Thousands of speeches, public statements and official letters of Ukrainian Presidents and high-ranking government officials. It is important to note that individual state leaders, such as V. Yushchenko and P. Poroshenko, did not hide their affiliation to the UOC of the Kyiv Patriarchate (OCU). At that time, V. Yanukovych openly supported the Moscow Patriarchate. To a large extent, this influenced the state policy regarding the "privileged" and "hostile" churches. From here, we state the presence of religiously engaged literature and relevant draft laws. The positions of the leading Ukrainian hierarchs of various denominations mirror the state's policy. Polemics and debates between hierarchs of different denominations lead to twisting and distorted interpretation of ancient canons and historical church practice. We must state that the signing of the Tomos for Ukraine once again attracted the attention of the hierarchy and secular scientists from all over the world.

The classic scientific basis for substantiating the problem of the autocephalous system, canonical territory and state-church relations in general is revealed in the works of well-known domestic researchers and canonists I. Vlasovskyi, O. Kyrydon, P. Kraljuk, O. Lototskyi, Y. Mulyk-Lutsik, O. Sagan, L. Filipovych, Y. Chornomorets and others, who repeatedly drew attention to the problems of state power and its influence on the church paradigm. It is also worth including scientists with a world name: V. Asmus, D. Bingham, A. von Harnack, J. Hoffmann, J. Zizioulas, I. Isichenko, J. Robertson, A. Kartashev, E. Kesariyskyi, N. Milash, E. Smirnova, S. Smirnova, K. Skurat, K. Ware, F. Uspensky and others.

The importance and relevance of the chosen topic is evidenced by a number of modern dissertation studies, for example, by V. Butynskyi, M. Hergeliuk, A. Didkivskyi, E. Zarembo. Particularly important and thorough are the works of the domestic scientist, who is one of the most famous ideologues of Ukrainian autocephaly in modern Orthodoxy, Archimandrite Kirill (Hovorun).

It should be noted that the history of state-church relations is considered in a significant number of works of domestic and foreign scientists of a geopolitical nature. It is noteworthy that a significant part of them is designed to determine the place and role of the presidency institution in the formation of a new independent Ukrainian Orthodox Church. It is the United Church that should contribute to the formation of Ukraine in the new geopolitical space of Europe. In particular, an integrated collective monograph of domestic scientists edited by Professor Felix Rudych (Rudych, 2002) is devoted to this issue.

Important for the article is the research of O. Balakirev and Y. Sereda, who, based on a wealth of statistical and sociological data, showed the restoration of religiosity after the collapse of the USSR and the role of each of the Ukrainian Presidents in this process. According to the study results,

religious organizations in Ukraine were more developed both in terms of number and diversity than, for example, in Russia. To a large extent, this is connected with the special attention of the highest-ranking officials to the religious issue in Ukraine. In the monograph, the authors highlighted the influence of the religious factor on democratization, trust in social institutions, volunteering and environmental protection.

It is necessary to prove a significant scientific, political and theological aspect of the chosen problem relevance, as well as the presence of a number of thorough works on the topic. However, today the problem of the relationship between the state and the church in Ukraine, the possible models of their cooperation, and the place of the presidency institution itself in this dialogue remains poorly understood and fragmented. Therefore, the presence of a number of understudied scientific problems, in particular the selected one, regarding the structure and models of state-church interaction and the role of Ukrainian presidents in the religious policy of the state significantly actualizes the autocephalous topic.

Results and discussion. On the democratic principle of separation of church and state, the President of Ukraine within the limits of his constitutional powers has an influence on the formation of religious policy and religious processes in Ukraine, which usually depends on their personal attitude to religion and the church, denominational affiliation and relations with religious leaders (Sahan, 2001: 212].

The activities of the first President of Ukraine, L. Kravchuk, touched upon the issue of policy implementation in the sphere of religious relations of state authorities and church institutions. While in the Central Committee of the Communist Party of Ukraine, L. Kravchuk led an ideological direction that spread atheistic propaganda and fought against religion in every possible way. Instead, the political events of the 80s and early 90s of the 20th century led to the transformation of approaches to religion – from struggle to acceptance and revival. During the tenure of L. Kravchuk, on April 23, 1991, the Law of Ukraine "On Freedom of Conscience and Religious Organizations" was signed, which was aimed at ensuring the right to freedom of conscience and religion. The policy of the first president in the sphere of state-church relations contributed to the formation of a new approach in electoral technology, according to which religion was considered as a tool for achieving political goals.

For the first time, the issue of the Local Orthodox Church was raised during the presidential campaign in 1991 at the All-Ukrainian Interreligious Forum, which was held on the initiative of L. Kravchuk. The presidential candidate appealed to representatives of religious organizations with the need to build an independent church that functioned in independent Ukraine. However, in the presidential program of L. Kravchuk, this issue was not raised, causing the formation of speculative tendencies of politicians in the field of religion. As a result, the President of Ukraine found himself in the conditions of the existence of two parallel Orthodox church structures, which were being revived, and the existing conflict between the Orthodox and Greek Catholics, caused by the politicization of religion.

The idea of creating an independent Ukrainian Orthodox Church, which would be close to the government, did not leave L. Kravchuk for a long time. He personally appealed to Moscow Patriarch Alexy II with a request to grant autocephaly to the Ukrainian Orthodox Church, but Russia tried in every possible way to keep ecclesiastical Kyiv in its own force field. Insane pressure was being created on the pro-Ukrainian hierarchy. The bishops' council of the Russian Orthodox Church blocked consideration of L. Kravchuk's appeal as interference in church affairs, instead forcing Filaret to promise to renounce the metropolitan chair (Philip (Saliba), 2008). The Kharkiv Cathedral was held without the participation of Metropolitan Filaret, which led to the election of a new head of the UOC MP – Metropolitan Volodymyr (Sabodan). Relations between L. Kravchuk and the new Primate of the Ukrainian Orthodox Church gradually improved due to the latter's pro-Ukrainian position: "I cannot accuse Volodymyr of pursuing an anti-Ukrainian policy. In no case." However, the President of Ukraine had a negative attitude to the visits of the Head of the Russian Orthodox Church, Patriarch Kirill and Russian church leaders to Metropolitan Volodymyr, seeing a threat to state sovereignty: "their goal is the formation of a single spiritual space and the revival of Holy Kyivan Rus, where

Russia and the Russian Orthodox Church will be the leaders. They are coming to create a full-fledged Moscow Metropolis in Ukraine" (Documents of the Sobor, 2016).

The religious policy of the President of Ukraine, L. Kravchuk, is unequivocally evaluated. On the one hand, he contributed to the processes of religious revival, building relations between the state and the church, and the desire to create a single Local Orthodox Church. Many of these processes contained a political component and were aimed both at solving religious problems and at increasing his own authority in religious circles. Instead, Kravchuk's unprincipledness led to a fiasco in the formation of the Ukrainian Local Orthodox Church, the cessation of inter-church confrontation, and the full protection of the right to freedom of conscience and religion.

Considerable attention was paid to religious policy in Ukraine during the presidency of L. Kuchma. In the pre-election programs for the post of President of Ukraine in 1994, L. Kuchma declared "equal attitude of the state to all religions and confessions and non-interference of authorities in their affairs" (Kyrlyo (Hovorun), 2019: 121). Note that, unlike his predecessor L. Kravchuk, Kuchma provided the electorate with a detailed plan for the development of state-church relations, proving his understanding of the role of religion in the political sphere. However, the focus of the President's policy on harmonizing relations with Russia was reflected in the issue of the independence of the Ukrainian church. If L. Kravchuk focused on the UOC-KP in his religious policy, L. Kuchma, on the other hand, openly supported the UOC-MP. The president openly demonstrated his affection for Metropolitan Volodymyr (Sabodan), systematically visited churches and was present at church services. Moreover, L. Kuchma awarded clergymen of the UOC MP with state awards and contributed to the return of religious buildings and property under the jurisdiction of this church. A similar policy was followed by the closest entourage of the President, causing the tendency of politicians to demonstrate their religious affiliation for dividends in the next elections.

Public support of the UOC MP did not prevent L. Kuchma from implementing the principle of equality of religions, faiths and religious organizations before the law. For the first time, he started the tradition of the participation of religious figures in the inauguration events of the President of Ukraine.

L. Kuchma paid considerable attention to the issue of the unity and independence of Ukrainian Orthodoxy, realizing the political necessity of the state to have an independent church: "There seem to be 15 Orthodox states. And only Ukraine and Belarus do not have an autocephalous Church. Belarus, of course. It is part of the union state with Russia. And God himself ordered Ukraine to have its Local Church" (Papkova, 2011: 211). By maintaining close relations with the hierarchs of the UOC MP, L. Kuchma hoped that this would allow him to obtain autocephaly from the Russian Orthodox Church.

The priority direction of the religious policy of the President of Ukraine V. Yushchenko was the creation of a single Local Church. In his pre-election program, he particularly focused on "promoting the unity of the people of Ukraine, the orientation of society and the state to universal human values, which will live according to God's and human law" (Sahan, 2004: 206). In the sphere of state-church relations, he continued to develop the policy of L. Kravchuk and L. Kuchma built on partnership principles.

Like previous presidents, V. Yushchenko openly declared his affiliation and commitment to the UOC KP, participating in the services of this church, contributing to the building of relations with Patriarch Filaret, whom he called a "spiritual guide." However, personal religious affiliation did not prevent the president from conducting a productive dialogue with the Ukrainian Orthodox Church: "this cooperation depends to a lesser extent than before on the personal likes and dislikes of one or another politician" (Oleksandr (Drabynko), 2018: 320). The establishment of V. Yushchenko's close cooperation with Orthodox denominations was conditioned by an attempt to overcome church division and promote the unity and independence of Ukrainian Orthodoxy: "I believe that the establishment of the Unified Local Orthodox Church will be a great historical truth and justice for Ukraine". The presence of a single Local Church would allow V. Yushchenko not only to fight for the presiden-

tial seat for a second term, but also to strengthen Ukrainian statehood, raise its status on the international arena, and establish national identity, contributing to the consolidation of Ukrainian society.

During his presidential term, V. Yushchenko tried to initiate a dialogue between the UOC and the UOC KP. He repeatedly appealed to Metropolitan Volodymyr to support his initiative. At the end of 2006, the president met with the hierarchs of the UOC, at which the president presented his solution to the problem. At the beginning of 2007, V. Yushchenko made a proposal to the UOC to create a joint commission, which developed a mechanism for uniting the two jurisdictions into a single church structure. However, in 2009, the Holy Synod of the UOC decided to renew the negotiation process with the UAC without the president's interference in church affairs (Gergelyuk, 2014: 106).

Religious policy was an important component of the activities of the President of Ukraine V. Yanukovych. Despite the declaration of equal rights and opportunities for all religious organizations and denominations, he created favorable conditions for the functioning of the UOC. Later, already openly, V. Yanukovych demonstrates his religious affiliation and commitment to the Ukrainian Orthodox Church, which supported him in the presidential election campaigns. The open lobbying of the interests of the hierarchs of the Moscow Patriarchate was determined by political motives: "the Orthodox Church has always been considered as an electorate for the authorities. She likes to rely on priests to achieve her political goals" (Herhelyuk, 2014: 152).

V. Yanukovych was not particularly concerned about the formation of a single Ukrainian local church. Unlike his predecessors, the president did not raise the issue of autocephaly with Russian Patriarch Kirill and Ecumenical Patriarch Bartholomew. V. Yanukovych's religious policy was severely criticized by representatives of various denominations and religious organizations.

The President of Ukraine P. Poroshenko actively participated in the process of autocephalization, who sent Bartholomew a personal letter and confirmed the desire of the political elite to resolve the religious problems of the Ukrainian Church as soon as possible. In his repeated appeal dated April 17, 2018, the President of Ukraine expressed a request to provide the Orthodox Church in Ukraine with a Tomos on autocephaly. The head of state was convinced that such a step would strengthen religious freedom and interfaith peace in Ukraine, strengthen the rights and freedoms of citizens, complete the affirmation of Ukraine's independence and autonomy in the spiritual dimension, and raise the authority of the Ecumenical Patriarch among Ukrainians to new heights (Dokumenty Soboru, 2016).

P. Poroshenko's initiative to the Ecumenical Patriarch Bartholomew regarding the granting of autocephaly to the Ukrainian Church was supported by a special resolution of the Verkhovna Rada of Ukraine dated April 19, 2018. In addition, the resolution contained the signatures of all the hierarchs of the UOC KP, UAOC, as well as two representatives of the UOC MP.

The active position of the political parties of Ukraine did not go unanswered by the Ecumenical Patriarch. Taking into account the numerous appeals of the President of Ukraine, the Verkhovna Rada of Ukraine and the hierarchs of Ukrainian churches, Bartholomew took the initiative to resolve the church issue (Hovorun, 2019: 341). He started a set of procedures aimed at granting autocephaly to the Orthodox Church in Ukraine.

On the part of the Patriarchate of Constantinople, the main condition for granting autocephaly was the unification of Ukrainian Orthodox churches. On December 15, 2018, Ecumenical Patriarch Bartholomew invited the hierarchs of all Ukrainian Orthodox churches (UPC KP, UAPC and UOC MP) to participate in the Unification Council. However, the church leaders of the UOC MP forbade its representatives to attend this Council. Instead, all the hierarchs of the UOC-KP, UAOC and even two metropolitans of the UOC-MP took part in the Council's congress. On the part of the state and authorities, the President of Ukraine P. Poroshenko and the Chairman of the Verkhovna Rada of Ukraine A. Parubiy confirmed their presence.

On December 15, 2018, the Council made a historic decision to unify Ukrainian Orthodox churches into a single religious organization – the Orthodox Church of Ukraine. At the same time, the Statute

of the OCU was approved and its Primate was elected – "Metropolitan of Kyiv and All Ukraine" Epiphany. Ecumenical Patriarch Bartholomew invited the head of the newly formed church to Istanbul to present him with the Tomos on autocephaly (the President of Ukraine P. Poroshenko and the Chairman of the Verkhovna Rada of Ukraine A. Parubiy were also present at the presentation of the Tomos). Finally, on January 5, 2019, Ecumenical Patriarch Bartholomew signed the historic document in Istanbul, and the next day solemnly handed it over to Metropolitan Epiphanius of Kyiv and All Ukraine. So, the long struggle of Ukrainian Orthodoxy for autocephaly ended with the signing and handing over of the Tomos.

After the election of Epiphany as the Primate of the Orthodox Church of Ukraine, he made several statements of a political content, which amounted to the constitutional right to separate the church from the state and to condemn the use of the church for political purposes. The Metropolitan of Kyiv and All Ukraine also emphasized the need to de-occupy Crimea and the territory of Donbas.

Instead, the Russian Orthodox Church launched a broad anti-Ukrainian propaganda campaign involving Russian President V. Putin. On his initiative, the Ukrainian church issue became the subject of discussion at an operational meeting with permanent members of the Security Council of the Russian Federation. Also, the head of the Kremlin initiated a telephone conversation with Bartholomew and convinced him of the falsity of the decision (Bartholomew, 2019).

Another important issue that remained unresolved after the creation of the OCU was the status of the UOC MP. Note that according to the statute of the Russian Orthodox Church, Ukraine is a canonical territory over which its jurisdiction extends. The UOC can maintain relations with the Local Orthodox Churches of the world only through the Russian Orthodox Church. The Primate of the Ukrainian Orthodox Church takes office only after his presentation to the Patriarch of Moscow and All Russia, blessing and handing over of the "Blessed Letter". The head of the Russian Orthodox Church must approve the Statute of the Ukrainian Orthodox Church, which is approved by the Council. The Primate of the UOC, Metropolitan of Kyiv and All Ukraine, is a permanent member of the Synod of the Russian Orthodox Church. The duty of the UOC Cathedral is to maintain canonical unity with the Russian Orthodox Church. The Council of Bishops of the UOC must act on the basis of the resolutions of the local and bishop Councils of the Russian Orthodox Church. So, the content of the UOC statute determines the subordination and dependence of the Ukrainian church on the Russian one.

Conclusions. Therefore, the presidency institution as a whole is a key element of Ukrainian politics both within the country and on the international arena. The first Ukrainian presidents took a significant part in the formation of the very idea of the United National Independent Orthodox Church creation. The total influence of the Moscow Patriarchate led to negative pro-Russian narratives, especially in the South and East of the country. The division of Ukrainian Orthodoxy into different jurisdictions is a significant conflict-causing factor that divides the young, unformed Ukrainian society. We must state a certain inconsistency in the actions of Ukrainian state leaders. Although L. Kuchma spoke about the need for his own Orthodox Church, he did not make any efforts to do so. V. Yushchenko started a new stage of the struggle for universal recognition of Ukrainian Orthodoxy in an independent status, but at that time the desired goal was not achieved, and his successor radically changed the vector of state policy, including in the religious sphere. P. Poroshenko managed to achieve success in the matter of declaring church independence. The Ukrainian Church received the long-awaited Tomos. However, this historical event did not lead to the unification of the divided branches of Ukrainian Orthodoxy. In addition, local churches were divided into those who supported such a decision and those who opposed it.

Thus, the single Local Church is a sure step on the way to the formation of a new domestic civil society based on the European model. The presidency institution in Ukraine tries to form partnership relations with various denominations in accordance with the Constitution of Ukraine and without giving advantages and preferences to any of the religious organizations. Such an approach can be a guarantee of success in the implementation of an effective state religious policy.

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CONFIDENTIAL INFORMATION AND TRADE SECRET AS RESTRICTED INFORMATION IN UKRAINE

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Abstract. The scientific work is devoted to the analysis of the already existing legislation of Ukraine regarding information with limited access, as well as personal views on possible ways of improving the legislation in the field of our scientific intelligence. The scientific work is interesting because today the owner of commercially (economically) valuable information determines at his own discretion whether his commercially valuable information will be confidential information (CI) or will be a trade secret (TS). Therefore, the legislator needs to separate these two concepts so that the economic entity knows where CI and where TS. The idea of scientific intelligence is determined by the state of implementation of the state policy and legislation of Ukraine in the field of protection of confidential information (CI) and trade secret (TS). Searching for ways to improve legal and institutional mechanisms for the protection of TS and CI, as well as a comparison of existing regulatory and legal documents with the aim of improving the legislative framework of Ukraine.

Key words: confidential information, trade secret, commercial value, information, security, business entity.

Introduction. The scientific work is devoted to the analysis of confidential information and traded secret as information with limited access. It is established that confidential information = is a type of information with limited access, and trade secret = is one of the secrets of secret information. It should be noted that confidential information = primarily information about a natural person that is secret, namely: business information, family secrets, as well as information that a natural person considers confidential, except of information that, according to the law, cannot be confidential information.

Trade secret = this is commercially valuable information that provides advantages in the market over competitors, namely: legal entities, individual entrepreneurs, and other business entities.

We proposed a draft of the Law of Ukraine "On Trade Secret", which corresponds to modern CT threats, including in the case of ATO zone or combat operations, or during other special operations. Article 15 of our draft of the Law describes actions about the protection of Trade secret during ATO or combat operations, or during other special operations, the owner of the trade secret decides at his own discretion, but within the limits of the legislation of Ukraine, what actions to take regarding the protection of trade secrets. The Security Service of Ukraine and other law enforcement agencies of Ukraine are responsible for assisting business entities and protecting trade secret during anti-terrorist operations or military operations, as well as other special operations. In the event of damage to the business entity through the leakage of information constituting a trade secret from bodies authorized to carry out certain actions regarding the protection of trade secret during anti-terrorist operations or military operations, as well as other special operations, the losses shall be compensated by the guilty bodies. (Kravchenko, 2019, *Administratyvno-pravovi zasady okhorony komertsii noi taiemnytsi v Ukraini: annex A*).

The analysis of the difference between CI and TS shows that at the legislative level, it is necessary to clearly separate them. Currently, there is practically no difference, and the owner of commercially valuable information independently determines where CI and where TS. From our point of view, CI is secret information concerning a natural person, and TI is secret information concerning legal entities, enterprises, institutions and organizations, Private Entrepreneur, which has a commercial value that positively affects the profit of business entities. The legislator needs to exclude the mention of a legal

entity from the definition of confidential information = this is necessary for improving the business space of Ukraine. And formulate the definition of CI, for example, as follows: confidential information is information to which access is limited to a natural person and which can be distributed in a certain manner at his will in accordance with the conditions stipulated by him.

Main body. The task and the main goal of the work is to find ways and mechanisms to improve the legislative framework of Ukraine in the field of protection and protection of information with limited access, namely CI and TS.

The methodological basis of scientific intelligence is a set of research methods: logical-semantic – to improve the conceptual-categorical apparatus, in particular, the terms "confidential information" and "trade secret"; comparative analysis – to compare concepts regarding the essence and development of legal protection of confidential information and trade secret in Ukraine, both information-legal and administrative-legal aspects; formal and legal – to disclose the system of legal norms of Ukraine related to the legal protection of confidential information and trade secret; etc.

In Article 21 of the Law of Ukraine "On Information", information with limited access is confidential, secret and official information. Information about a natural person, as well as information to which access is limited to a natural or legal person, except for subjects of authority, is considered confidential (Pro informatsiiu, 1992). Moreover, confidential information can be distributed at the request (consent) of the relevant person in the order determined by him in accordance with the conditions provided for by him, as well as in other cases determined by law (Pro informatsiiu, 1992).

Article 7 of the Law of Ukraine "On Access to Public Information" specifies that confidential information is information to which access is limited to a natural or legal person, except for subjects of authority, and which can be distributed in the manner determined by them at their will in accordance with conditions stipulated by them (Pro dostup do publichnoi informatsii, 2011). Managers of information, defined in Part 1 of Art. 13 of this law, those in possession of confidential information may distribute it only with the consent of the persons who restricted access to the information, and in the absence of such consent – only in the interests of national security, economic well-being and human rights (Pro dostup do publichnoi informatsii, 2011).

Article 8 of the Law of Ukraine "On Access to Public Information" defines secret information as information, access to which is restricted in accordance with Part 2 of Art. 6 of this law, the disclosure of which may harm a person, society, and the state.

Information containing state, professional, banking, intelligence secrets, secrets of pre-trial investigation and other secrets prescribed by law, including commercial secrets, is recognized as secret. (Pro dostup do publichnoi informatsii, 2011).

We found that the definition of commercial secret is contained in the Civil Code of Ukraine (CCU) (Tsyvilnyi kodeks Ukrainy, 2003), as well as in the Economic Code of Ukraine (ECU) (Hospodarskyi Kodeks Ukrainy, 2003), but, in our opinion, it needs improvement. In Art. 505 of the CCU states that KT is information that is secret in the sense that it is unknown as a whole or in a certain form and combination of its components and is not easily accessible to persons who usually deal with the type of information to which it belongs, in this regard, has a commercial value and has been the subject of measures adequate to the existing circumstances to preserve its secrecy, taken by the person who legally controls this information (Tsyvilnyi kodeks Ukrainy, 2003). In Art. 162 of the Civil Code states that a business entity that is the owner of technical, organizational or other commercial information has the right to protection against the illegal use of this information by third parties, provided that this information has commercial value due to the fact that it unknown to third parties and there is no free access to it by other persons on legal grounds, and the owner of the information takes appropriate measures to protect its confidentiality (Hospodarskyi Kodeks Ukrainy, 2003).

Legal terms such as "TS owner" (ECU) (Hospodarskyi Kodeks Ukrainy, 2003), «person» (CCU) (Tsyvilnyi kodeks Ukrainy, 2003), in our opinion, it should be replaced by the term "TS owner", as

we proposed in the draft Law of Ukraine "On Trade Secret" (Kravchenko, 2019, *Administratyvno-pravovi zasady okhorony komertsii noi taiemnytsi v Ukraini: annex A*).

Article 505 of the CCU uses the term "person", but it is not clear which "person" the legislator means, namely: a legal entity or a natural person. In our opinion, it should be clearly stated in Art. 505 of the CCU, what exactly is a legal entity and formulate it, for example, as follows: KT is information that is secret in the sense that it as a whole or in a certain form and the totality of its components is unknown and is not easily accessible to persons who usually deal with the type of information to which it belongs, in this connection has commercial value and was the subject of measures adequate to the existing circumstances to preserve its secrecy, taken by the legal entity that legally controls this information.

Article 162 of the ECU states that A business entity that holds technical, organizational or other commercial information shall have the right to protection against illegal use of such information by third persons subject to such information has certain commercial value, is not known to third persons, is not legally accessible by other persons, and the holder of such information takes appropriate measures to protect its confidentiality (Hospodarskyi Kodeks Ukrainy, 2003). Here, in addition to the not entirely correct (in our opinion) term "holder of TS" (change to "owner of TS"), mentions of confidentiality should be removed, because confidential information is information about a natural person, not a legal entity. And formulate the definition of TS in Art. 162 of the ECU, for example: a business entity that is the owner of technical, organizational or other commercial information has the right to protection against the illegal use of this information by third parties, provided that this information has commercial value in connection with the fact that it is unknown to third parties and there is no free access to it by other persons on legal grounds, and the owner of the information takes appropriate measures to protect it.

Having analyzed the legislation of Ukraine regarding confidential information and trade secret as information with limited access, we can note the following:

1. The owner of information that has a commercial value determines at his own discretion whether the information that has a commercial value will belong to CI or TS.

2. The owner of information that has a commercial (economic) value independently establishes measures to protect this information and other aspects related to the protection of CI or TS (organizational, legal, technical).

3. The owner of information that has a commercial value establishes the terms of the classification of CI or TS, the circle of persons who can be familiar with the specified information (on contractual basis), and the terms of termination of protection and protection of CI or TS.

The analysis of Ukrainian legislation shows that currently there is practically no difference between CI and TS, and the owner of commercially valuable information independently determines whether it will be CI or TS.

From our point of view, CI is confidential information concerning an individual, TS is secret information concerning legal entities, enterprises, institutions and organizations, which has a commercial value that positively affects the profit of economic entities.

The legislator needs to exclude the mention of a legal entity from the definition of confidential information and formulate it, for example, as follows:

confidential information – information, access to which is limited to a natural person and which can be distributed in a certain manner at his will, in accordance with the conditions stipulated by him.

More widely, regarding the administrative and legal protection of T, we revealed in previous scientific investigations:

- 1) subjects and their powers regarding TS protection in Ukraine (Kravchenko, 2019, *Subiekty ta yikh povnovazhennia shchodo okhorony komertsii noi taiemnytsi v Ukraini: 133–156*);

- 2) regulatory and legal measures to ensure TS in Ukraine (Kravchenko, 2019, *Normatyvno-pravovi zakhody zabezpechennia komertsii noi taiemnytsi v Ukraini: 82–89*);

3) the structure of legal relations in the field of TS protection in Ukraine (Kravchenko, 2019, *Struktura pravovydnosyn u sferi okhorony komertsii noi taiemnytsi v Ukraini*: 137–145);

4) ways of adaptation of Ukraine to international standards of legal protection of trade secret (Kravchenko, 2018, *Shlyahy adaptazii Ukrainy do mizhnarodnyh standartiv pravovoi okhorony komertsii noi taiemnytsy*: 75–79).

It is necessary to update and periodically revise the list of information that does not constitute a trade secret in Ukraine, namely the resolution of the Cabinet of Ministers of Ukraine (CMU) No. 611 (Pro perelik vidomostei, shcho ne stanovliat komertsii noi taiemnytsi, 1993).

In order for business entities in Ukraine to be able to effectively face modern threats and challenges. Also clearly understand what is a trade secret of an enterprise, institution or organization, and what cannot be.

Discussion. Yarmaki H.P. and Muzyka S.S. determined the classification of confidential information according to the following criteria: 1) by ownership: a) state; b) private; 2) according to the right of access: a) during the performance of official powers by officials; b) the owner and persons granted this right; 3) by field of application: a) commercial; b) banking; c) tax; d) attorney's office; e) judicial, etc (Yarmaki, Musyka, 2021, *Klasyfikatsiya konfidentsii noi infotmatsii*: 98). Звісно, що з цією класифікацією конфіденційної інформації (КІ) ми не можемо погодитись, так як:

1) Information about a natural person, as well as information to which access is limited to a natural or legal person, except for subjects of authority, is considered confidential (Pro informatsiiu, 1992). Moreover, confidential information can be distributed at the request (consent) of the relevant person in the order determined by him in accordance with the conditions provided for by him, as well as in other cases determined by law (Pro informatsiiu, 1992). In the current definition of confidential information, it is clearly stated that, in addition to subjects of power, thus., state ownership cannot be confidential information (CI). And state information with limited access = it is either official information or a state secret.

2) In point 3) by field of application: a) commercial; b) banking; c) tax; d) attorney's office; e) judicial, etc. = this is, in addition to tax information, and in general listed secret information, not confidential (CI). Specifically, information containing state, professional, banking, intelligence secrets, secrets of pre-trial investigation and other secrets prescribed by law, including commercial secrets, is recognized as secret. (Pro dostup do publichnoi informatsii, 2011). And tax confidential information according to the criteria for the classification of confidential information by H. P. Yarmaki and S. S. Musyka (Yarmaki, Musyka, 2021, *Klasyfikatsiya konfidentsii noi infotmatsii*). = what is it at all

We agree with Kupchak M.Ya. and Skovron .I.A., that despite the existence of the Law of Ukraine "On Access to Public Information", which clearly classifies information with limited access into confidential, secret and official information, as well as the existence of definitions of the terms "confidential information", "secret information" and the list of information that belongs to official information, consider it necessary to legislate the criteria for classifying tax information as official or secret information. In fact, the legal regime of protection and the level of danger from the disclosure of information belonging to secret or official information differ significantly. Furthermore, there is currently no definition of the concept of "tax secrecy" in domestic legislation (Kupchak, Skovron, 2020, *Podatcova informatsia z obmezhyhym dostupom*).

Article 5 of the Law of Ukraine "On the Protection of Personal Data" states that the objects of protection are personal data that can be classified as confidential information about a person by law or by the relevant person. Personal data related to the exercise of official or official powers by a person authorized to perform the functions of the state or local self-government are not confidential information. (Pro zahyst personalnyh dannyh, 2010).

Yarmaki H.P. and. Muzyka S.S believe that types of confidential information that are not the property of the state include commercial secrets, banking secrets, tax secrets, etc. (Yarmaki, Musyka,

2021, Klyasyfikatsiya konfidentsiinoi infotmatsii: 97). Here as we can see that secret information is listed again, not confidential information (CI).

N.V. Kovalenko claims that the various types of confidential information, the disclosure of which is subject to criminal liability, include, for example, the following information: medical secrets, correspondence secrets, voting secrets, adoption secrets, notarial and bank secrets, lawyer's secret, confidential information about a person, computer information with limited access (Kovalenko N. V., 2016, Okremi skladovi administratyvno pravovoho rezhymu konfidentsinoi informatsii: 80). As we can see, N.V. Kovalenko does not list confidential information, but secret information, namely, information that contains state, professional, banking, intelligence secrets, pre-trial investigation secrets and other secrets prescribed by law, including trade secrets, is recognized as secret. (Pro dostup do publichnoi informatsii, 2011). The confidential information is information about a natural person, as well as information to which access is limited to a natural or legal person, except for subjects of authority (Pro informatsiiu, 1992).

As we can see, not all researchers draw a clear distinction between confidential information of CI and secret information (secrets, including TS). Article 1 of the draft law "On Trade Secret", which was proposed by us, defines the following legal concepts, namely:

1) trade secret = this is information of a technical, organizational, commercial, production and other nature, with the exception of that which, according to the law, cannot be classified as a trade secret, has the right to protection against the illegal use of this information by third parties, provided that this information has a commercial value due to the fact that it is unknown to third parties and there is no free access to it by other persons on legal grounds, and the owner of the trade secret takes appropriate measures to protect the TS;

2) classifying information as a trade secret (TS) = the procedure for making (by a professional in this field) a decision to classify a category of information or individual information as a commercial secret with the establishment of the degree of their secrecy by substantiating and determining the possible damage to the enterprise, institution or organization in case of disclosure of this information, including this information in the set of information constituting a commercial secret;

3) a collection of information that constitutes a trade secret = an act in which lists of information are compiled that, according to the decisions of a professional in this field, constitute a trade secret in the areas defined by this Law;

4) classification of material carriers with trade secret = introducing restrictions on the distribution and access to a specific trade secret in accordance with the procedure established by law, by providing the appropriate seal of secrecy to documents (TS), products or other material carriers of this information;

5) material carriers of trade secret (TS) = material objects, including physical fields, in which information constituting a trade secret is displayed in the form of texts, signs, symbols, images, signals, technical solutions, processes, etc.;

6) information constituting a trade secret = scientific-technical, technological, production, financial-economic or other information (including a component of production secrets (know-how)) that has actual or potential commercial value due to its unknownness to third parties, to which there is no free access on a legal basis and in relation to which the owner of such information has introduced a regime of trade secret (TS);

7) trade secret regime (TS) = legal, organizational, technical and other measures taken by the owner of information constituting a trade secret to protect its confidentiality;

8) the owner of a trade secret = a person who possesses information constituting a trade secret, on legal grounds, has restricted access to this information and has established a regime of trade secret (TS) in relation to it;

9) access to trade secret = familiarization of certain persons with information constituting a trade secret (TS), with the consent of its owner or on other legal grounds, provided that this information remains confidential;

10) provision of information that is a trade secret = transfer of information that is a trade secret and recorded on a physical medium by its owner to state authorities, other state bodies, local self-government bodies for the purpose of performing their functions;

11) disclosure of information constituting a trade secret = action or inaction, as a result of which information constituting a trade secret, in any possible form (oral, written, other form, including using technical means) becomes known to third parties without the consent of the owner such information or contrary to labor or civil law contracts;

12) state authorities, legal entities, and natural persons who, while performing their functions defined by law, or providing services to an enterprise, institution, or organization, directly or indirectly received, in accordance with the procedure established by law, information containing a trade secret, are obliged to ensure the preservation of such information, not to disclose this information and not to use it for their own benefit or for the benefit of third parties. In the event of damage to an enterprise, institution or organization through the leakage of information constituting a trade secret from the controlling or law enforcement authorities, the damages shall be compensated in full by the guilty authority (Kravchenko, 2019, *Administratyvno-pravovi zasady okhorony komertsii noi taiemnytsi v Ukraini: annex A*).

To our mind, if the legislator obliges the state authorities to protect trade secret from unfair use, then he should also provide measures of responsibility for the disclosure of such information. Today, such measures are not foreseen by the legislator. The exception is the provisions of the Law of Ukraine "On the Antimonopoly Committee of Ukraine", in which Article 22-1 states that employees of the Antimonopoly Committee of Ukraine and its territorial branches bear the responsibility established by law for the disclosure of trade secret (Pro Antymonopolnyi komitet Ukrainy, 1993).

In Article 4 (of our draft law on NS) regarding the classification of information as a commercial secret, and methods of obtaining such information, we specify the following:

1. The right to classify information as a trade secret and to determine the list and composition of such information belongs to the owner of such information.

2. Information independently obtained by a person during research, systematic observations or other activities is considered to be obtained in a legal way, despite the fact that the content of the specified information may coincide with the content of information that constitutes a trade secret, the owner of which is another person.

3. A trade secret obtained from its owner on the basis of a contract or on another legal basis is considered to be obtained in a legal way.

4. A trade secret, the owner of which is another person, is considered to have been obtained illegally, if its acquisition was carried out with the deliberate overcoming of the measures taken by the owner of the information constituting a trade secret, measures to protect the confidentiality of this information, and also if, while receiving this information, the person knew or had sufficient grounds to believe, that this information constitutes a trade secret, the owner of which is another person, who carries out the transfer of this information, the person does not have a legal basis for the transfer of this information (Kravchenko, 2019, *Administratyvno-pravovi zasady okhorony komertsii noi taiemnytsi v Ukraini: annex A*).

In our turn, in Article 5 of the above-mentioned draft law, the provision of trade secrets to state bodies and local self-government bodies, control and law enforcement bodies, namely:

1. The owner of a trade secret, upon a reasoned request of a state authority, another state body, a local self-government body, supervisory and law enforcement agencies, provides them with information constituting a trade secret free of charge. The request must be signed by an authorized official,

contain an indication of the purpose and legal basis of the request for trade secret, and the deadline for providing this information, unless otherwise established by the legislation of Ukraine.

2. If the owner of a trade secret refuses to provide it to a state authority, another state authority, or a local self-government body, these authorities have the right to demand this information in court.

3. The owner of a trade secret, as well as state authorities, other state bodies, local self-government bodies, control and law enforcement bodies, which received a trade secret in accordance with part 1 of this article, are obliged to provide this information at the request of courts, prosecutor's offices, preliminary investigation bodies, bodies of inquiry on cases pending in their proceedings, in the manner and on the grounds provided for by the legislation of Ukraine.

4. The documents provided to the authorities specified in parts 1 and 3 of this article and containing trade secret must be stamped "TS" with the indication of its owner (for legal entities – full name and location, for individual entrepreneurs – surname, first name I, the patronymic of a citizen who is an individual entrepreneur, and place of residence) (Kravchenko, 2019, *Administratyvno-pravovi zasady okhorony komertsii noi taiemnytsi v Ukraini*: annex A).

Consequently, the following is written in Article 6 (of our draft law on TS) on the non-disclosure of information constituting a trade secret by state and local self-government bodies, controlling and law enforcement bodies:

1. State authorities, other state bodies, local self-government bodies, supervisory and law enforcement bodies, in accordance with the legislation of Ukraine in this area, are obliged to create conditions that ensure the protection of the confidentiality of information constituting a trade secret, provided to them by enterprises, institutions or organizations in connection with their performance of their official duties.

2. Officials of state authorities, other state authorities, local self-government bodies, control and law enforcement bodies, employees of these bodies, without the consent of the owner of information constituting a trade secret, are not entitled to disclose or transfer to other persons, state authorities, other state authorities, local authorities self-government, controlling and law enforcement bodies, information that is a trade secret that became known to them in connection with the performance of their official duties, except for cases provided for by law, and also do not have the right to use this information for selfish or other purposes for personal purposes.

3. In the case of a violation of the confidentiality of information constituting a trade secret by officials of state authorities, other state bodies, local self-government bodies, supervisory or law enforcement bodies, these bodies shall indemnify the economic entity in full, if the trade secret was leaked due to the fault of these bodies, and other liability according to the legislation of Ukraine by court decision (Kravchenko, 2019, *Administratyvno-pravovi zasady okhorony komertsii noi taiemnytsi v Ukraini*: annex A). What is important here is that it is not the official who bears material responsibility, but the state body or other body itself. Since a certain official who is guilty of divulging TS may not have such material funds to compensate the economic entity in full.

Conclusions. Making conclusions, we emphasize that in the field of trade secret protection, it is necessary to adopt the Law of Ukraine "On Trade Secret", which clearly formulates the rules of TS protection measures in the business space of Ukraine. And speaking about the protection of CI, the legislator needs to exclude mention of a legal entity from the definition of confidential information. And to formulate the definition of CI, for example, as follows: confidential information is information to which access is limited to a natural person and which can be distributed in a certain manner at his will in accordance with the conditions stipulated by him. And CI about a natural person circulating in the subjects of authority should be classified as official information.

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CREATING A COMPETITIVE ADVANTAGE BY AGRICULTURAL PRODUCERS BY USING THE PECULIARITIES OF THE REGION'S REPRODUCTION CONDITIONS

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Abstract. This article presents the results of a study of a number of individual segments of the agricultural market and corresponding agricultural industries in the Vinnytsia region in order to objectively identify the possibilities of creating and developing a competitive advantage by regional producers by maximizing the use of territorial features of reproduction. For this purpose, several hypotheses were put forward that are as close as possible to the real territorial and economic conditions of this region. As a result, in the course of the analysis of the production and markets of these products in the past, present, forecasting their development in the near future, several separate industries and sub-sectors of the agricultural sector of production in the region were identified, where real producers of this region can definitely create a competitive advantage by effectively using certain features of territorial reproduction conditions.

Key words: region, competitive advantages, agricultural production, agri-food market segments, regional producers.

Introduction. The territorial factor plays an important role in competitive relations in the agricultural industry. Features of the territorial location, availability of factors of production, demand and supply in the markets of one or another product can contribute to the creation by regional producers of a competitive advantage in various segments of the agro-food market. Usually, the main sources of competitive advantage are low production costs and skillful product differentiation. However, the possibilities of reducing the costs of agricultural producers are limited by the fact that they are very strongly dependent on the prices of products purchased from machine builders, chemical enterprises and other branches of industry. The differentiation of agro-food products has very narrow limits due to its natural properties, the peculiarities of its assessment by the consumer and the inelasticity of demand in terms of price and income.

In these conditions, the search for extraordinary opportunities to create a competitive advantage for industry manufacturers is becoming quite urgent. The use of these opportunities makes it possible to bypass those complex obstacles that exist in the field of cost reduction and product differentiation on the way to increasing competitiveness. This is especially important in conditions when it is necessary to overcome the expansion of importers in food markets. On the other hand, as a result of sanctions by the governments of a number of trading partner countries, the problem of import substitution and food security has worsened. The use of territorial features of production and sales conditions facilitates the

solution of these problems as well. In this regard, it is possible to rely on some provisions of existing theories, in particular, the factor theory, which substantiates the most powerful influence on the specialization of the region and the competitiveness of its producers of the presence and cheapness of certain resources in the region: labor, land and capital (Libanova, 2014: 211). Attention is paid to the territorial aspect of creating a competitive advantage in M. Porter's works as well (Porter, 2005: 34). A number of authors draw attention to the fact that territorial differentiation becomes very important when production costs rise sharply (Tkachuk, Kropelnitskaya, 2007: 80; Shcherbakova, 2010: 140). In such cases, in order to reduce specific costs, it becomes necessary to achieve the effect of scale of production. This explains in many cases the formation of holdings and the territorial expansion of many companies. Note that this phenomenon is also related to the agricultural industry, although agricultural production cannot become as large as companies in many industries. Such a widespread phenomenon in business as diversification in the form of using profits received in other fields for pricing strategies in the main market is also penetrating the agricultural sector (Official website of the Department of international cooperation and regional development of the Vinnytsia regional state administration).

The possibility of creating a competitive advantage in this or that product essentially means the need for the region to specialize in its production. Specialization is a long-term phenomenon. A mistake in specialization can push the region's industry back and threatens with great losses. Therefore, a reliable prediction of its result is required for each variant of the use of territorial features of reproduction and on this basis – specialization. These results depend on changes in the external environment, opportunities to reduce costs, product differentiation, and the size of irreversible losses (Shcherbakova, 2010: 141).

Based on what has been said, the purpose of this article is to identify those segments of the production of agricultural products of the Vinnytsia region, where it is possible to achieve a competitive advantage by using the territorial features of reproduction and, on this basis, the region to specialize in the production of these products.

Research methods. To ensure the conceptual integrity of the study, the following methods were used: theoretical generalization, comparison, analysis, and systematization.

Results and their discussion. The difficulties that await the agricultural sector in the new conditions were mentioned even before the country's accession to the WTO. These fears were justified. But the external environment has suddenly changed, which creates certain opportunities for farmers, forces us to pay attention to those production and cultural parameters of the national environment that have developed in this territory among its population. Knowledge of this aspect of industry strategy adaptation has been used successfully in the past. In the centrally planned economy of the Soviet period, the propensity and skills to work in agriculture, the knowledge and competences possessed by the rural population of the Vinnytsia region were rationally used. The level of individualism and hierarchy, collectivism and egalitarianism in the labor process were taken into account. In the agricultural sector of the economy of the Vinnytsia region, it is possible to distinguish sub-sectors with their market segments, which received recognition and sustained development in the 20th century until the 1990s. These are hop farming, open ground vegetable growing, poultry farming, sheep breeding, beekeeping, dairy cattle breeding, and beef production.

The production of grain and pork is not included in this list, since their development was at a normal level, that is, they did not stand out against the background of other regions. Based on the unexpectedly formed macroeconomic, political and technological situation, we hypothesize that these sub-sectors can develop and become the area of specialization of the region under the following assumptions:

- there is systematically organized state support for these industries;
- purchase prices are regulated by the bodies of the Ministry of Agrarian Policy and Food of Ukraine;

- a policy of protectionism is carried out in relation to national producers in individual markets;
- the macroeconomic and political situation remains stable (Strategy of balanced regional development of the Vinnytsia region for the period up to 2027).

To these sub-sectors we can add greenhouse vegetable growing and fish farming, for which there are favorable conditions in the region. Based on the specifics of our approach, we can select a few from this set, assessing the state of these sub-sectors according to today's realities, according to past achievements and according to their projected possibilities of what they can correct from the past and what they can achieve in competition using territorial factors.

Hop-making, in fact, was a sub-industry in which the region accounted for the most significant share of production volume throughout the country – up to 80%. The population had a centuries-old experience of hop cultivation. Almost every family set aside a tiny plot for him and provided home (for themselves) year-round brewing. (domestic beer, almost non-alcoholic, was a common drink).

Similarly, in vegetable growing, the population of Vinnytsia has always been distinguished by its thoroughness, knowledge of the business, interest in it, and possessed the skills to work in this field. This is explained by the fact that in the most difficult years, when there was not enough flour and bread even until the middle of winter, vegetables were saved from starvation. The desire for vegetable growing exists even today, and there are enough masters of this business.

Poultry breeding and sheep breeding were a common occupation of many collective farms, the managers and workers of which had the necessary experience in this field. There were not enough pastures for sheep breeding, but, nevertheless, all possibilities were used for their maintenance, sometimes even the meager ones. This was, in fact, a state task, since the wool and skin of these animals were strategic raw materials for providing the personnel of the army.

Milk production was mainly aimed at meeting the needs of the population of the region and ensured the self-sufficiency of the Vinnytsia region in this area. There was no shortage of specialists in dairy farming. The experience of any rural family in keeping and caring for animals was centuries old and was passed down from generation to generation. There was no problem with labor resources in animal husbandry (all farms were staffed with personnel with the necessary qualifications). However, the situation with land resources was difficult. The land was used to the limit, to the last hectare. The priority was grain production. Therefore, there was not enough pasture and fodder for livestock. All industrial products needed for farms were supplied by the state through loan financing at a low interest rate, since it was a centrally-planned specialization, when the state fully took care of the resources.

Today's state of the selected industries is very heterogeneous. Brewing as a sub-branch of specialization for the region has ceased to exist at present. The reasons are objective, market. Those vertically integrated corporations that control the beer market today have their chosen hop producers and bring it to the final stage of processing. They will not let a foreign manufacturer into their value chain, who, moreover, does not have experience in the modern specific market of these products with high quality requirements. It is impossible to justify specialization in the production of hops both today and in the future.

The production of vegetables in the open ground is still carried out in the region, although not on such a scale as in the period of the planned economy. Nowadays, this is not the production of large production units, but of small farms and peasant farms. In such an organizational form and structure, it cannot claim the market status of regional specialization with the realization of all the advantages brought by the territorial peculiarities of reproduction: factor, geographical position, communications, market structure in the region, the nature of demand for the product, the effect of the scale of production. None of these possibilities are fully realized with such an organizational structure of this sub-branch of the agricultural sector in the region. The sub-industry in such a fragmented state will not be able to compete with external competitors. Product storage terms are short, on average half the term until the new harvest. For large retail chains, small suppliers are unattractive. In fact, small producers are limited to part of the local regional market for these products.

Poultry farming is currently represented on the regional market by separate poultry farms. They face the same problems as producers of other segments of the agricultural industry: continuous increase in costs due to the increase in the prices of the products they buy in industrial sectors, the problem with implementation, pressure from external competitors (Vinnytsia regional state administration).

Sheep breeding in the region ceased to exist as a sub-branch of animal husbandry. The income received from sheep breeding, as a rule, does not cover the expenses. Production for the market is insignificant.

Dairy farming experiences a number of problems, the main of which is low profitability, which turns into unprofitability. The high cost of breeding livestock, the constant increase in prices for all types of industrial products that are purchased for production purposes, low purchase prices, which, unlike prices for industrial products, do not grow or grow slowly lead to the fact that the investment attractiveness in this segment is very low, because capital investments pay off in the best case in 12-15 years, there is a high risk of not paying off (Bab'yak, Khorosh, 2016: 125-126).

Beekeeping in the region is a fairly common occupation, the products of which are sold mainly with the help of personal preliminary agreements between the seller and the buyer. Market implementation is difficult, because the buyer is distrustful of the quality of products due to the fact that honey is often falsified. There is no special need for market realization, producers know real honey, and their product does not stagnate. There are no large honey producers and specialized farms. Beekeeping requires more accumulated experience and specific knowledge. All this is passed down, as a rule, from generation to generation. However, there are enough real masters of this business in the region. In many peasant and farm households, beekeeping is a source of additional income. It is difficult to talk about specialization in this area. Most likely, it will remain a secondary occupation of households.

Based on the actual situation in the sub-sectors of the agricultural sector, we must determine in which of them in the future, through the implementation of regional features, it is possible to create a competitive advantage on the market and specialize in the production of one or another type of agricultural products. It is necessary for each segment of agro-food production to consider whether it is possible to realize the advantages of factor supply, the geographical location of the region, the convenience of the transport network, the regional market for this product (its structure, the nature of demand for the product), the organizational culture of the local population in creating a competitive advantage of regional producers.

In this regard, nothing can be added to what has been said about hop farming and sheep breeding. The recovery of these industries is unlikely due to the objective reason of the state of the external environment.

Poultry farming will develop in the form of poultry farms. A major breakthrough and a powerful entry into foreign markets are also possible, but only if the quality of the produced products approaches the level of the quality of domestic birds. In this case, there is an opportunity to occupy a fairly significant share of the national market of these products and increase profitability. It is quite possible to improve the quality: there are all the factor prerequisites for this. Implementation is possible both on domestic and foreign markets due to convenient geographical location (Vinnytsia is located at a short distance from other large cities – regional centers). The transport network is also convenient. However, there is a serious problem in implementation. There are not enough departments in retail chains that sell high-quality poultry products. Buyers usually do not believe in the reliability of information about such products.

Open field vegetable production based on small and small enterprises will not lead to specialization and its benefits. Only large specialized farms are able to successfully ensure the entire production process in this area, especially the stages of processing, storage and sale. It will also be possible to establish a reliable partnership with trade networks on a permanent basis, because they, as a rule, tend to deal only with large organizations. In the conditions of the functioning of powerful

farms, territorial advantages in the provision of production resources, a convenient transport network, factors of the internal market, organizational culture of the local population, and the scale of production are realized.

Greenhouse vegetable growing can take a special place in the specialization of the region and the realization of the territorial location. This is a highly profitable business: the return on investment in it is an average of 3 years. In the Vinnytsia region, there is enough land where you can set up greenhouse production and sell vegetables and greens in large cities located at relatively short distances. In this segment of agricultural production, the advantages of territorial location can be fully realized: both in terms of production resources, and in terms of geographical location, and in terms of the transport network, and in terms of the organizational culture of personnel, and in terms of the use of scale effects.

Dairy cattle breeding and beef production in the region has some factor opportunities for development: there are specialists with the necessary level of education and skills, there are unused land areas. Harvesting fodder is not a problem. A certain level of industrial culture has developed in this area. The regional market is favorable for the development of this production. Access to the markets of neighboring large cities is possible. Achieving the effect of scale is quite possible in a certain time with low costs. However, a big obstacle is the high cost of long-term credit and the low return on investment. The other side of the problem is that currently large agricultural holdings are involved in dairy and beef production, and it is difficult for medium and small organizations to compete with them and achieve the necessary profitability of production. There are no signs that the situation will change for the better in the future. However, this area of production is very attractive for implementation. With proper support from the state, this area may well become a sub-branch of the region's specialization.

Fish farming is a segment of the industry that can attract the attention of regional producers. Aquaculture is currently becoming a fast-growing segment of the food market in many countries. Vinnytsia also has the experience and conditions for creating a system of pond farms. Although currently these farms are not profitable, they have been working in this segment of the market for quite a long time, supplying not only marketable fish, but also fish stocking material (carp fry, crucian carp, white carp). The region has numerous ravines with streams at the bottom. This is a good base for creating a cascade of ponds for breeding and fattening fish. It is possible to create large reservoirs for the organization of real modern fishing complexes.

Pork production occupies an important place in the agricultural industry. In connection with the change in trade conditions, market niches in 19% of the total volume of the pork market and 33% of the beef market are vacated due to unfavorable conditions (Investytsynyi portal Vinnychyny). They can be occupied by domestic producers, including those of the Vinnytsia region. However, although there are basic factor conditions for specialization in these sectors of agricultural production, it is not possible to obtain loans for large investments in this production at increased interest rates. Based on the fact that the specialization of the region in this field can be ensured only by large holdings, it is difficult to hope that they will go for these risky investments.

Discussion. Thus, greenhouse vegetable growing, poultry farming, open ground vegetable growing, and fish farming are clearly promising segments of the agricultural industry of Vinnytsia region for regional producers. The concentration of funds in these directions can lead to profitable specialization and effective use of the peculiarities of the reproduction conditions in the region to create a competitive advantage. The time of martial law makes it necessary to take into account additional factors, such as the choice of crops and the availability of seeds and fertilizers, the supply of fuel at an adequate price, the possibility of storage and processing.

Dairy production and beef production are attractive. However, the development of these industries, where it is necessary to create large livestock industrial farms and therefore require large funds for long-term investments, is possible only with the support of the state.

Conclusions. The obtained results of the research can be used by regional bodies for the development of the agrarian industry and individual enterprises of the industry when entering the market of one or another agricultural product and implementing the strategy of creating a competitive advantage in the region.

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REVIVAL OF UKRAINIAN REGIONS: SCIENCE, BUSINESS, MUNICIPAL GOVERNANCE. THE EXPERIENCE OF SOUTH KOREA

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Abstract. The article explores the issues of revival of Ukrainian regions through the synergy of three key elements – science, business and municipal governance. The experience of South Korea is taken as a basis, in particular, the creation and development of Innopolis Deadeok.

The methods of analysis and synthesis are used in the study.

On the basis of the study relevant recommendations are provided for local authorities, businesses and universities on maintaining the necessary responsibilities and expected steps to create technoparks in Ukraine in which the entire cycle of innovation activity should be carried out – from the emergence and development of an idea to the release of finished knowledge-based products.

Prospects for further research consist in the necessity to legislate the powers of local governments in the field of promoting the innovation activities of technoparks.

Key words: technopark, science, business, municipal governance, innovation, network clustering, economics, regional innovation cluster.

Introduction. As of today, the issue of revival and development of Ukrainian regions is more relevant than ever. The relevance of the chosen research topic is due to the need to form new approaches to the development of Ukrainian regions based on the synergy of three key elements – science, business and municipal governance.

The works of such domestic scientists as Adamchuk V.V., Antipov I.V., Prodius A.I., Doroshko O.O. are devoted to the technoparks development. The article analyzes the works of foreign scientists of Poland (Stanisław Łobejko, Alicja Sosnowska), in particular, on the issue of the management model of science and technology parks, and South Korea (Deog-Seong Oh, Insup Yeom) – research on the creation and development of Innopolis Daedeok.

The purpose of the article is to propose a model of innovative regional development of Ukraine based on the synergy of three components – science, business and municipal governance. The normative base of the study is the Law of Ukraine «On the special regime of innovative activity of technology parks» dated July 16, 1999 No. 991-XIV, the Law of Ukraine «On industrial parks» dated June 21, 2012 No. 5018-VI and the Provision on the procedure of the creation and functioning of technoparks and innovative structures of other types approved by Resolution of the Cabinet of Ministers of Ukraine dated May 22, 1996 No. 549. When writing the article and conducting the study publications of the Trade, Investment and Innovation Division of ESCAP, publications of Ukrainian, Polish and South Korean scientists, as well as information taken from the International Association of Science Parks and Areas of Innovation, Joint Research Centre of the European Commission and the Korea Innovation Foundation were used.

Presentation of the main material. The methods of analysis and synthesis are used in the study. The objectives of the study are:

- to propose a model of innovative regional development of Ukraine based on the synergy of three components – science, business and municipal governance the platform for which should be technoparks;
- to define the theories of origin of technoparks;
- to define the concept of technopark;
- to determine the relevant Ukrainian legislation governing the activities of technoparks in Ukraine;
- to define the differences between technoparks and industrial parks;
- to describe linear and interactive approaches of discussing the role of science technology parks in regional development;
- to determine the expected steps from local authorities, business and universities in order to implement the idea of developing technoparks in Ukraine in which the entire cycle of innovation activities should be carried out;
- to determine the relevance of the network technopark model and network clustering;
- to determine the experience of South Korea in the construction of Innopolis Daedeok;
- to provide a proposal on the model of regional development of Ukraine.

Technology parks (hereinafter referred to as «technoparks») which can also be named «science and technology parks» should become a platform for joint interaction between science, business and local authorities. It is worth noting that science and technology parks have different names in the world: research park, STP, business innovation centre, innovation park, techno-city, technopole, technopolis, and innovation and technology centre (Publication by the Trade, Investment and Innovation Division of ESCAP, 2019: 14).

In accordance with Guidebook «Establishing Science and Technology Parks: A Reference Guidebook for Policymakers in Asia and the Pacific guidebook» published in 2019 (hereinafter referred to as the Guidebook) and produced by the Trade, Investment and Innovation Division of ESCAP, the following essential components of a science technology park (hereinafter referred to as STP) are defined:

- Area and infrastructure: An STP should occupy an area that may or may not be fenced.
- A management team as a landlord: A dedicated team to manage the STP. The functions of the team may vary, but will at least need to cover property management as the landlord.
- Multiple firms as tenants: These firms are the tenants of the STP. The key activities of the firms need to cover R&D and innovation.

– Promoting R&D and/or innovation as a key objective: An STP should target management strategies for promoting knowledge exchange, technology diffusion and innovation. To this end, an STP may promote and facilitate R&D collaboration and also encourage and support the start-up and incubation (Publication by the Trade, Investment and Innovation Division of ESCAP, 2019: 16). Also the Guidebook explains the origin of STPs based on the following theories: clusters, «triple helix» model and growth pole. The content of these theories is as follows:

1) Cluster theory is considered in the context of clusters, which are geographic concentrations of interconnected companies, specialized suppliers, service providers, and firms in related industries and associated institutions in specific fields. Clusters may offer the benefit of knowledge spillovers, resulting from the informal transfers of knowledge and exchange of ideas among firms located in the same STP (Publication by the Trade, Investment and Innovation Division of ESCAP, 2019: 17).

2) «Triple helix» model provides for the collaboration between a Government, private firms and universities. Universities can offer R&D experience, research methodologies, and access to expensive testing and research equipment. Private firms and entrepreneurs offer business experience, regional knowledge about gaps in the market, and an opportunity to commercialize the research being cul-

tivated inside the universities. Governments can play a vital role in incentivizing R&D and knowledge-intensive environments by channelling specific domestic innovation strategies into their STPs (Publication by the Trade, Investment and Innovation Division of ESCAP, 2019: 17-18).

3) Growth pole theory suggests that STPs are often rationalized as a critical physical setting for promoting indigenous R&D capabilities and for spearheading urban and regional economic growth. STPs can contribute to regional economic growth in two ways – internally within an STP and externally beyond the STP. Internally, an STP markets itself as a place for start-ups and an incubation programme. Externally, technology plays a self-reinforcing role in developing regions that respond to the rise of the informational economy (Publication by the Trade, Investment and Innovation Division of ESCAP, 2019: 18).

The International Association of Science Parks and Areas of Innovation provides the following definition of science parks: «A science park is an organisation managed by specialised professionals, whose main aim is to increase the wealth of its community by promoting the culture of innovation and the competitiveness of its associated businesses and knowledge-based institutions. To enable these goals to be met, a Science Park stimulates and manages the flow of knowledge and technology amongst universities, R&D institutions, companies and markets; it facilitates the creation and growth of innovation-based companies through incubation and spin-off processes; and provides other value-added services together with high quality space and facilities» (International Association of Science Parks and Areas of Innovation).

In Ukraine the issues of the activity of technoparks are regulated by the following legal acts: Law of Ukraine «On the special regime of innovative activity of technology parks» No. 991-XIV dated July 16, 1999 (hereinafter referred to as the Law on Technoparks) (Law of Ukraine, 1999), Provision on the procedure of the creation and functioning of technoparks and innovative structures of other types approved by the Resolution of the Cabinet of Ministers of Ukraine dated May 22, 1996 No. 549 (Resolution of the Cabinet of Ministers of Ukraine, 1996).

It is important to note that the Law on Technoparks defines the legal and economic foundations for the introduction and operation of a special regime of innovation activities of the list of technoparks clearly defined in this Law. The Law on Technoparks defines a technology park (technopark) as a legal entity or a group of legal entities (technological park participants) acting in accordance with an agreement on joint activities without creating a legal entity and without pooling contributions in order to create the organizational foundations for the implementation of technology park projects on the industrial implementation of science-intensive developments, high technologies and ensuring the industrial production of competitive products on the world market (Law of Ukraine, 1999).

Also, technoparks should not be confused with industrial parks (hereinafter also referred to as «IP»). The main difference between technoparks and IP is that technoparks contribute to the development and implementation of new technologies into production, they require the presence of a research component in the form of scientific institutes, centers, universities. In contrast to them, industrial parks provide enterprises with the infrastructure to carry out their main activities (Benovska, 2014: 511).

In accordance with part 1 Article 1 of Law of Ukraine «On industrial parks» No. 5018-VI dated June 21, 2012 with amendments (hereinafter referred to as Law on industrial parks) industrial park is a territory defined by the initiator of the creation of an industrial park in accordance with urban construction documentation and equipped with the appropriate infrastructure, within which industrial park participants can conduct business activities in the field of processing industry, processing of industrial and / or household waste (except disposal of waste) as well as scientific and research activity, activity in the field of information and electronic communications under the conditions defined by this Law and the contract on the conduct of business activity within the industrial park (Law of Ukraine, 2012).

The issue of technoparks activities development in Ukraine is problematic due to the outdated regulatory and legal framework, in particular, the current Law on Technoparks is valid as amended on December 05, 2012. Also the problem of expanding economic incentives for the creation and development of technoparks in Ukraine is important. Thus, in accordance to part 3 of Article 34 of Law on industrial parks, management companies, initiators of creation – business entities and participants of industrial parks at the expense of state, local budgets and other sources not prohibited by law are: provided with funds on a non-refundable basis for the arrangement of industrial parks and / or ensuring the construction of related infrastructure facilities (roads, communication lines, heat, gas, water and electricity supply facilities, engineering communications etc.) necessary for the creation and operation of industrial parks in accordance with the procedure established by the Cabinet of Ministers of Ukraine; compensated for expenses for plugging and connection to engineering and transport networks in accordance with the procedure established by the Cabinet of Ministers of Ukraine (Law of Ukraine, 2012).

In accordance to the Technical Report by the Joint Research Centre of the European Commission on the role of science parks in smart specialisation strategies published in 2014 the role of STPs in regional development can be discussed according to two different approaches, a linear or an interactive one. The linear view sees STPs mainly as instruments of technology transfer, emphasising their role in supporting research-based commercialisation. In this understanding, the role of STPs is mainly to act as facilitators in these exchanges, as a bridge from knowledge sources to recipients (Claire Nauwelaers, Alexander Kleibrink, Katerina Stancova, 2014: 5).

Interactive approach proposes the vision of STPs as nodes in wider networks of actors supporting innovative business development. Technology transfer is only one of the ingredients of successful innovation, and the knowledge exchanges take a multi-dimensional character rather than a science-to-business line. The aim of STPs broadens to a mission of supporting innovation co-creation (Claire Nauwelaers, Alexander Kleibrink, Katerina Stancova, 2014: 5).

In our opinion, when determining the place and tasks of each participant of the technopark, it is necessary to use an interactive approach. This position is due to the fact that each participant of the technopark is equivalent and equal in the implementation of innovation and only in the general synergy between them the set goals are achieved.

In order to more effectively develop technoparks in Ukraine, we believe that on the basis of leading higher educational establishments (hereinafter referred to as HEE) it is necessary to create powerful technoparks in which the entire cycle of innovation activity should be carried out – from the emergence and development of an idea to the release of finished science-intensive products. Thus, local authorities, businesses and universities should assume their respective responsibilities and take the following expected steps:

1. Local authorities shall:

1.1. identify priority areas of the region development and create a **special interactive map** indicating: a) all universities specializing in the training of specialists in priority sectors of the region; b) relevant business entities operating in the territory of the respective region and which type of activities is determined as prioritized;

1.2. hold a tripartite forum on the creation of technoparks in the territory of the respective region between representatives of business, universities and local authorities (hereinafter referred to as the Parties) which should result in the signing of memorandums of cooperation and other relevant documents between the Parties;

1.3. comprehensively promote the activities of the technopark within the framework of their powers; take part in the development and implementation of joint initiatives, projects, events and programs for the technopark development together with representatives of universities and business.

2. Local business shall be ready to assume obligations in accordance with the signed memorandums of cooperation and other relevant documents with universities and local authorities, in particular upon:

- 2.1. exchange of experience and knowledge (conducting trainings, seminars, consultations etc.);
- 2.2. financial and material and technical support for the technopark activities.

3. The universities shall:

3.1. provide all participants of the technopark with the basic conditions necessary for its proper functioning.

3.2. adapt the curricula of institutes/faculties in accordance with which students will have the opportunity to consolidate obtained theoretical knowledge in practice while participating in the innovation activities of the technopark.

3.3. carry out: scientific substantiation, analysis and assessment of problems and prospects of regional development in the context of the technopark activities; organizational and methodological support for research; scientific support for the implementation of the concept, initiatives, projects, events and programs of the technopark development.

3.4. publish the results of scientific research and issue the materials on the main activities of the technopark.

The model of «*network park*» is also interesting (hereinafter referred to as network technopark) which assumes that the organization of a science and technology park is formed as a relatively free network system and the management of the park serves as an orchestrator managing and coordinating the activities of independent scientific and business entities cooperating directly or through a network orchestrator. The primary objectives of this kind of a scientific and technology park are to organize cooperation in research and development and the creation of companies implementing innovation projects through the creation of an Internet platform for exchanging information and projects, conducting discussions, conferences in the frame-work of park members (Łobejko Stanislaw, Sosnowska Alicja, 2015: 87-88).

Communication between the participants of network technopark is carried out primarily by Internet, it might be online contacts, teleconferencing and other means available by the electronic media. Extensive use of the network allows access to the park not only geographically close, but also remote entities and individuals. In constructing the management model of network, a scientific and technological park needs to specify the basic objectives of the whole organization, functions of the entities participating in the park, the principles of cooperation between the entities, tasks for an orchestrator and its role in relation to the other members of the network (Łobejko Stanislaw, Sosnowska Alicja, 2015: 87).

We believe that the network technopark model will gain more and more relevance every year, given the modern challenges and the growing trend of remote cooperation. In addition, flexibility and the ability to quickly adapt to external conditions despite the significant number of the network technopark participants and complexity of the connections between them can attract foreign partners, donors and investors since there are guarantees that in the event of a political and/or economic crisis within the country or in case of military aggression of another country the network technopark will continue its activities without interrupting the production process and foreign donors and investors will not lose their funds and trust.

The synergy of enterprises, universities and other research institutions additionally with the assistance of local governments will contribute to the growth of science-intensive industries (including creative ones) within a certain territory (region). In this regard, it is necessary to separately highlight the proximity factor meaning geographical (territorial) proximity which allows the participants of the technopark to quickly solve certain tasks related to the activities of technopark and effectively exchange knowledge and experience.

However, a natural question arises: How to deal with network technoparks where geographic (territorial) proximity is not required? In this regard, it is proposed to introduce **network clustering** which implies the growth of science-intensive industries, both within one country and in several countries at the same time, through the implementation of research and production activities by the participants of the network technopark within the framework of a specially created Internet platform.

Thus, through the use of capabilities of modern information technologies it is quite possible to start in Ukraine the practice of development and implementation of *parallel development programs* together with foreign partners where the efforts of representatives of the authorities, scientists and entrepreneurs, both from the side of Ukraine and from the side of a foreign state-participant of network technopark, are aimed at solving common problems for each side.

Network clustering has a much wider range of influences and possibilities. In general, in the future, under the conditions of a globalized world, there will be a complete transition of the Ukrainian economy to an innovative development model.

In this regard, we believe that *technoparks* should become launching pads for the formation of **regional innovation clusters**. One of the successful examples of the implementation of such a task is the experience of South Korea in creating Innopolis Daedeok which during its existence has gone through three stages of development: a science park, a technopolis, an innovation cluster.

In 1973, on a site covering 27.8km², the South Korean government began the construction of Daedeok Science Town (from 2005 – Innopolis Daedeok), which was established as national R&D center to enhance the national competitiveness of high technology and economic prosperity through the agglomeration of research institutes and universities in a planned science city (Deog-Seong Oh, Insup Yeom, 2012: 141).

Daedeok Innopolis has served a critical role in raising Korea's scientific competitiveness to global top-4 status (Deog-Seong Oh, Insup Yeom, 2012: 145). Innopolis Daedeok has been developing in the following stages:

Initial stage – Science Park: 1.1. constructing infrastructure: designing, developing and managing the Science Park. 1.2. managing and operating the Science Park: harmonizing R&D facilities, amenities, and welfare facilities with each other; 1.3. constructing institutional infrastructure: regulation of environmental pollution, activation of business and R&D activities and enhancing of the convenience of residents (Deog-Seong Oh, Insup Yeom, 2012: 146).

Middle Stage – Technopolis model:

2.1. HEIs and research institutes actively support business incubation activities: containing legal support, constructing infrastructure (business incubation center, and etc.); 2.2. R&D capacity of the Science Park is enhanced; 2.3. industrial areas are expanded next to Science Park; 2.4. venture firms are created and the roles of HEIs become more important; 2.5. all HEIs, including research centered HEIs and local engineering HEIs, conduct technology commercialization and collaborative research with firms, research institutes, and HEIs (Deog-Seong Oh, Insup Yeom, 2012: 147-148).

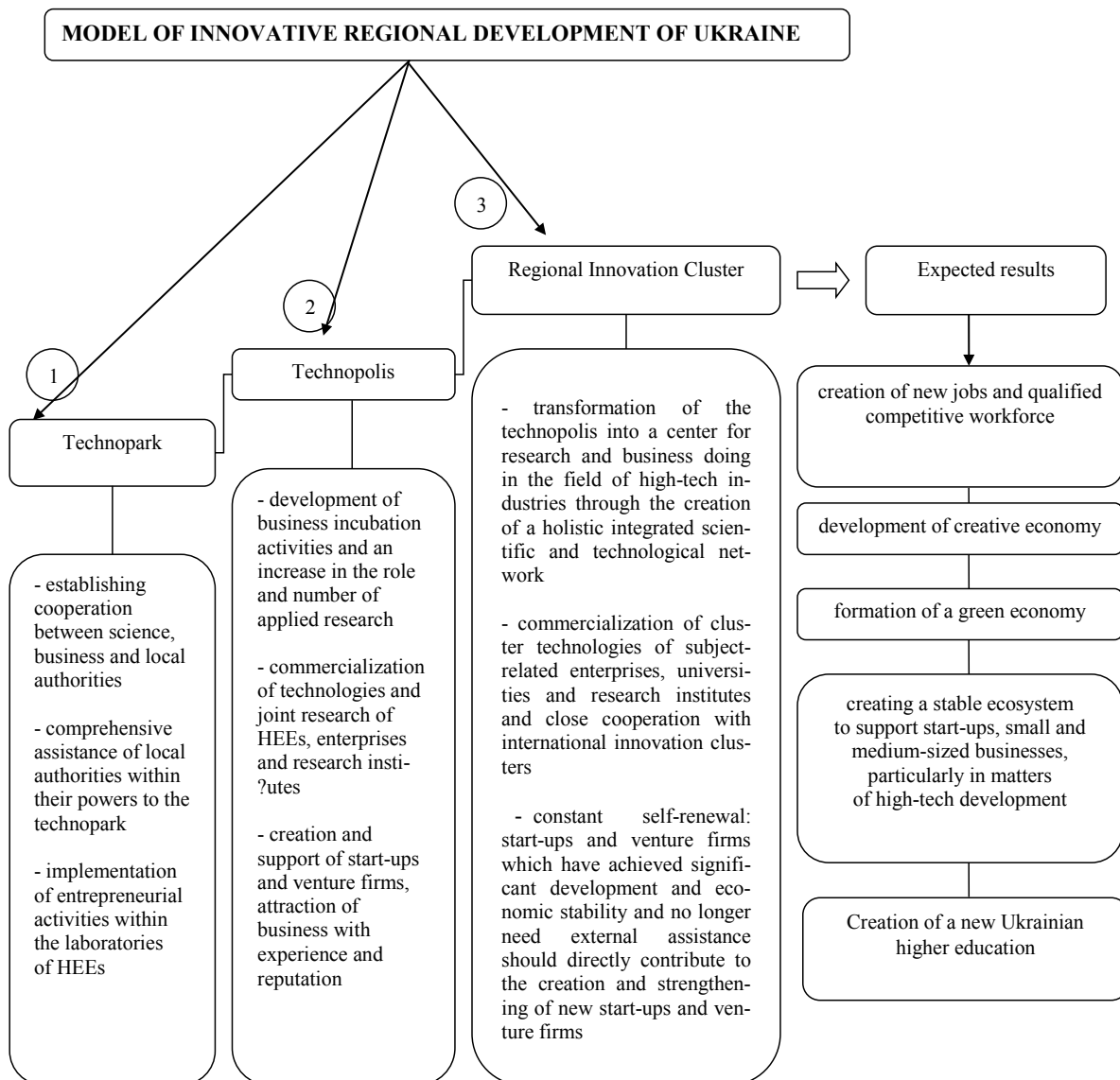
Mature stage – Innovation Cluster Model:

3.1. technopolis turns into a center of business excellence on high-tech industry in the global science; 3.2. a specialized science and technology network is established to maximize innovation of science and technology; 3.3. a cooperation system among firms, HEIs, and research institutes is enhanced in strategic industrial fields such as IT, BT, and NT; 3.4. cooperation with international innovative clusters; 3.5. creation of clusters of related institutes to promote the growth of strategic industries; 3.6. systematic and integrated structure of R&D facilities, business facilities, and management facilities are required in order to promote the development of high-tech strategic industries; 3.7. a multi-purpose site is established to attract strategic industries, foreign advanced research institutes, and foreign research centered firms; 3.8. technology commercialization (Deog-Seong Oh, Insup Yeom, 2012: 149).

Appendix 1 presents data from the Korea Innovation Foundation (Korea Innovation Foundation) on the performance of Innopolis Daedeok in accordance with four criteria: sales status, research achievements, manpower status and tenant institutes status of Innopolis Daedeok.

It should be noted that in the initial stages the role of the South Korean government in the development of the Daedeok Science Town (hereinafter also referred to as DST) was dominant as DST was established by a central government initiative (Deog-Seong Oh, Insup Yeom, 2012: 144). Local governments also adhered to the central government’s policy of supporting venture firms and their growths; the functions of business incubation centers established by local governments were enhanced to also provide financial aid; the cooperation with local governments was taken for the sustainable development of technopolis (Middle stage – Technopolis Model). Clusters of strategic industries are created by the cooperation between science park and local governments (Mature stage – Innovation Cluster Model) (Deog-Seong Oh, Insup Yeom, 2012: 150).

The key place in the development of regional innovation clusters in Ukraine should be taken by local authorities. This position is due to the need to strengthen decentralization processes in Ukraine



Pic. 1

and expand the institutional capabilities of Ukrainian regions by ensuring their scientific, business and industrial freedom and independence. Therefore, it is necessary to legislate the powers of local governments in the field of promoting the innovation activities of technoparks which is the subject of additional research.

Based on the above, the following model of regional development of Ukraine is proposed (pic. 1).

Conclusions. Thus, in the context of this work the achievement of the following results is predicted:

1. The creation of new jobs and a qualified competitive workforce will be achieved through the rapid development of entrepreneurship and the emergence of creative industries which will contribute to the emergence of specialties and professions of the future, in particular those related to the field of information technologies, as well as the development of a dual education system in HEEs, where starting from the student bench, students will have the opportunity to directly join the production process.

2. The development of a creative economy involves the capitalization of ideas and human talent in order to develop a scientific, cultural and innovative product with added value, develop technical and technological inventions and create works of art.

3. The formation of a green economy in the context of this work means the formation of such an economic model that: 1) is able to ensure a balanced development of the country without causing harm to the environment and the depletion of natural resources; 2) provides for the direction of public and private investments in those types of economic activity that are aimed at preserving the natural environment, rational use and restoration of natural resources.

4. The creation of a stable ecosystem to support start-ups, small and medium-sized businesses, particularly in matters of high-tech development, provides for two key areas:

1) for start-ups: financial support; providing access to the necessary infrastructure and technical equipment; scientific support of start-up activities; provision of a whole range of legal services, consulting services, marketing, etc.

2) for small and medium-sized businesses: assistance in bringing finished science-intensive products to the domestic and world markets.

5. The creation of a new Ukrainian higher education implies the rapid development of a dual educational system which involves the training of specialists on the basis of coordinated interaction between the educational and industrial spheres, that is, a combination of theoretical training within HEE and practical one at the enterprise. It is also important to define the principle of competition between domestic and foreign HEEs, since the external competition is the engine which will facilitate to bring Ukraine to the forefront of innovation development in the world.

Appendix 1

Table 1

Sales Status

As of December 2020 (Unit: USD 1 million)

Classification	2005	2006	2007	2008	2009	2010	2011	2012
Corporatoions Sales	2,563,893	6,706,454	9,928,319	11,237,907	12,291,634	14,470,552	16,414,924	16,414,924
Classification	2013	2014	2015	2016	2017	2018	2019	2020
Corporatoions Sales	16,698,007	16,414,944	16,713,695	16,415,404	16,034,849	18,071,603	18,064,166	19,276,874

Source: Korea Innovation Foundation

Table 2

Research Achievement

As of December 2020 (Unit: USD 1 million)

Classification	Domestic patents (Cumulative)		Overseas patents (Cumulative)		Number of technology transfers	Technology transfer fees
	Patents pending	Registered patents	Patents pending	Registered patents		
2020	147,814	71,617	75,431	26,755	1,601	134,086
2019	147,038	70,398	73,265	27,315	1,440	88,071
2018	139,124	69,270	70,643	25,829	1,603	64,232
2017	131,509	65,530	61,144	24,287	1,667	61,249
2016	118,757	61,082	59,346	23,420	1,974	72,740
2015	116,998	56,635	57,273	19,380	1,577	64,631
2014	102,775	52,247	47,045	17,368	1,530	64,139
2013	93,866	49,156	45,893	16,256	1,054	68,937
2012	92,118	46,661	43,067	10,246	906	81,562
2011	86,596	41,146	34,218	9,552	821	84,849
2010	80,432	39,052	32,779	9,005	796	96,905
2009	66,764	32,664	28,822	7,684	910	109,394
2008	55,154	30,737	20,492	6,544	974	95,723
2007	46,355	29,193	17,893	5,978	815	77,798

Source: Korea Innovation Foundation

Table 3

Manpower Status

As of December 2020 (Unit: Persons)

Classification	Researches & engineers (A)				Production workers, administrative workers (B)	Number of employees (A)+(B)
	Doctors	Masters	Bachelors and below	Total		
2020	17,504	12,715	8,776	38,995	43,180	82,175
2019	16,726	12,427	8,013	37,166	40,940	78,106
2018	15,519	12,756	7,623	35,898	39,802	75,700
2017	15,264	12,199	7,456	34,919	37,752	72,671
2016	15,269	11,109	6,760	33,138	36,475	69,613
2015	14,675	10,926	5,733	31,334	36,362	67,696
2014	13,526	10,613	5,499	29,638	37,752	67,390
2013	12,195	11,083	5,599	28,877	38,177	67,054
2012	10,333	10,856	6,234	27,423	36,898	64,321
2011	10,244	9,951	6,298	26,493	36,196	62,689
2010	9,055	9,736	5,643	24,434	31,180	55,614
2009	7,661	8,191	4,670	20,522	25,004	45,526
2008	6,783	7,253	4,173	18,209	23,429	41,638
2007	6,800	7,669	4,327	18,796	21,542	40,338

Source: Korea Innovation Foundation

Table 4

Classification		Tenant Institutes Status As of December 2020 (Unit: No)											Total	
		Research field					Non-research field					Corporations		
		Public Research Institutes			National and Public Research Institutes	Other Research Institutes	Sum	Government and Public Institutes		Other Non-profit Institutes	Sum			
		Government Research Institutes	Specific Research Institutes	Universities				Government Institutes	Public Institutes					
2020	17	9	9	7	0	3	10	46	10	18	30	58	2,243	2,347
2019	17	9	9	7	0	3	9	45	10	18	30	58	1,971	2,074
2018	17	9	9	7	0	3	9	45	10	17	26	53	1,948	2,046
2017	26	26	26	7	0	3	9	45	10	14	23	47	1,784	1,876
2016	26	26	26	7	0	3	9	45	10	14	22	46	1,669	1,760
2015	26	26	26	7	0	3	9	45	10	14	23	47	1,613	1,705
2014	28	28	28	7	0	3	9	47	10	14	23	47	1,516	1,610
2013	28	28	28	7	0	3	9	47	9	14	23	46	1,484	1,577
2012	28	28	28	7	0	3	8	46	9	13	23	45	1,312	1,403

Source: Korea Innovation Foundation

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EMPLOYMENT OF REFUGEES FROM UKRAINE DURING THE WAR: PROBLEMS AND PROSPECTS

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Abstract. This paper describes the peculiarities of employment of refugees from Ukraine in the European countries during the war. The main directions of migration of refugees are analyzed. It is established that the most refugees are located in Poland. The main features of the employment of Ukrainian refugees in Poland, the fields of their employment, were studied. The main trends in the development of the labor market are analyzed, taking into account the forced migration of Ukrainians. The peculiarities of the rights of Ukrainians in Poland after their arrival on February 24, 2022 were studied. The results of a survey of Ukrainians regarding the conditions of their stay in Poland, impressions of the key areas of life are presented. It was established that the influx of refugees from Ukraine to Europe is the largest wave of migration since the Second World War. It has been established that the level of education and qualifications of Ukrainian refugees is quite high, and that is why they quickly find work in Europe. As a result, this wave of migration could have a negative effect on the labour potential of Ukraine, given the high probability of non-return of Ukrainian refugees, especially for youth.

Key words: employment of refugees, human capital, migration, labour migrants, spheres of activity.

Introduction. Due to the fact that the Russian occupation forces are shelling and destroying enterprises, factories, plants, key infrastructure facilities and residential buildings of ordinary Ukrainians, people are forced to flee to other countries of the world. All these events prompt a mass setting out of citizens from the occupied territories and territories where active hostilities are taking place in search of security for their families and employment opportunities abroad in order to financially provide their families with everything they need. The problem of labour migration in the country was quite acute even before the start of a full-scale invasion, and against the backdrop of the invasion of the Russian troops into Ukraine, it acquired catastrophic proportions.

Current Tendencies and Problems of Employment of the Ukrainian Refugees in the EU.

According to the UNO, the number of refugees who left Ukraine since the beginning of the full-scale Russian invasion, as of the 19th April, 2022, which are amounted to 5.4 million persons. As of 11th May, 2022, these indicators have changed significantly, so the total number of migrants from Ukraine is amounted to 6.01 million persons. Another 7.1 million citizens of Ukraine are considered internally displaced persons (Melnyk, 2022; Zmina, 2022).

According to the UNO, more than 3.2 million person of Ukrainians went to Poland. Over 895,000 persons of Ukrainians went to Romania, over 785,000 persons of Ukrainians went to Russia, 583,000 persons of Ukrainians went to Hungary, over 459,000 persons of Ukrainians went to Moldova, over 406,000 persons of Ukrainians went to Slovak Republic, and over 27,000 persons of Ukrainians went to Belorussia (Figure 1).

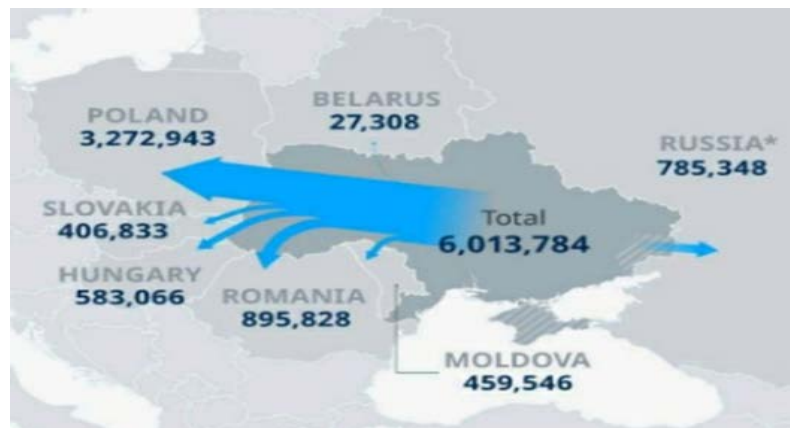


Fig. 1. Geography of migration of Ukrainian refugees

As can be seen from the statistics, the largest number of refugees went to Poland namely more than three million Ukrainians: some of them 77,000 got a job, of which approximately 47.5% work in industrial sectors. That is, they are employees at different enterprises. 10.3% work in the service sector. 8.5% work in office areas, another 4% – as specialists in narrow areas.

According to experts, the situation changes every week, and in the beginning there were fewer jobs for women. Later, the situation was changed. There was also a tendency of those who quit their jobs and later were returned to Ukraine, about 15-20% of such citizens. However, this is not such a big number. It is worth noting that the majority of Ukrainians who came to another country are on welfare. They receive subsidies from the authorities of the country in which they are located, there are also free centers where you can live, and some of these people do not go to work, because the funds they receive are enough for them to live there for a period of time (Melnyk, 2022).

But currently, according to the international employment agency "Gremi Personal", there are long queues of Ukrainians in large Polish cities to obtain a Polish identification number, which enables the official employment in Poland, and a limited number of vacancies for our citizens. There are also other difficulties for people who have been forced to leave the territory of Ukraine, in particular, such as placing children in schools and kindergartens in the cities and towns in Poland. The peculiarity of Poland is that large production and processing enterprises, warehouses and most economic zones are located outside large cities, that is, in less populated and distant from the central cities of the country, directly near the producers of raw materials for the enterprise. The standard of living in such towns and small settlements is also decent, and there are more resources for helping the refugees. However, the refugees do not know this, they are not informed about it and want to go to Warsaw, Krakow or Hdansk, where, in their opinion, it will be easier to find work, and where there is already a large Ukrainian community.

Over time, the availability of vacancies becomes a key factor in the process of choosing a region or city where Ukrainians plan to stay, as work gives a sense of financial security to refugees who do not want to depend only on the goodwill of Polish. It is also worth noting that the majority of refugees are women, children and elderly people with not the best health indicators, which also requires certain financial capabilities of families. As a result, a large number of women appeared on the Polish labour market, most of whom do not speak Polish at the communicative level. But the problem is not limited to finding part-time jobs for women from Ukraine. Previously, Poland had to deal with economic migration, it was predictable and controlled by market mechanisms of supply and demand, the current wave is sudden and chaotic. As a result, Polish employers may face high staff turnover, because the employee may seek to return to Ukraine in any time. Of course, it depends on the situation in Ukraine, in particular in the regions and cities that Ukrainians left. On the other hand, a large supply of labour force allows employers to more carefully select and sort through personnel.

In industries which are most open to hiring foreigners, such as food manufacturing, logistics, hospitality and restaurants, the demand for the foreign employees is often variable and seasonal. In these industries, a high demand for employees is expected in the near future, but in the second half of the year it traditionally falls, and this is again a large number of released personnel, which increases the supply of the labour market (Ukrainska pravda, 2022).

According to the new norms and current rules, citizens of Ukraine can start working in Poland without a work permit. However, the employer must confirm the employment of the person from Ukraine within 14 days on the special website. It is worth noting that according to the surveys, which was conducted by research institutes Randstad and Pollster, it was showed that in a fairly short period of time, a quarter of companies plan and are ready to hire employees from Ukraine who are ended up in Poland due to the war. Among these companies, almost 25% will create additional jobs for support people from Ukraine. According to the survey, 38% of all companies can offer employees from Ukraine up to 5 jobs, almost 15% – 5-10 jobs, and more than 5% – from 10 to 50 jobs. In almost half of the cases, the possibility of hiring Ukrainian employees is declared by large enterprises that employed more than 250 persons. Thus, the largest number of jobs for neighbors across the eastern border will be in catering and hotel business (47%), construction (33%) and industry (30%), although about 15% of companies from the field of information technology, finance and insurance also intend to open doors for employees from Ukraine who are in Poland because of the war. Also, 6 out of 10 surveyed companies stated that the proposed positions belong to manual employees without qualifications, 40% of jobs are for qualified employees, 10% are looking for people from Ukraine for the positions of specialists and engineers.

The sectors in which it is easiest for Ukrainians to find work are industrial production, construction and services, according to the research, which are conducted by the Polish Economic Institute (PIE). The work activity for military migrants from Ukraine is planned, in particular, in the spheres of industrial production (40%), construction (36%) and services (31%). However, only 16% of the commercial companies consider the possibility of employing migrants from Ukraine, and these are more often wholesale than retail companies. According to PIE estimates, more than 250,000 women can count on work in Poland.

Readiness for employment of Ukrainians was expressed by 31% of the total number of surveyed companies. The largest group is consisted of large and medium-sized companies (40%), the smallest – micro-enterprises (23%). Since the majority of adult refugees from Ukraine are women, the Institute, based on its research, estimated the total number of jobs for women expected in the next 3 months. It is turned out that Polish companies can employ about 253,000 women. The share of women among new employees was calculated taking into account the indicators of feminization in certain sectors of the economy.

It is also worth noting that it will be more difficult for women to work in the construction industry, where there are quite a lot of vacancies, but in the manufacturing sector it seems possible. The PIE research shows that migrant employment is planned primarily by the manufacturers of food, beverages, textiles, electronics and furniture. Almost every third service company plans to employ the refugees. Migrants can find work in the hotel and catering business, personal services (for example, hairdressers, beauticians), as well as in companies that provide IT services (Androshchuk, 2022).

As mentioned earlier, one of the main problems of employment of refugees from Ukraine is the language barrier. In particular, the trade industry is less willing to hire Ukrainians who were fled to Poland because of the war. It could be explained by the fact that this sector is more in need of high competences related to consulting. In many companies, the personal contact with the buyer is also important, and this requires a good knowledge of the product range and the Polish language. Not knowing the Polish language at the sufficiently high level could be a big obstacle for employment of Ukrainians with direct customer service.

At the same time, there is a shortage of personnel in 30 professions. These are vacancies that may be filled by refugees from Ukraine in the future. These are specific sectors of the economy that suffer from a lack of personnel in the EU countries, even without taking into account the flow of refugees (Figure 2).

At the same time, in connection with the frantic flow of migrants fleeing the war, additional gaps appear in the Polish labour market due to the lack of certain professions that are currently needed due to the influx of refugees. We are talking, for example, about doctors or psychotherapists who speak Ukrainian. On the other hand, they are currently looking for employees with communicative knowledge of the Polish language. Therefore, free Polish language courses are needed, especially for persons who have the opportunity to work in the field of health care and education, and, directly, industry training.

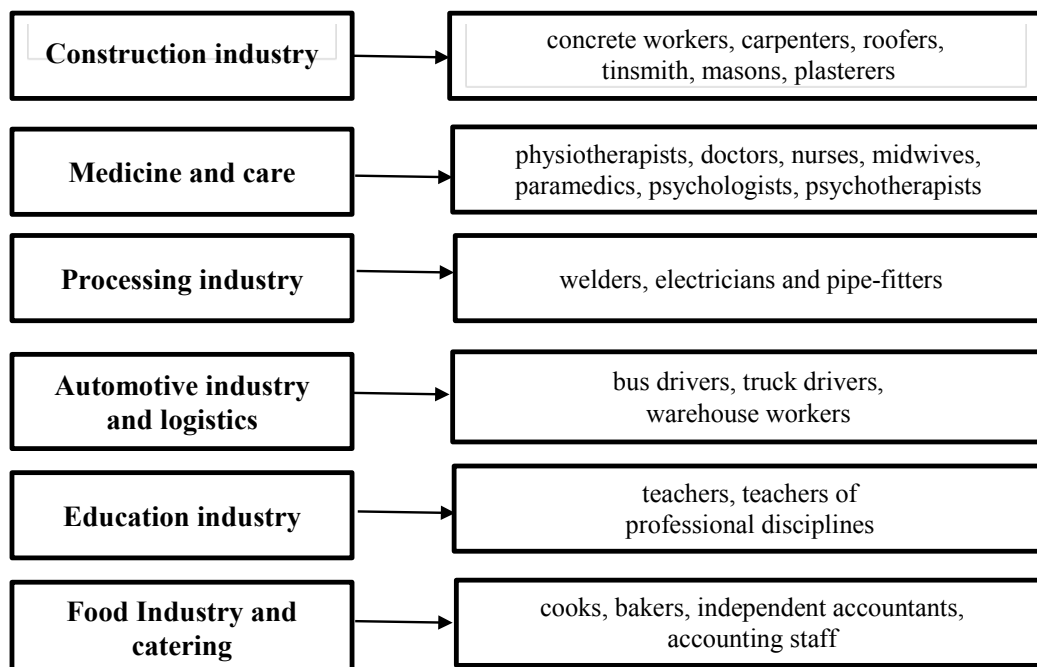


Fig. 2. Sectors of the Polish economy which were suffering from a lack of personnel on the beginning of 2022.

Source: on basis (Bankier.pl, 2022)

The leading economists of Polish banks predict that about 3 million refugees from Ukraine will settle in Poland this year, of which about 30% will be Ukrainian citizens who will be professionally active. That is, we are talking about increasing the labour supply in Poland by 5–6%. According to Polish economic experts, the wave of refugees from Ukraine could also create up to 200,000 additional jobs during this year. The research, which was conducted by the Polish Economic Institute at the beginning of March shows that 14% of companies in Poland, against the background of the events unfolding in Ukraine, planned to increase the level of employment within 3 months (Mitek, 2022).

In our opinion, the huge potential of Ukrainians has not yet been explored. It is not known what their qualifications are, in which areas and industries. Which is also a gap that should be overcome in order to optimize the unemployed and those who wish to work in the labour market of the European Union countries. In particular, in Poland, as the country that accepted the largest number of refugees, it was enough to add a relevant question to the PESEL registration procedure, and there would be more information on this issue, which, in turn, would allow better "discover" of migrants' skills. If it is known how many people with such specialties came to Poland, it would be easier to systematically activate them in the labour market, offer language courses and other targeted training to help adapt their skills to Polish requirements and realities. As practice shows, employment is an important component of ensuring more or less decent living conditions, because there are payments for refugees, but they are quite insignificant. In particular, Poland will receive an advance to help refugees from Ukraine. This is about 2.5 billion zlotys, which will be used within 13 weeks. The government will be able to distribute them immediately. The expected amount will be about 40 euros per Ukrainian per week of stay in Poland. The funding comes from the EU's React programme, which was originally intended to "combat the consequences of the pandemic" – the consequences of restrictions imposed on society by governments in response to the epidemic. In total, about 3.4 billion euros have been collected, which will gradually be transferred in the form of advances to countries struggling with the refugee crisis caused by the war in Ukraine (DoRZECZY, 2022).

Equally important for the possibility of employment of Ukrainian refugees in Poland is the knowledge of the rights of citizens, which are residing in this country, the key of which is shown in Table 1.

At the same time, according to the survey which was conducted by the Razumkov Center, most Ukrainian refugees plan to return to Ukraine after the end of the war, which is positive for Ukraine's labour market and the country's economy as a whole, which has weakened quite a lot. Most likely, only 10% of those who left will remain in another country, namely those who will find decent work and living conditions (Figure 3).

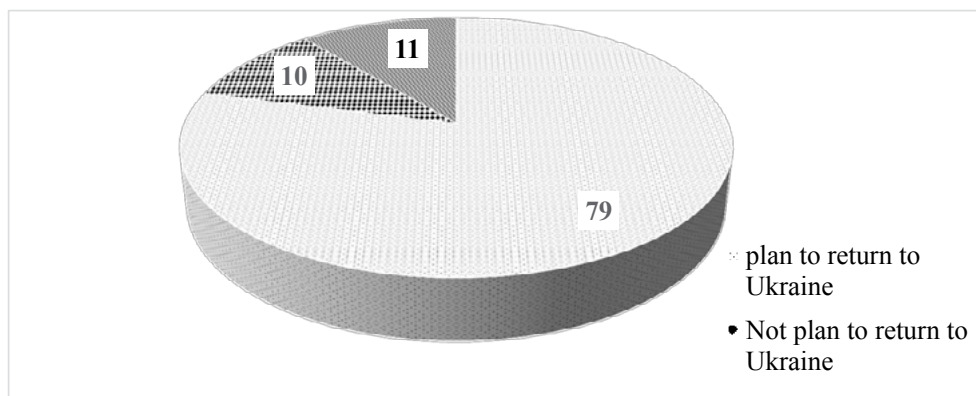


Fig. 3. The sociological research of the number of refugees who plan to return to Ukraine after the war

Source: on basis (Slovo i dilo. Analitychnyi portal, 2022)

Table 1

The rights of citizens of Ukraine who arrived in Poland starting from February 24, 2022

The rights of citizens of Ukraine	Characteristic
The right to stay legally in Poland	You have the right to stay legally in Poland for 18 months starting from February 24, 2022. The right to stay legally in Poland also extends to children born after you entered Poland. If you have not received the confirmation from the border guard about your entry into Poland, you must apply within 60 days to the city municipality or hmina administration to obtain a personal PESEL number (Polish personal identification number), thanks to which your stay in Poland will be officially registered. (*) If you are a citizen of Ukraine and have the Pole's Card, you have the above-mentioned rights, even if you arrived in Poland in the period from February 24, 2022, not from Ukraine, but from the territory of another state.
The right to use the services of the refugee reception point	During the first few days of your stay in Poland, you will be assisted at refugee reception points, where you can spend the night and receive food and basic medical care.
The right on the employment in Poland	You have the right to work in Poland without the need to obtain a work permit or a statement of intent to employ a foreigner, even if you do not have a valid passport – an identity document is sufficient. You need to make sure that the job offered to you is legitimate. Your employer is obliged to sign a contract with you in a language you understand and to notify the regional employment office (Powiatowy Urząd Pracy) of your employment within 14 days of employment. Read the contract before starting a new job, sign it only if you agree to its terms, and keep one copy. If the employer violates your rights, you must contact to the State Labor Inspectorate.
The right for helping the employment center in searching a job	You can be helped at the district employment center. Register as a job seeker and you will receive job offers that match your qualifications, as well as information on free courses for job seekers.
The right to carry out entrepreneurial activities	You have the right to start both an individual enterprise and a firm. To create an individual enterprise, you need to obtain a PESEL number and a trusted profile (profil zaufany) from the commune administration. In order to establish an individual enterprise, register it in the CEIDG (Central Register of Economic Activities) in the hmina administration. Registration at CEIDG is free. To create a company, it is necessary to register it in KRS (National Court Register).
The right of free medical care and psychological assistance	If you need the advice of a doctor or psychologist, you should contact the nearest medical facility of the National Health Fund (NFZ). In most cases, it is necessary to make an appointment in advance. To do this, you should contact the help desk of the National Health Fund, which is available in Ukrainian.
The right on free education	In Poland, all children have not only the right, but also the duty to get an education. If you have a child of school age, you must enroll him in the nearest school. Children who do not speak Polish have the right to receive additional Polish language lessons and remedial classes.
The right on social assistance	If you have a PESEL number, you are entitled to a one-off cash allowance of PLN 300 per person to cover your living expenses, including food, clothing, shoes, personal hygiene items and housing costs.
The right on free train travel	The citizens of Ukraine (during the war) can travel for free in TLK and IC class 2 trains in carriages with seats. Transportation of Ukrainian citizens is carried out on the basis of free additional tickets with or without a seat guarantee. It is necessary to present a passport, identity card or other document which could confirm citizenship. Transportation of goods and animals is free and unlimited. Additional free tickets could be obtained at the ticket office or on the train. These rights do not apply to persons who have applied for refugee status in Poland, unless they have withdrawn their application. To be able to take full advantage of the above-mentioned rights, it is necessary to contact the commune office as soon as possible to obtain a PESEL and access to a trusted profile, thanks to which you will be able to confirm your identity online.

Source: on basis (Androshchuk, 2022)

The survey was conducted by the Razumkov Center at checkpoints across the state border of Ukraine in Zakarpattia region from March 15 to April 1, 2022. 101 respondents were interviewed (Slovo i dilo. Analitychnyi portal, 2022).

In favor of these indicators, the assessment by our citizens abroad of key spheres of life and activity carried out by the research company "Gradus Research", the majority of survey respondents were in the European countries (Table 2).

Table 2

**Results of a survey, which are comparing key areas of life and activity
in Ukraine and the European countries**

	UKRAINE		ABROAD
Welfare, social sphere and interpersonal relations	1.9	vs	2.8
Public sphere and financial issues	2.3	vs	2.5
Services	3.5	vs	1.9

Source: on basis (Gradus Research Company, 2022)

Thus, having lived abroad, Ukrainians evaluated the organization of their life at home, in particular, the respondents most evaluated Ukrainian store opening hours (54%), digitalization of financial and other services, both commercial and state (37%), as well as the price-quality ratio in the field of beauty (44%). The respondents also understood that they liked the "mentality, way of life" in their native country (36%) and "persons, their relationships" at home (32%) – these two points were rated as better in Ukraine than in country of the temporary stay.

But what we liked abroad were the arrangement of cities (42%), public transport (48%), the creation of special conditions for people with disabilities (50%), the quality of drinking water from the tap (38%) and the sorting system garbage (46%). In general, Ukrainians are most excited about the social sphere of their new home.

For many decades, our society experienced what was called the "inferiority complex." Russia also contributed to this, but the isolation of the majority of Ukrainians from daily life abroad was significant. A small proportion of people went to study and work to other countries, and most of our compatriots never left the borders of their homeland. We have formed a myth that life is good somewhere there, because there are "normal people", and here it is bad, "because we are like that". Last year's research shows that every second would like to emigrate. Undoubtedly, it created a certain psychological background harmful to social development. Confronted with the everyday reality of the dreamed "abroad", Ukrainians looked at their life at home in a new way, felt its advantages. Hopefully, it will be another ingredient in the recipe for the country to leap forward.

The domestic state-political sphere in general still loses in comparison with the foreign countries. For example, Ukrainians like the observance of law and order abroad (46%), the amount of wages (42%), social protection from the state (36%) and a lower level of corruption up to its absence (37%).

At the same time, the respondents in Ukraine like the prospects of their own development, the quality of the Internet (31%) and delivery services (29%), as well as the size of utility tariffs (24%). And abroad, ukrainian likes people's behavior and ecology, the quality of food, education and medicine, but for all three areas, the advantage with compared to Ukraine is small, at 5-8%.

The survey itself was conducted by Gradus Research using the method of self-filling the questionnaire in the mobile application. The Gradus online panel displays the population structure of cities with more than 50,000 residents aged 18-60 by gender, age, settlement size and region. Survey period: May 23, 2022. The sample size is 1133 respondents (Gradus Research Company, 2022).

Conclusion. So, we must state the fact that the influx of refugees from Ukraine to Europe is the largest wave of migration since the Second World War. At the same time, the arrival of Ukrainians not only does not threaten the European unity, but, on the contrary, strengthens it.

The positive attitude towards to the refugees from Ukraine is, first of all, a consequence of the awareness of the danger posed by the Russia's aggression to Europe. The next key circumstance is broad public support for the acceptance of Ukrainian immigrants. To a large extent, it is due to cultural closeness, numerous business and family ties, and the experience of communicating with Ukrainians thanks to many years of labour migration to the EU.

It is worth noting the high level of education and qualifications of Ukrainians, knowledge of languages, which significantly increases the chances of their accommodation, employment and integration in the host countries. The human capital of displaced persons makes them quite attractive to the employers, which contributes to the transformation of policies and legislation in favour of new arrivals. In particular, on April 5, the European Commission published recommendations on simplifying the procedure for recognizing refugees' diplomas and qualifications in order to ensure opportunities of working according to their level of training. It is extremely relevant, in particular for doctors, teachers and educators – they are the ones who will satisfy the needs of immigrants in medical and educational services in their native language.

At the same time, the vast majority of refugees are women, a large part of whom take care of young children, they lack knowledge of the language, etc., and employment opportunities for them, despite on the declared access to the labour market of the host countries, are quite limited. In this regard, the informal employment may spread, which increases the risk of exploitation and violation of labour rights, and the danger of human trafficking is actualized.

As the length of stay abroad increases, the share of non-returnees will increase. Most likely, those who have relatives there, who have moved to the distant countries, who, thanks to their professional knowledge and qualifications, could find a decent job and provide themselves with an adequate standard of living, will tend to live permanently outside Ukraine. The probability of returning of youth who will continue to study abroad is also low.

Thus, the risks of losing part of the working population due to the migration are increasing. Moreover, these losses will be formed mainly due to the economically active, educated, young citizens. The European countries are quite interested in replenishing their human resources, and are already creating conditions for the settling certain categories of immigrants on their territory.

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**THE LEGAL MECHANISM OF INTERACTION
OF THE LAND CADASTRE WITH OTHER REGISTERS
UNDER THE LEGISLATION OF UKRAINE AND POLAND**

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Abstract. The article carries out a professional comparative legal analysis of the legislation of Ukraine and Poland in the sphere of regulation of mechanisms of interaction of the land cadastre with other registers. For the completeness and comprehensive presentation of the study, attention was primarily focused on the directions of development of the land cadastre, the legislation regulating the functioning of the land cadastre and other registers was analyzed.

The article reveals the peculiarities of cadastre management in the system of land legal relations of both states, highlights the differences in the basic approaches of modern cadastre in Ukraine and Poland, and emphasizes the trends in the convergence of cadastre systems – by introducing the concepts of spatial object and geospatial data, respectively.

It has been studied that the cadastre system of Poland, unlike the cadastre system of Ukraine, is multifunctional and contains information about land plots and other real estate objects. At the same time, the land cadastre system in Ukraine is currently a full system of information on various types of natural resources (land, forest, water) and contains information on various restrictions (environmental protection, cultural, etc.). At the same time, the functioning of the state land cadastre and other registers in Ukraine is carried out through the mutual exchange of information between the registers.

It has been found that legal disputes in Ukraine related to the cancellation of objects in the relevant registers have their own peculiarities, which consist in the impossibility of applying the norms of procedural legislation regarding the reversal of the execution of a court decision.

Practical problems have been noted at the stage of execution of decisions, for example, in the case of approval of a court decision in absentia, the status of which is special because it is adopted without the participation of one of the parties to the dispute, given the lack of relevant changes in the procedural legislation regarding the category of cases. It has been established that the complexity of the land cadastre in Ukraine and the real estate cadastre in Poland is due to the need for the formation of appropriate measurement standards while preserving the legal and geometric relations between the subject and the object of law.

Summing up, the main trends in the development of cadastral systems of Ukraine and Poland are outlined, it is proved that the land cadastre as an information accounting system at the current stage is moving to a different stage of functioning, which is closely related to the development of digital technologies, and determines the perspective and relevance of the researched topic.

Key words: land cadastre, real estate cadastre, spatial object, geospatial data, multifunctional, three-dimensional cadastral system.

Introduction. The development of digital technologies changes the trends in the development of various spheres of social life. The well-known land cadastre as an information accounting system at the current stage is moving to another round of functioning, associated with the accumulation of an array of various information, which is subject to unification, preservation and normalization with the use of appropriate legal instruments.

The scientific community cannot leave aside the formation of further steps in the development of Ukrainian legislation, despite the complexity of the situation in Ukraine, which is related to the state of war. The most successful in the development of future legislative initiatives is the conduct of comparative legal studies, for example, on the example of Poland, which will allow to outline the trends in the development of legal regulation of the functioning of the cadastre of Ukraine and Poland, and to develop relevant legal initiatives.

Analysis of recent researches and publications. The study of the functioning of the cadastre system in Ukraine and Poland was paid attention to in their works by Kempa O. (Kempa, 2017; 50-57), Bieda A., Bydłozz Ja., Dawid L., Dawidowicz A., Głanowska M., Gózdź K., Przewięzlikowska A., Stupen M., Taratula R., Źróbek R, (Bieda, Bydłozz, Dawid, Dawidowicz, Głanowska, Gózdź, Przewięzlikowska, Stupen, Taratula, Źróbek, 2015; 1-168), Shipulin V.D. (Shipulin, 2016; 220) and a number of other authors. However, the introduction of the latest forms of registers and changes in trends regarding their functioning, which is caused by the development of digital technologies, continues to keep the relevance and perspective of this topic in research in the field of law.

The purpose of the article is to study the legal mechanism of the interaction of the land cadastre with other registers under the modern legislation of Ukraine and Poland and outline the trends of their development.

The main material. The idea of a cadastre is not new, according to the general interpretation, a cadastre is a description and summary of information about something. The development of the cadastre is closely related to the development of society, its needs and technological capabilities.

Today, in Ukraine, we are witnessing a transition from a statistical cadastre divided by industry (land cadastre, water cadastre, forest cadastre, etc.) to a multifunctional cadastre information system. Currently, scientists classify the cadastre into three categories – "fiscal cadastre (tax cadastre) ... the main purpose is the description of immovable property for the purpose of determining the amount of taxation ... legal cadastre (legal cadastre) ... while the registry system guarantees ownership, the cadastre guarantees the application surveying, which includes the localization, dimensions and boundaries of immovable property, the multi-purpose cadastre can be considered as a public, operationally and administratively integrated land data system, which contains in a permanent and accessible form clear information about the land at the level of "immovable unit" (Shipulin, 2016; 142).

The Law of Ukraine "On Public Electronic Registers," approved in 2021 unified the concept of cadastral registers as basic registers that "ensure the one-time collection of information about the object of the register (its legal status) for the purpose of repeated use as legally binding, reliable and up-to-date information about such object of the register (its legal status) in other registers and/or national electronic information resources during the performance of licensing activities, the provision of administrative, social and other public services, the performance of other management activities and the implementation of state regulation" (Article 6) and included among them the "Unified State Demographic Register; Unified State Register of Legal Entities, Individual Entrepreneurs and Public Organizations; State Land Cadastre; Unified state register of vehicles; Register of buildings and structures; Unified state register of addresses; State Register of Real Property Rights" (Law No. 1907-IX).

Therefore, the State Land Cadastre, the Register of Buildings and Structures, and the State Register of Real Property Rights are separate types of registers, the functioning of which is regulated by various legal acts. The functioning of the state land cadastre is regulated by the provisions of the Law of Ukraine "On the State Land Cadastre (Law No. 3613-VI), on the other hand, the legal regulation of the State Register of Rights is determined by the Law of Ukraine "On the State Register of Property Rights to Immovable Property and Their Encumbrances" (Law No. No. 1952-IV). However, the legal regulation of the relevant systems is connected not only with the normative regulation of the systems' operation, but also with the relevant types of objects subject to inclusion in the registers.

According to Art. 10 of the Law of Ukraine "On the State Land Cadastre", the objects of the cadastre are lands within the state border of Ukraine, lands within the boundaries of administrative-territorial units and territories of territorial communities, land use restrictions, land reclamation networks and their constituent parts. Detailing each of the individual types of objects, the legislator also determined the list of information that must be entered into the State Land Cadastre. Thus, entering information on the description of boundaries and restrictions on land use involves establishing the boundaries of cultural heritage monuments, protection zones, objects of cultural world heritage, buffer zones, historical areas of inhabited places, protected archaeological territories, historical and cultural reserves and historical cultural protected areas (Article 14 of the Law No. 3613-VI). In the case of the formation of information about land within the territories of administrative territorial units, it is provided for entering information about land categories and their areas, contours, coordinates of turning points, geometric parameters, names, addresses of buildings, structures and engineering networks, identifiers of construction objects and completed construction facilities, information on acceptance into operation of facilities completed by construction, information on regulatory monetary valuation, etc. (Article 13 of the Law No. 3613-VI).

In accordance with the regulation of the operation of the State Land Cadastre system, a number of other normative legal acts are also applied, in particular the Law of Ukraine "On Regulation of Urban Development", the Forest (Law No. 3852-XII) and Water (Law No.213/95-BP) Codes of Ukraine, the Code of Ukraine on Subsoil (Law No. 132/94-BP), the Law of Ukraine "On Protection of Cultural Heritage" (Law No. 1805-III), etc. At the same time, the expansion of the types of information required for entry, provided for in the Resolution of the Cabinet of Ministers of Ukraine No. 1051 of October 17, 2012, "On Approval of the Procedure for Maintaining the State Land Cadastre" (Resolution of the Cabinet of Ministers of Ukraine No. 1051), will expand the scope of legal acts that will be applicable to the data of the State Land Cadastre cadaster.

Modern technological capabilities have defined the State Land Cadastre as a geoinformation system that is closely connected with other systems through an interaction mechanism. This form of functioning of registers found its expression in Art. 31 of the Law of Ukraine "On the State Land Cadastre".

However, scientists note that the key position of the state land cadastre also necessitates the formation of "conditions for the compatibility of data, the joint use of some of them, data exchange and the construction of a spatial data infrastructure...the standard of the domain of land administration" (Shipulin, 2016; 27) and the determining factor for this is " Directive 2007/2/EC of the Council of Europe of March 14, 2007 INSPIRE (Infrastructure for Spatial Information in the European Community), which aims to create a spatial information infrastructure to support public environmental policy and policies or activities that may affect the environment." (Shipulin, 2016; 29).

A relevant step in this direction was the adoption in 2020 of the Law of Ukraine "On the National Infrastructure of Geospatial Data" (Law No. 554-IX), which included land plots, hydrography, nature conservation areas and objects, terrain, land cover, buildings and structures in the list of geospatial data sets , types of land use, etc. Note that "a spatial unit (spatial unit) is one or several areas of land and/or water, one or several volumes of space...spatial units are structured in such a way as to support the creation and management of basic administrative units...this standard supports 2-dimensional (2D), 3-dimensional (3D), or mixed (2D and 3D) representation of spatial units" (Shipulin, 2016; 159).

Therefore, the complexity of the land cadastre is due to the need to form appropriate measurement standards while preserving the legal and geometric relations between the subject and the object of law.

So, for example, in Art. 79-1 of the Land Code of Ukraine (Law No. 2768-III) provides that a land plot ceases to exist as an object of civil rights, and its state registration is canceled in the event of cancellation of the state registration of a land plot on the basis of a court decision as a result of the recognition of such state registration as illegal, while the court decision on the cancellation of the state registration of a land plot is allowed only with the simultaneous termination by such a decision

of all property rights, their encumbrances, registered in relation to such a land plot (if such rights, encumbrances exist). In the case of such a decision, the land plot acquires the status of archival and the sections of the State Land Cadastre (Land Book) and the State Register of Rights are closed and are not subject to renewal.

Therefore, with this norm, the legislator interconnected several separate registers, at the same time established the impossibility of reversing the execution of the court decision and did not determine the sequence of execution of such a court decision, relying on the logic of the executors. In our opinion, the complexity of legal disputes of this category lies in the need for the parties to the dispute to clearly understand the legal consequences of the decisions made regarding the objects of the relevant registers.

At the same time, the interaction of the State Land Cadastre and the State Register of Real Property Rights systems (Article 30 of the Law of Ukraine "On the State Land Cadastre") makes it possible to obtain information about cadastre objects and registered real property rights in real time.

The legislator also provided in paragraph 4 of the third part of Article 10 of the Law of Ukraine "On the State Register of Property Rights to Immovable Property and Their Encumbrances" that the use of additional data from the State Land Cadastre and the Unified State Electronic systems in the field of construction and information of other registers (cadastres), automated information systems in the order of information interaction, too.

So, the systems of registers in Ukraine regarding land, real estate, rights, etc. are isolated, but they function in interaction modes, and sometimes in real time modes. This form of functioning of the registers emphasizes the need for the compatibility of legal regulations on the operation of systems with their technological capabilities. Moreover, legal disputes related to the cancellation of objects in the relevant registers have their own peculiarities, which consist in the impossibility of applying the rule of procedural legislation regarding the reversal of the execution of a court decision. At the same time, the legislator did not initiate changes to procedural codes in this category of litigation, which causes problems in their implementation in practice, for example, in the case of approval of a court decision *in absentia*, the status of which is special because it is adopted without the participation of one of the parties to the dispute.

As for the registry systems of Poland, it should first of all be noted here that "cadastral systems in Europe are based on the principle of recording the mutual relations between spatial objects (for example, plots), the rights imposed on them, and the subjects who have the right to these rights" (Bieda, Bydłoz, Dawid, Dawidowicz, Glanowska, Gózdź, Przewiężlikowska, Stupen, Taratula, Żróbek, 2015; 118). Accordingly, the direction of development of the cadastre in Poland is closely related to convergence with the cadastral systems of Europe.

When studying the issue of the functioning of the cadastre system in Poland, it should first of all be noted that the Law of May 17, 1989 – Geodetic and Cartographic Law (Law of 17 maja 1989), the Law of August 21, 1997 on Real Estate Management belong to the key legal acts applied in this area by property (Law of 21 August 1997), Law of July 6, 1982 on land and mortgage registries and mortgages (Law of 6 July 1982), Law of April 23, 1964 – Civil Code (Law of 23 April 1964), Law of July 7, 1994 – Construction Law (Law of 7 July 1994), Law of July 18, 2001 – Water Law (Law of 18 July 2001), Law of March 4, 2010 on Spatial Information Infrastructure (Law of 4 March 2010).

The Law of May 17, 1989 – Geodetic and cartographic law (Law of 17 May 1989) regulates relations regarding land and building registration, integrated real estate information system, soil classification of land, demarcation of real estate, etc. In accordance with the provisions of Art. 24b of this Law allows the creation and maintenance of an integrated real estate information system, "in particular: 1) maintaining a centralized repository of copies of land and cadastral data and buildings; 2) monitoring on the scale of individual voivodships and the entire united country and the quality of data sets for accounting for land and buildings; 3) data exchange in the form of electronic documents between records of land and buildings and other public registers – the official register of the territorial organization of the country, the national official register of subjects of the national economy,

the national system of producers, as well as the transmission in the form of documents of electronic notifications about the changes made to the data in individual public registers relating to other public registers included in the unified information system on real estate; 4) execution by courts of the land register of checks referred to in Art. 6268 § 4 of the Civil Procedure Code" (Law of 17 May 1989).

The Law of August 21, 1997 on the management of immovable property introduced such terms as land ownership, real estate resources into the legal dictionary, distinguished the concepts of land plot and land plot for construction. So, according to Art. 4 of the Law, under land property, the legislator understands land with component parts, with the exception of buildings and premises, if they are separate property objects, instead, real estate resource is real estate that is the property of the State Treasury, commune, county or voivodeship and has been transferred for indefinite use (Law of 21 August 1997).

As for the land plot, here the legislator determined that the land plot should be understood as an indivisible, continuous part of the land plot, which constitutes part or all of the land property, while the development plot is a built-up land plot whose size, geometric features, access to public roads and equipping with technical infrastructure devices allow the correct and rational use of buildings and equipment located on this site (art. 4 of Law of 21 August 1997).

The legislator formed the basic principles of real estate management, which included the registration of a land plot, building, and independent premises, by approving the Law of August 21, 1997 on real estate management.

At the same time, scientists note that this approach to the formation of the real estate system (real estate cadastre) is a departure from traditional forms of the register, "a plot without spatial objects placed on it does not need penetration into the third dimension, and it is enough to register its position on the projection plane... when several users use different "fragments" of the plot space, this confirms the problems in determining the scope of rights and the need to make changes to civil legislation." (Bieda, Bydłosz, Dawid, Dawidowicz, Głanowska, Gózdź, Przewięźlikowska, Stupen, Taratula, Żróbek, 2015; 119).

Instead, to date, the provisions of the Civil Code of Poland define real estate as a part of the land that constitutes a separate object of ownership (land plot), as well as buildings permanently attached to the land plot of related or parts of such buildings, if this is provided for by special provisions constitute an object of ownership separate from the land (art. 46, Law of 23 April 1964).

O. Kempa draws attention to the fact that in Poland the cadastre is currently developing in two projections, the formation of a "multifunctional cadastre, which will combine the basic cadastre, land cadastre and tax data into a single integrated system and the possibility of creating a 3D cadastre... to be able to collect information about real estate on a plane (map), ... record information in space – subway, balconies, mines" (Kempa, 2017; 55).

Moreover, in the Law of March 4, 2010 on Spatial Information Infrastructure, the legislator has already formed the concept "spatial object is an abstract image of an object, physical phenomenon or event associated with a certain place or geographical area" (art. 3 of Law of 4 March 2010)

As the researchers note in Poland, a three-dimensional real estate cadastral system is currently being implemented, which will preserve "multi-level legal and geometric relations between the subject and the object of the law ... registration of spatial plots (3D) and related rights in the cadastre can be carried out with the help of one from three methods – geometric, mixed (hybrid) and indirect ... dimensional inventory objects, as well as rights of a temporal and spatial nature, established on someone else's property" (Bieda, Bydłosz, Dawid, Dawidowicz, Głanowska, Gózdź, Przewięźlikowska, Stupen, Taratula, Żróbek, 2015; 115), while the cadastre model itself currently includes "eight thematic packages: General object, Data about the subject, Data about the subject, Property rights, Address, Border point, Lease and Legal basis" (Bieda, Bydłosz, Dawid, Dawidowicz, Głanowska, Gózdź, Przewięźlikowska, Stupen, Taratula, Żróbek, 2015; 108), which indicates its multifunctional nature.

This format of the transition to a multifunctional cadastre in 3D dimension in Poland is primarily due to the development of digital technologies, allows for the possibility of preserving the durability of registry objects, the formation of layered use of immovable property, engineering and other types of infrastructure, with a defined scope of rights, and the possibility of further formation of a complete unified system geospatial data. Accordingly, technological trends in the formation of the latest forms of cadastre/registers will also cause the need for legislative changes. Since, the durability of the object of legal relations is directly related to the normative legal act and the form of preservation of information about the object and relations to it.

Conclusions. The cadastral systems of Ukraine and Poland are built on basic and traditional cadastre models, the main purpose of which is to register the legal status of real estate objects and support their management processes. At the same time, there are currently changes in the development of registers regarding objects and rights to them, which is closely related to the development of digital technologies and their implementation in modern social life.

Thus, in Poland, the transformation of basic registers into multifunctional registers with the transition to the 3-D dimension is observed. Corresponding steps were taken in Ukraine as well, before the start of hostilities, the data of the state land cadastre system became filled with information not only about land and land plots, rights to them, but also about other natural resources (water, forest, etc.), on the other hand, regarding functioning with other registers, the tendency to apply the principle of information exchange between registers is still maintained.

At the same time, the registers of Ukraine and Poland are maintained in a digital format, their data are constantly updated, which necessitates the attention of the legal environment to the analysis of problems that arise in practice and the development of legal initiatives in this area.

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INNOVATION MODEL OF ADULT EDUCATION DEVELOPMENT IN UKRAINE

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Abstract. The article is devoted to the problem of formation the innovation model of adult education development in Ukraine. The author determines that in order to form an integral, open and effective national system of adult education, which would fully cover the formal, informal and information components and would be aimed at satisfying the educational needs and potential needs of adults, there should be proposed to develop the innovation model of adult education development. The proposed the innovation model of adult education development should be consolidated on objective changes in the educational sphere, on achievements of science in the context of personal awareness of own life activity, and on fundamental differences between adult and underage person. The innovation model of adult education development should be aimed at overcoming the contradictions in general education system of Ukraine. The innovation model of adult education development is based on the combination and formation of the integral system of development, namely: regional development of adult education system, high-quality and modern educational services, transformation and expansion of adult education content, as well as development of international cooperation in adult education. Implementation of such organizational and innovative model allows to define qualitative ways of effective use of regional and national potential of educational space according to the needs of the market.

Key words: innovation model, adult education, modern society, general education system of Ukraine.

Introduction. Modern trends of social transformation and development require an independent, self-sufficient person, who has a high intelligence, will power, and is able to adapt effectively and flexibly in a dynamically changing public sphere. Including these conditions, the impact of educational practices on the social, cultural, economic and political development of the world society is rather increasing and gives it a system-based meaning. Thus, the issue of ensuring free access to education during life becomes the priority, and its solution is possible only if the system of adult education practice is significantly changed.

The increasing in the role of adult education in the development of modern society is conditioned by the general acceleration of social and cultural changes at both global and local levels. The fluidity and complexity of the processes of modern life in accordance with the general tendency of its increasing for each individual person objectively determine the necessity of formation of a personality capable of perception and realization of transformations, set up on realization of change of education as a natural norm and continuous increase of its competent-qualification level. The important factor contributing to the solution of this problem is the education of adults, whose functioning and development has its content and formal specificity, due to the peculiarities of the population who need training.

In order to form an integral, open and effective national system of adult education, which would fully cover the formal, informal and information components and would be aimed at satisfying the educational needs and potential needs of adults, we have proposed to develop the innovation model of adult education development.

Thus, a rather important scientific task is to develop the innovation model of adult education development in the context of global trends and changes. At the same time, the formation and development of the innovation model of adult education development as a component of effective life-long education is conditioned by the necessity of:

- improvement of socio-economic and spiritual conditions of development of ukrainian society;
- processes of effective formation and development of democratic, legal and social state, as well as development of civil society;
- integrity and full integration of Ukraine into the European Community;
- the necessity of modernization of education, as well as introduction of the National qualification framework, which is the means of improvement of general secondary system, professional-technical, higher, post-graduate education and training during the life.

The aim of the study. The main aim of the research was to discover the innovation model of adult education development in Ukraine and to analyze the main components of its formation.

Material and research methods. The complex of interrelated methods of research was used to solve the set tasks, such as: theoretical, scientific, analysis, synthesis, deduktion, abstraction, comparison, generalization, systematization, concretization and others.

The results of scientific research. The proposed the innovation model of adult education development should be consolidated on objective changes in the educational sphere, on achievements of science in the context of personal awareness of own life activity, and on fundamental differences between adult and underage person. At the same time, the proposed innovation model of adult education development should be aimed at overcoming the contradictions between:

1. Objective need of adult education development in the system of formal, informal and information education and informality of proper normative-legal, scientific-methodical, organizational support;

2. The importance to take into account the needs of the labor market, the requirements of employers, as well as the educational and cultural needs of adults, motivation, valuable orientation of adult personality regarding personal self-realization and absence of modern technologies of their professional training and retraining;

3. The employers' requirements to the level of professional competence of the employees themselves and the absence of the integral scientific-grounded system of organization of their professional retraining.

On the basis of the above mentioned we formed the innovation model of adult education development, which will give the opportunity to promote democratization of social development and economic transformation. This will ensure that society understands its own rights and responsibilities, forms the proper legal culture and civic self-awareness that can cover people of different ages, interests and educational needs, and can be implemented as a whole system in different forms, namely, formal, informal and information (Table 1).

Proposed innovation model of adult education development is based on the combination and formation of the integral system of development, namely: regional development of adult education system, high-quality and modern educational services, transformation and expansion of adult education content, as well as development of international cooperation in adult education. Implementation of such organizational and innovative model allows to define qualitative ways of effective use of regional and national potential of educational space according to the needs of the market.

The main goal of the proposed innovation model of adult education development should be the development of integral, open, effective national system of adult education that covers formal, informal and information components and should be directed to meet educational needs and potential needs of adult personality. Such an approach will facilitate the comprehensive development of adult personality, as well as its adaptation to the social, economic and cultural conditions of life, which are constantly changing.

The main task of forming an innovation model of adult education development in all its dimensions is manifested through the establishment of appropriate legislative regulation with the determined formation of principles and mechanisms of state support, the role of key actors, their rights

and obligations, as well as ways of coordination between different providers of educational services, as well as mechanisms of appropriate financing from the budget.

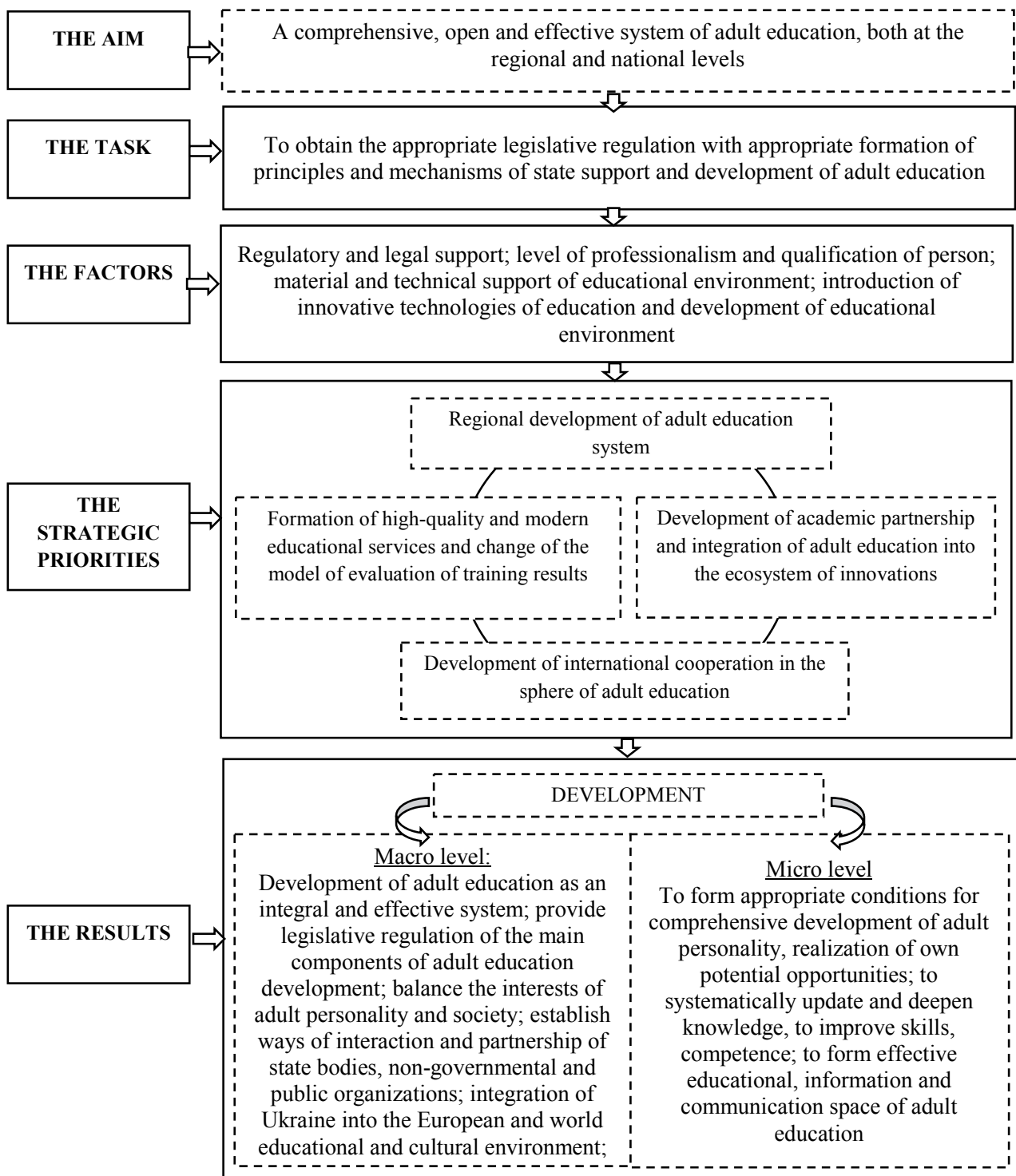


Table 1. Innovation model of adult education development

At the same time, the following principles should become important principles of the formation of the innovation model of adult education development, such as (Hillage, 2000: 15):

- recognition of the right to education as the priority and fundamental human rights at any age;

- orientation on human values and ideals of humanity;
- prompt and maximum provision of educational needs of society as a whole and individual citizen;
- systemacity in personal and professional development;
- accessibility and continuity of education;
- recognition of the results of the previous training; cooperation and partnership of state bodies, non-governmental and public organizations in ensuring the development of adult education;
- taking into account the peculiarities of cultural and educational needs of different categories of adult population;
- compliance with state requirements and educational standards.

The studies showed that changes in the general education system, including in adult education, occur under the influence of certain factors, that is, the relevant causes or the driving forces of a particular process. The main factors influencing the formation, formation and development of the adult education system include: regulatory and legal support, level of professionalism and qualification of scientific and pedagogical staff, material and technical support of the educational environment, introduction of innovation technologies of the educational environment development.

The important factor in the development of adult education is the formation and provision of legal support for adult education. This includes, first of all, the adoption of the Law of Ukraine of adult education and corresponding subordinate acts. The following components should also be mentioned:

- definition of guarantees of adult education development by means of separate special articles of the state budget of the country;
- formation and development of financial support mechanisms of the most distant social groups from the system of education;
- ensuring access to educational services for all adult citizens of the country, regardless of the level and orientation of the previously received education, available financial resources, place of residence, age and health status.

Equally important is the formation of the appropriate level of professionalism and qualification of the pedagogical staff. In this context the important component is the preparation of scientific and pedagogical staff for adult education, who will have not only the skills to use various innovation technologies, but will also possess methodological methods of their application for effective process of organization of the educational environment for adults. This will enable the preparation of adult students to the level of modern world standards taking into account all existing and potential challenges and prospects of Ukraine's development in the 21st century. This should include the systematic retraining and upgrading of the scientific and pedagogical staff in accordance with the new requirements of the educational market and the provision of high-quality educational services.

At the same time, material and technical support of the educational environment should be considered as a complex of educational, material and technical means, including creation of modern classrooms for active teaching, scientific laboratories, workshops, creative spaces, digital platforms, interfaces and means of communication, experimental shops intended for providing effective and qualitative educational process according to educational-professional programs, educational plans, modern technologies and methods of modern educational process, as well as for realization of scientific and research work of the educational service recipients.

Moreover, the main task is to provide high-quality lectures, seminar, laboratory, practical lessons, educational practice at high scientific, methodical and technical level according to the current educational programs of the respective disciplines. The main goal of efficient and rational use of educational offices and laboratories is to provide professional and practical skills and competencies in accordance with the requirements of the state and branch standards of education.

The introduction of innovation technologies of education and development of educational environment is aimed at the stage-by-stage introduction of various types of pedagogical innovations. Such

implementation facilitates changes in the traditional pedagogical process, overcoming the consequences of destructive processes in the education system, and also bringing educational institutions to a competitive level.

Generally, innovation teaching technologies are such that the educational process itself is not information, but acts as an activity in which adults gain relevant experience in solving certain problems and practical situations (Lukianova, 2014: 116). In the process of studying not only knowledge, but also the appropriate type of thinking, as well as communication features are transferred. In particular, the participants of adult education rethink their vital values and transition to get the new knowledge, understanding, appropriate attitudes of consciousness and behavior. The process of knowledge is carried out in the mode of continuous change of different types of activity.

Moreover, the scientific and pedagogical staff of modern institutions of higher education faced the task of introducing such forms and methods of education, which would aim to activate the creative potential of adult personality and stimulate to reveal potential.

The analysis of educational practice showed that exactly innovative learning technologies stimulate new knowledge and will reveal and develop the intellectual potential of the adult person. Among the innovative forms of education, we believe, the use of training technologies, case of technologies, and also immersive technologies deserve special attention.

Training technologies have rather significant advantages over other forms of training and require not only knowledge, but also ability to apply their knowledge in practical activities, especially, which is constantly changing. In particular, training forms are considered to be the creation of a system of professional trainings, which are conducted alongside traditional forms of professional training. The global changes taking place in society require significant changes in the overall adult education system, which can be ensured through intensive short-term training sessions aimed at creating, developing and systematization of certain skills necessary for the performance of specific personal, educational or professional tasks, in conjunction with the strengthening of personal motivation for improvement of work.

The analysis shows that in practical activities of higher education institutions in adult education the following types of training are gaining the greatest spread, among which are:

- training of partner communication, which gives an opportunity to build trust to others, unity, ability to work effectively in a team or collective.
- training of sense, which gives an opportunity to develop the ability to predict the feelings, opinions and behavior of another person, and also to understand themselves.
- training of creativity, which gives an opportunity to develop skills creatively and creatively think, which envisage the use of different exercises.

One of the rather effective innovative technologies is the application of case-studies in adult education, which should be considered as a method of rather active problem and situational analysis, based on study by solving specific tasks and relevant situations, i.e. case-solving. Moreover, the main purpose of the application of the «case-study» method is joint efforts of the group of adult pupils to analyze the defined situation in a rather detailed and systematic way, namely «case», which occurs in a specific situation. As well as to develop appropriate practical solutions, to finish the process, to estimate the proposed algorithms and to make the appropriate choice of the best and effective solution in the context of the problem.

The analysis showed that the case study method is characterized by such features as:

- orientation to receive not the only, but many truths and orientation in their problematic field;
- the emphasis of the training process is shifted not to mastering the ready knowledge, but to their production, as well as to co-creation of the adult person and the teacher;
- the result of application of the method is not only the process of obtaining knowledge, as well as obtaining skills of professional activity.

At the same time, the main technology of the method is that according to certain rules the model of a specific situation, which occurred in real life, is developed and the complex of knowledge and practical skills that an adult student should receive is revealed. At the same time, the advantage of the method is not only to obtain knowledge and to develop practical skills, but also to develop a system of values of adult students, professional positions, life-saving settings and a kind of professional vision.

Immersive technologies can potentially become an important tool in education and can reverse adult learning. One of the conditions for effective introduction of new technologies in adult education is the training of teachers themselves. The application of the technology of the complete reality in adult education contributes to the effective mastering of material, long-term preservation in memory, increased motivation, interaction and cooperation, and at the same time inspire participants of the educational process, which makes the process of adult learning more conscious and effective (Hryhorieva, 2006: 297).

At present we have defined the main strategic priorities of adult education development, such as: Regional development of adult education system; formation of high-quality educational services and change of model of assessment of learning results; development of academic partnership and integration of adult education into the ecosystem of innovations; development of international cooperation in the field of adult education.

Regional development of adult education system provides for effective formation of general strategy of adult education regional development. According to this, it is expedient to develop an effective strategy of regional development of adult education taking into account social, economic, demographic, national, cultural and other factors, as well as relevant features of regions.

The formation of high-quality and modern educational services and change of model of assessment of adult students results with priority on formation of skills of solution of complex practical tasks and practical situations, as well as ability to think systematically, critically and creatively.

Development of academic partnership and integration of adult education into the ecosystem of innovations, which includes such components as:

1. Establishment of higher education centers, hubs and innovation ecosystems in the structure of the institution.
2. Creating opportunities for adult students to use university facilities, including conference rooms, working places, offices, laboratory equipment, online resources, etc., by clear, transparent and easy-to-administer procedures.
3. Formation and construction of management processes on the principles of flexible lens: The initiative is encouraged and rewarded,
4. Formation of social responsibility, organizational and administrative culture, which will act as a high level of tolerance for mistakes.

Research shows that international cooperation in adult education is currently a powerful tool for the development of the world adult education system and would provide for the effective use of such forms of international cooperation in adult education under the Ministry of Education and Science of Ukraine as: European integration in the educational space, including adult education, cooperation with development partners (British Council; US Peace Campus; multilateral Donor Foundation for the Stabilization and Sustainable Development of Ukraine (Denmark, Finland, France, Germany, Italy, Japan, Netherlands, Norway, Poland, Sweden, Switzerland, the United Kingdom, the United States and the European Union, the largest donor)); Goethe-Institut; NATO Science for Peace and Security Program; European Education Foundation; Council of Europe; UNESCO and others.

Such international cooperation has the following objectives:

- Formation and achievement of such level of adult education that meets the needs of the modern international environment.
- Building of integrity of the level of national educational systems.

– Training of qualified and professional personnel for the national economy.

In the end, the implementation of the basic provisions of the innovative model of adult education development will provide the opportunity for sustainable development of adult education both at the national and regional levels, among them:

– develop adult education as the integral and effective system that would guarantee and protect the rights of every citizen of the country to continuous education throughout their life;

– provide legislative regulation of the main components of adult education development;

– coordinated education of adults concerning the mastering of common human values and ideals of humanity;

– balance the interests of the adult person and society, and to make adult education sufficiently accessible to all segments of the population;

– improve the relationship between the educational services market and the labor market. At the same time, to achieve conformity of volumes, directions and quality of education and training during life to the needs of the customers of services according to the tasks of the national qualification framework;

– form appropriate conditions for the comprehensive development of adult personality, realization of own potential opportunities. It will promote both its adaptation to dynamic socio-economic changes and social protection of adult personality;

– systematically update and deepen knowledge, improve skills, competencies acquired by the person before entering the sphere of paid work, provided by the system of institutions and educational programs aimed at acquiring new competencies and their further development;

– form conditions for organization of adult education and educational activity and further integration of Ukraine into the world educational and cultural environment;

– establish ways of interaction and partnership of state bodies, non-governmental and public organizations. In particular, the Ministry of Education and Science, the Ministry of Social Policy, Confederation of Employers of Ukraine and others;

– determine the status of pedagogical staff, who carries out education of adults;

– form an effective educational, informational and communication space of adult education with further development of educational and educational-methodical manuals on electronic and paper media, creation of web-pages, educational bulletins and other;

– development of international cooperation in adult education in international educational programs.

The developed innovative model of adult education development should serve as an integral and important guide for the state as a whole in its policy-making in all directions and spheres of adult education development in the context of general educational policy formation. In our opinion, the development of the proposed organizational and innovation model and its effective implementation should be an important task for the state and its authorities, taking into account all the challenges and challenges that Ukraine faces today.

The main provisions of the innovative model of adult education development are formed on the basis of current components of adult education development in conditions of globalization and existing threats, opportunities for global processes at the state and regional level. In other words, the developed organizational and innovation model should reflect the current features in the adult education system to the fullest extent and should form preconditions for both strengthening and developing advantages and reducing the adverse impact of threats and potential risks.

Conclusion. Systematic measures are being implemented to modernize the network of institutions of higher education. The labor remuneration system makes it possible to keep the best scientific and pedagogical workers, but at the same time it does not attract young people to the realization of pedagogical and scientific activity. The number of scientific and pedagogical personnel able to carry out

scientific research at the world level remains insufficient. Some institutions of higher education carry out innovative activities and promote the development of start-ups, but this does not include investment and financial support.

However, an innovative model of adult education development in Ukraine should be developed as an integral and important guide for the state as a whole in its policy-making in all directions and areas of adult education development in the context of national education policy-making. In our opinion, the development of the proposed organizational and innovation model and its effective implementation should be an important task for the state and its authorities, taking into account all the changes and challenges that currently present the global space for Ukraine.

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CRIMINOLOGY RESEARCH OF THE INFLUENCE OF INTERNET CONTENT ON INTERPERSONAL COMMUNICATION AND BEHAVIOR OF MINORS

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Abstract. The article examines the influence of the Internet on the child's development, behavior and interpersonal communication. The relevance of this problem lies in the search for a balanced and responsible use of information resources. The information field has a constructive effect on the cognitive, motivational and emotional sphere of the minor. The conducted criminological analysis made it possible to single out the main forms of destructive influence of the network on minors, which lead to: commission of offenses, popularization and adaptation of negative and dangerous behavior patterns (cyberbullying, trolling, cybergrooming, sexting, train surfing, rough riding); justifying and encouraging the use of profanity; formation of internet addiction; suicide or victimization. Prophylactic measures in the information sphere are proposed, which are based on the formation of media literacy in the juvenile environment. These measures will contribute to the development of children's conscious attitude to information; formation of acceptable communication skills; achieving goals in real life; will increase the level of sociability, self-esteem and stress resistance in children. Preventive measures should be the basis of information security and acceptable development of the young generation.

Key words: internet security, media literacy, internet addiction, deviant behavior, delinquency, suicide, preventive measures, information policy.

Introduction. Scientific and technical progress, large-scale changes in information processes that took place in the 21st century significantly transformed social relations and affected the process of socialization of minors. Today, Internet resources play a decisive informative, educational, communicative and model value. The process of socialization of the minor's personality is accompanied by increased sensitivity to external and internal factors, after which the social status of the child changes significantly at this time. The specificity of a teenager's life world is reflected in his psyche, which includes types of internal contradictions, instability of the level of harassment. As well as points, aggressiveness, experience in taking extreme positions and vision. A certain increase in the level of aggressiveness can occur under the influence of computer games and other information of violent content, which the Internet is full of. The especially negative content of such information arises at the beginning of early adolescence, when the child adapts to the conditions of the educational institution, learns new standards of behavior, norms and values. Determining the nature and intensity of the influence of Internet content on the formation of consciousness, interpersonal communication and activity of minors plays an important role and is a key object of scientific criminological analysis and monitoring. The strategic development of the information society in the world requires the adoption of measures aimed at the effective use of modern information platforms. The expediency, timeliness and effectiveness of measures depends on objectively high-quality criminological monitoring of the current situation.

Main part. Taking into account the stated provision, the **purpose** of the scientific publication is a criminological analysis of Internet content and the identification of factors of destructive influence on the behavior and communication of minors. Which in the future forms the basis of strategies for the protection of minors from destructive influence.

Research methods were chosen in accordance with the established goal. For the criminological analysis of the mechanism of influence on the information space in the case of minors, general scientific and research methods of legal phenomena, basic principles and categories of dialectics, methods of analysis and synthesis, methods of modeling, system-structural analysis, formal-legal, grammatical and logical interpretation of law were used, as well as comparative jurisprudence

Results and their discussion. *Internet activity in cyberspace.* In scientific literature, «cyberspace» is defined as a single space (environment) created by all means of computer and information and telecommunication technologies during the interaction of people with each other [Karchevsky, Muzyka, 2015; Kravtsova, 2016: 10]. Thus, in the process of interaction, within this environment, influence on consciousness, views, ideals, worldview, etc. develops. The degree of influence and nature of the virtual world (constructive, developing or destructive) significantly adjust the process of socialization of a child who spends a significant part of time in the Internet environment (virtual world).

Since the birth of the Internet in October 1969, when a group at the University of California, Los Angeles, led by Dr. Leonard Kleinrock, sent messages over the ARPANET (a computer network) at Stanford Research Institute (Kromhout, 2009; Modesti, 2009), the world has changed dramatically. One of the important indicators of these changes is Internet activity. The number of Internet users increased from 414,794,957 (6.8%) in 2000 to 3,424,971,237 (46.1%) in 2016 (Internet Live Stats, 2017). Today, in the last civilized countries, the number of Internet users is more than 50% of the population of these countries. So in Great Britain there are 60273385 users, which is 92.6%, in Latvia, Lithuania, Estonia, Poland, China, USA, France, Ukraine, Japan, Sweden (Internet Live Stats, 2016). To a large extent, the indicator of Internet activity is explained by the availability of the Internet, the intensification of the use of information and telecommunication technologies. Humanity is absorbed by the information space, from temporary visits to individual Internet resources to permanent online presence. A useful component of the global information space «without borders» is: information, convenience in communication, opportunities for business, shopping, entertainment, etc. Along with this, there is a destructive, negative side: these are malicious programs, theft of personal data, the development of cybercrime, online fraud, etc.

For minors, the Internet opens up enormous opportunities, and their ability to learn and flexibility makes it impossible for them to master the Internet and feel at home there faster than adults. Being one-on-one with a computer or mobile phone, a teenager feels that he lives and acts, that he is involved in the big world.

The communicative function allows teenagers to combine the ability for receiving information on news feeds, sending text (graphics, audio, video) in the form of e-mail. In addition to receiving and exchanging information, the Internet allows you to communicate online on Instagram, Twitter, Facebook, Messenger, Skype, Viber, Jabber, WhatsApp, Telegram, etc. Online communication helps adolescents to neutralize those obstacles that often make direct contact painful: real or imagined flaws in their appearance, speech defects, some character traits (timidity, shyness, etc.). With a high degree of anonymity of communication, these shortcomings are easy to hide, and in the case of intrusive inquiries, you can simply stop communicating, which contributes to the asynchrony of communications. Communication offline is delayed by messages, and communication is possible with one interlocutor, and with many people on forums, chats, blogs.

At the same time, as the psychologist professor of the Massachusetts Institute of Technology pointed out, we have sacrificed our real communication for the virtual one in social networks such as Facebook, which unite relationships between people and deprive them of the basic elements of communication. The Internet brings us closer to people far away, but also distances us from those near us (Turkle, 2012).

Positive and negative influence of Internet content. Cyberspace affects the cognitive, motivational and emotional sphere of a minor, his self-awareness, expands the educational and cultural space.

The World Wide Web fascinates with its possibilities, but at the same time, teenagers do not take into account the number of network risks that they can face. Wide coverage of the audience contributes to the increase of Internet participants with their views, which may be antisocial in nature, which leads to a certain marginalization of a certain part of network users. In some cases, the computer for a child becomes not a source of positive development, but a toy, as a result of constant use of which Internet addiction, destructive behavior, and deformation of interpersonal communication can be formed. In the environment of minors, uncontrolled Internet activity creates a negative informative field. According to the «boomerang» principle, it determines unacceptable, including criminal, behavior of a person. Canadian sociologist Malcolm Gladwell (Gladwell) rightly points out that a person violates the law not only (and not even so much) because of bad heredity or improper upbringing. What he sees around him is also of great importance and influence on his behavior.

Criminological analysis of the real content of the Internet allows us to identify the following criminogenic properties of resources that have a socially abnormal impact on users and encourage the commission of offenses and the formation of destructive interpersonal communication: declaration of new distorted ethical and aesthetic norms and values; denial of family values; promotion of antisocial lifestyle, dangerous extreme behavior, sexual depravity, suicide; justification and justification of disrespect for society, acceptable norms and values, audacity, violence, cruelty, aggression; agitation of social, racial, national and religious intolerance, xenophobia, extremism and terrorism; romanticization and idealization of the criminal world, criminal subculture, informing about methods and ways of preparing and committing crimes.

The criminogenic influence of the information space of the Internet is manifested in the formation of destructive interpersonal communication, illegal activity, suicide. Against the background of uncontrolled and purposeful influence through the placement of provocative or prohibited information on the Internet are destructive changes in personality traits and qualities. Cognitive (form beliefs, desires, intentions) and communicative (demonstrate illegal and anti-social behavior) factors contribute to the formation of distorted moral attitudes, deviant behavior and antisocial lifestyle.

With the use of Internet resources, a violent crime against a child can be committed. (Titochka, 2022:173) characterizes the positive experience of the USA in combating violent crimes against minors (sexual violence and kidnapping). Thus, in the USA, the issue of protecting children from crimes is the main priority defined in the Strategy and the project «Safe Childhood». Preventing, stopping and investigating crimes against children and strengthening the nation's response to this growing threat to youth is accomplished through the cooperation of law enforcement agencies at all levels and non-profit organizations. Taking into account the analysis of the experience of the USA, (Titochka, 2022:174) concludes that it is necessary to create a single legal act in Ukraine, which would outline the main provisions regarding the features of the state response and work with minors who have become victims of socially dangerous acts .

Factors of the destructive influence of Internet content on the behavior and communication of minors. Within the scope of the article, we will focus on some (five) factors of destructive influence that determine antisocial, socially dangerous or criminal behavior of minors, as well as abnormally affect social relations and personal communication. Among the factors of destructive influence on behavior and communication in the juvenile environment, the following were singled out.

First, the limitless possibilities of the information space of the Internet lead to the formation of juveniles' feelings of impunity, permissiveness, which determines the offense. Today on the Internet, especially in social networks, the following methods of influence have become widespread, which creates destructive interpersonal communication: cyberbullying – a form of virtual «terror», mainly in the juvenile environment, which consists of aggressive attack, provocation, terrorism and bullying; trolling – posting provocative messages on the Internet (forums, discussion groups, blogs, chats) in order to provoke a flame (dispute for the sake of dispute), conflicts between participants, mutual insults,

etc.; cybergrooming – establishing sexual contacts or sexual harassment of minors through the Internet content; sexting – sending personal photos, intimate messages by phone, e-mail, social networks.

The emergence of such forms of influence that generates destructive interpersonal communication requires an appropriate response of the legislator (criminalization). At the same time, the Criminal Code of Ukraine (Criminal Code of Ukraine, 2001) enshrines criminal liability for: An offer of a meeting made by an adult, including using information and telecommunications systems or technologies, to a person under the age of sixteen, in order to commit any sexual acts against him or her; lewd acts, if after such a proposal was committed at least one act aimed at making such a meeting take place (Article 156-1 of the Criminal Code Harassment of a child for sexual purposes); Intentional access to child pornography using information and telecommunication systems or technologies or its intentional acquisition, or intentional storage, import into Ukraine, transportation or other movement of child pornography without the purpose of sale or distribution (Article 301-1 of the Criminal Code Access to child pornography pornography, its acquisition, storage, importation, transportation or other movement, production, sale and distribution).

In the USA, when investigating violent crimes against children, the FBI identifies the following among its priorities: Internet networks and enterprises engaged in the production, trade, distribution, and sale of child pornography; production of child pornography, including the production of child pornography, which is related to coercion or misleading of a child; trade, possession of child pornography; distribution of child pornography, etc. (Federal Bureau).

The Australian College of Queensland even violates the privacy of students, with the written consent of parents. Teachers view any suspicious content on students' phones. If they find evidence of sexting or cyberbullying. Then students are expelled. (Miroshnikova, <https://osvitoria.media/experience/zaborona-telefoniv-u-shkolah-argumenty-prybychnykiv-ta-krytykiv/>)

Secondly, the use of psychological techniques in the information and telecommunication network «Internet», which forms a favorable attitude to suicide. According to the World Health Organization (WHO), more than 800,000 people commit suicide each year, and many more attempt suicide. According to the WHO, suicide is the second leading cause of death among young people aged 15-29 globally.

Games with death have always been interesting for teenagers. Even before the advent of the Internet (in the twentieth century) there were test games: stand on the rails in front of the train and jump at the last moment, jump from the bridge into the water, catch the trolleybus and drive to the next stop. These so-called tests of courage allowed the brave to get a charge of adrenaline and increase their credibility among peers. A significant number of death groups have recently been found on social networks: «Whales are swimming up», «Wake me up at 4:20», «f57», «f58», «Quiet House», «Rina», «Trouble», «Sea of Whales», «50 days before my ...» , the most common among teenagers is a dangerous virtual game «Blue Whale».

Whales are mammals that can die voluntarily on their own. These animals are associated in the ideologues of death groups with freedom, including the conscious choice to die. Teenagers compare themselves to whales thrown out by the ocean. Ocean means society, family or loved one. According to descriptions from the death groups, whales wake up or die at 04:20. It is at this time that teenagers wake up to get a new job. Why does a child become interested in games? For the Blue Whale, it is interest, curiosity, even fear. Additional factors are the mystery of the organizers and the lack of understanding of their motives. One of the simplest tasks for participants can be to invite 50 friends to the group, and participants send out invitations to their friends. The group's administrators are actively monitoring the pages of new members, focusing on the so-called lost children – children who have problems in the family, with friends, depressed states, can not realize themselves. When performing the tasks of administrators, children feel supported, administrators can even be authorities for children.

The interactive game «Momo» is distributed through mobile applications. Momo's avatar features a spooky female figure created by Japanese puppet master Midori Hayashi. Amateur, has nothing to do with this game. To the participants of the game, an anonymous number sends an invitation to communicate. After that, the participant of the game begins to receive scary photos, often with scenes of violence. Then you are asked to perform various tasks. If a person refuses, he is threatened.

Curators of new groups use anime illustrations (Japanese animation) to impose suicidal thoughts on children. As you know, many teenagers are fond of Japanese cartoons. Therefore, it is not so difficult to find out which of the anime characters the child likes best. Then the curators come up with different situations that the hero may get into, and ask the child to draw it. Gradually, the task is filled with motives for death, which imposes on the teenager the idea of suicide.

Third, in the process of socialization of the child there is a weakening of the influence of family institutions, education, instead. Instead, the influence of informal groups is growing. This is due to the performance of peers in adolescence and adolescence, an extremely important function – providing emotional comfort, which is the basis of interpersonal relationships and a kind of information channel.

To form a certain stereotype of thinking on the Internet, special psychological technologies are used, such as distraction or concentration of attention, creation of illusions of perception, mental simplification, limitation of material, distortion of facts, emotional incitement, etc. The most powerful means of influence in the information space of the Internet are films, online videos, jokes, anime and clips that convey to the audience not dry facts, but through bright images, emotional characters, exciting plots dictate certain models (stereotypes) of behavior and lifestyle paradigms.

Recognition and identification of the child in a juvenile environment is especially important at this age. Such self-affirmation, the desire to imitate the behavior of others occurs through various forms, including dangerous, extreme, which are filled with social networks. Involvement of children in «trainsurfing», rufiding (travel on the roof of the train) or «hooking», «ruffing» (illegal penetration on the roofs of high-rise buildings), extreme photos. As well as dangerous games, such as «Run or die», when the child is asked to cross the road as close as possible in front of moving vehicles.

In countries where «trapping» has become widespread, the law provides for liability. According to the legislation of Ukraine, a fine in the amount of 119 to 255 hryvnias is envisaged for such an offense. In the UK – a fine of 50 to 1,000 pounds, in Germany – a fine of up to 50 thousand euros. In the United States, liability is established by local state law: a fine of \$ 50 to \$ 100 or arrest for 10 to 30 days. The most severe punishment for trapping is provided in Canada. This is a fine of 130 to 10 thousand US dollars or a year in prison for freight trains. According to the law, travel on freight trains is regarded as illegal entry into the property of the railway.

Fourth, the search capabilities of the Internet allow minors not only to broaden their horizons, but also in the process of being on the Internet to obtain information about criminal activities (manufacture and sale of drugs, explosives, suicide, extremist activities, theft, fraud, etc.).

With the help of the Internet, the popularization of sexual depravity, pathological manifestations of a person's sexual orientation, the justification and open encouragement of the widespread use of profanity and other forms of profanity, the formation of legal nihilism. Thus, in the juvenile environment, the Internet resource can be used for the distribution of narcotics, weapons, pornography, prostitution and other illegal behavior.

Fifth, the development of juvenile addiction to computer games with elements of aggression and violence that lead to spiritual and moral devastation. In such seemingly realistic worlds, for example, the world-famous online computer game Manhunt2 (Rockstar Games), which the developers position as stealth action from a third party. In this game, all the norms of morality are often violated: cruelty, insidiousness, deception, betrayal, contempt for the weak are encouraged, which are encouraged by accruing various bonuses. Due to the high content of aggression, cruelty, violence, this game was

banned in many countries. Complete immersion of the child in a computer game, direct control of a particular character who commits violent and aggressive actions, leads to the fact that a minor, identifying himself with him, can not objectively and correctly in terms of morality and morality to assess what happens. As a result, the facts of committing crimes in the virtual world, motivated by nervous and mental disorders due to quarrels, are already known in reality.

The analysis of different points of view of the authors considering this problem allows to allocate the following main reasons of formation in minors of dependence on computer games with elements of violence and aggression: entertainment, recreation, compensation, the desire to experience excitement (fear); the desire to virtually experience aggression (the effect of empathy); identification with an aggressive character or a victim character (identification effect); ignoring restrictions (the effect of "forbidden fruit"); attempt to see violence (aggression), reflecting their own experience; study of the surrounding criminal world (understanding the role of violence in society and in the area of residence of the audience); gender effect, etc.

Researchers (Andrienko, 2014; Vakulich, 2006; Pshenichnikova, Glazunov, 2018; Goldberg, 1996; Griffiths, 1998) note that the main reasons for Internet addiction are availability, anonymity of transmitted information, the search for new sensations, relieving emotional stress, the desire to get away from problems, finding friends, communication.

From the point of view of researchers, meeting the needs of Internet-addicted children in terms of support, approval, and communication is shifting from everyday life to virtual life. Thus, in Internet-addicted schoolchildren, there is a decrease in self-esteem, the expression of an integral feeling for/against one's "I", and an increase in the level of self-blame. According to researchers (Sakhnenko, 2015:130; Turetska, 2007), for Internet-addicted children, a changed self-perception is desirable and approved by the virtual community with which they actively interact.

At the same time, Internet addiction negatively affects the educational activities of students. Such a child builds a negative strategy of behavior in society, does not always adequately perceive and understand the information obtained through gadgets, which confirms the need to prevent this type of addictive behavior. Therefore, the system of prevention of Internet addiction should be a stable element of the educational system implemented in the educational institution.

Prevention of the destructive influence of Internet content and the formation of a child's acceptable communication.

Prevention of the destructive influence of the information field on the child has a dualistic nature. The first – forms the main directions of the state policy in the sphere of protection of the juvenile community from the destructive influence of Internet content. The second – ensures the realization of the rights and freedoms of minors in the information sphere.

In Ukraine, since 2018, a psychological service has been introduced in the education system of Ukraine (Regulations on psychological service in the education system of Ukraine, 2018 <https://zakon.rada.gov.ua/laws/show/z0885-18#Text>), which ensures timely and the systematic study of the psychophysical development of education seekers, the motives of their behavior and activities, taking into account age, intellectual, physical, gender and other individual characteristics, contributes to the creation of conditions for the fulfillment of educational and educational tasks of educational institutions. Prevention is aimed at the timely prevention of deviations in the development and formation of personality, interpersonal relations, prevention of conflict situations in the educational process.

Preventive activities of the state and the corresponding policy in the information sphere should be aimed at: bringing information to the child about the mechanisms of influence of Internet content on personality, communication and the possible destructive consequences of such influence; development of acceptable communication skills, achievement of goals in real life, ability to self-affirmation and self-regulation; the formation of minors' resistance to negative social phenomena, the formation of personal motives and a system of values that correspond to a healthy way of life.

An important component of the safe and useful use of Internet content is the formation of media literacy in society, especially among minors. The process of forming media literacy should include informing the child about: models of safe and responsible behavior, the culture of communication on the Internet; ways to protect personal data; possible legal, social and psychological consequences of improper use of the Internet. This will contribute to the formation of the child's consciousness, interpersonal communication and positive activity of minors. The effectiveness of preventive measures depends not only on the systemic, targeted nature, but also on their implementation at the level of teachers, parents and children.

Conclusions. Summarizing, we note that Internet content has a dual nature: on the one hand, it contributes to information, communication, socialization and development of the child, and on the other hand, it creates danger and negative consequences when using information resources. Therefore, the urgent direction of ensuring the safety of minors in the Internet information and telecommunications network is – protection from information and actions that encourage: behavior that is dangerous for the child's life; suicide; illegal activity; internet addiction; formation of antisocial attitudes, self-serving or violent orientation with a whole set of negative stereotypes with a corresponding model of behavior; formation of negative stereotypes of thinking and manipulation. This should be related to the key tasks of national security and the future of society. The formation of media literacy should become an integral part of a consistent and complete process of learning from primary school, and not be fragmentary, as is the case today.

Systematic preventive activities in the information field will contribute to the formation of a conscious and responsible attitude to the use of the Internet in children; will allow to develop the skills of interpersonal communication, will increase the level of sociability, self-esteem and stress resistance in children.

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